

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Children and Family Services Act is amended  
5 by changing Section 5 as follows:

6 (20 ILCS 505/5) (from Ch. 23, par. 5005)

7 Sec. 5. Direct child welfare services; Department of  
8 Children and Family Services. To provide direct child welfare  
9 services when not available through other public or private  
10 child care or program facilities.

11 (a) For purposes of this Section:

12 (1) "Children" means persons found within the State who  
13 are under the age of 18 years. The term also includes  
14 persons under age 21 who:

15 (A) were committed to the Department pursuant to  
16 the Juvenile Court Act or the Juvenile Court Act of  
17 1987, as amended, prior to the age of 18 and who  
18 continue under the jurisdiction of the court; or

19 (B) were accepted for care, service and training by  
20 the Department prior to the age of 18 and whose best  
21 interest in the discretion of the Department would be  
22 served by continuing that care, service and training  
23 because of severe emotional disturbances, physical

1           disability, social adjustment or any combination  
2           thereof, or because of the need to complete an  
3           educational or vocational training program.

4           (2) "Homeless youth" means persons found within the  
5           State who are under the age of 19, are not in a safe and  
6           stable living situation and cannot be reunited with their  
7           families.

8           (3) "Child welfare services" means public social  
9           services which are directed toward the accomplishment of  
10          the following purposes:

11           (A) protecting and promoting the health, safety  
12           and welfare of children, including homeless, dependent  
13           or neglected children;

14           (B) remedying, or assisting in the solution of  
15           problems which may result in, the neglect, abuse,  
16           exploitation or delinquency of children;

17           (C) preventing the unnecessary separation of  
18           children from their families by identifying family  
19           problems, assisting families in resolving their  
20           problems, and preventing the breakup of the family  
21           where the prevention of child removal is desirable and  
22           possible when the child can be cared for at home  
23           without endangering the child's health and safety;

24           (D) restoring to their families children who have  
25           been removed, by the provision of services to the child  
26           and the families when the child can be cared for at

1 home without endangering the child's health and  
2 safety;

3 (E) placing children in suitable adoptive homes,  
4 in cases where restoration to the biological family is  
5 not safe, possible or appropriate;

6 (F) assuring safe and adequate care of children  
7 away from their homes, in cases where the child cannot  
8 be returned home or cannot be placed for adoption. At  
9 the time of placement, the Department shall consider  
10 concurrent planning, as described in subsection (1-1)  
11 of this Section so that permanency may occur at the  
12 earliest opportunity. Consideration should be given so  
13 that if reunification fails or is delayed, the  
14 placement made is the best available placement to  
15 provide permanency for the child;

16 (G) (blank);

17 (H) (blank); and

18 (I) placing and maintaining children in facilities  
19 that provide separate living quarters for children  
20 under the age of 18 and for children 18 years of age  
21 and older, unless a child 18 years of age is in the  
22 last year of high school education or vocational  
23 training, in an approved individual or group treatment  
24 program, in a licensed shelter facility, or secure  
25 child care facility. The Department is not required to  
26 place or maintain children:

- 1                   (i) who are in a foster home, or  
2                   (ii) who are persons with a developmental  
3                   disability, as defined in the Mental Health and  
4                   Developmental Disabilities Code, or  
5                   (iii) who are female children who are  
6                   pregnant, pregnant and parenting or parenting, or  
7                   (iv) who are siblings, in facilities that  
8                   provide separate living quarters for children 18  
9                   years of age and older and for children under 18  
10                  years of age.

11               (b) Nothing in this Section shall be construed to authorize  
12               the expenditure of public funds for the purpose of performing  
13               abortions.

14               (c) The Department shall establish and maintain  
15               tax-supported child welfare services and extend and seek to  
16               improve voluntary services throughout the State, to the end  
17               that services and care shall be available on an equal basis  
18               throughout the State to children requiring such services.

19               (d) The Director may authorize advance disbursements for  
20               any new program initiative to any agency contracting with the  
21               Department. As a prerequisite for an advance disbursement, the  
22               contractor must post a surety bond in the amount of the advance  
23               disbursement and have a purchase of service contract approved  
24               by the Department. The Department may pay up to 2 months  
25               operational expenses in advance. The amount of the advance  
26               disbursement shall be prorated over the life of the contract or

1 the remaining months of the fiscal year, whichever is less, and  
2 the installment amount shall then be deducted from future  
3 bills. Advance disbursement authorizations for new initiatives  
4 shall not be made to any agency after that agency has operated  
5 during 2 consecutive fiscal years. The requirements of this  
6 Section concerning advance disbursements shall not apply with  
7 respect to the following: payments to local public agencies for  
8 child day care services as authorized by Section 5a of this  
9 Act; and youth service programs receiving grant funds under  
10 Section 17a-4.

11 (e) (Blank).

12 (f) (Blank).

13 (g) The Department shall establish rules and regulations  
14 concerning its operation of programs designed to meet the goals  
15 of child safety and protection, family preservation, family  
16 reunification, and adoption, including but not limited to:

17 (1) adoption;

18 (2) foster care;

19 (3) family counseling;

20 (4) protective services;

21 (5) (blank);

22 (6) homemaker service;

23 (7) return of runaway children;

24 (8) (blank);

25 (9) placement under Section 5-7 of the Juvenile Court  
26 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile

1 Court Act of 1987 in accordance with the federal Adoption  
2 Assistance and Child Welfare Act of 1980; and

3 (10) interstate services.

4 Rules and regulations established by the Department shall  
5 include provisions for training Department staff and the staff  
6 of Department grantees, through contracts with other agencies  
7 or resources, in alcohol and drug abuse screening techniques  
8 approved by the Department of Human Services, as a successor to  
9 the Department of Alcoholism and Substance Abuse, for the  
10 purpose of identifying children and adults who should be  
11 referred to an alcohol and drug abuse treatment program for  
12 professional evaluation.

13 (h) If the Department finds that there is no appropriate  
14 program or facility within or available to the Department for a  
15 ward and that no licensed private facility has an adequate and  
16 appropriate program or none agrees to accept the ward, the  
17 Department shall create an appropriate individualized,  
18 program-oriented plan for such ward. The plan may be developed  
19 within the Department or through purchase of services by the  
20 Department to the extent that it is within its statutory  
21 authority to do.

22 (i) Service programs shall be available throughout the  
23 State and shall include but not be limited to the following  
24 services:

25 (1) case management;

26 (2) homemakers;

- 1 (3) counseling;
- 2 (4) parent education;
- 3 (5) day care; and
- 4 (6) emergency assistance and advocacy.

5 In addition, the following services may be made available  
6 to assess and meet the needs of children and families:

- 7 (1) comprehensive family-based services;
- 8 (2) assessments;
- 9 (3) respite care; and
- 10 (4) in-home health services.

11 The Department shall provide transportation for any of the  
12 services it makes available to children or families or for  
13 which it refers children or families.

14 (j) The Department may provide categories of financial  
15 assistance and education assistance grants, and shall  
16 establish rules and regulations concerning the assistance and  
17 grants, to persons who adopt physically or mentally  
18 handicapped, older and other hard-to-place children who (i)  
19 immediately prior to their adoption were legal wards of the  
20 Department or (ii) were determined eligible for financial  
21 assistance with respect to a prior adoption and who become  
22 available for adoption because the prior adoption has been  
23 dissolved and the parental rights of the adoptive parents have  
24 been terminated or because the child's adoptive parents have  
25 died. The Department may continue to provide financial  
26 assistance and education assistance grants for a child who was

1 determined eligible for financial assistance under this  
2 subsection (j) in the interim period beginning when the child's  
3 adoptive parents died and ending with the finalization of the  
4 new adoption of the child by another adoptive parent or  
5 parents. The Department may also provide categories of  
6 financial assistance and education assistance grants, and  
7 shall establish rules and regulations for the assistance and  
8 grants, to persons appointed guardian of the person under  
9 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
10 4-25 or 5-740 of the Juvenile Court Act of 1987 for children  
11 who were wards of the Department for 12 months immediately  
12 prior to the appointment of the guardian.

13 The amount of assistance may vary, depending upon the needs  
14 of the child and the adoptive parents, as set forth in the  
15 annual assistance agreement. Special purpose grants are  
16 allowed where the child requires special service but such costs  
17 may not exceed the amounts which similar services would cost  
18 the Department if it were to provide or secure them as guardian  
19 of the child.

20 Any financial assistance provided under this subsection is  
21 inalienable by assignment, sale, execution, attachment,  
22 garnishment, or any other remedy for recovery or collection of  
23 a judgment or debt.

24 (j-5) The Department shall not deny or delay the placement  
25 of a child for adoption if an approved family is available  
26 either outside of the Department region handling the case, or



1 outside of the State of Illinois.

2 (k) The Department shall accept for care and training any  
3 child who has been adjudicated neglected or abused, or  
4 dependent committed to it pursuant to the Juvenile Court Act or  
5 the Juvenile Court Act of 1987.

6 (l) The Department shall offer family preservation  
7 services, as defined in Section 8.2 of the Abused and Neglected  
8 Child Reporting Act, to help families, including adoptive and  
9 extended families. Family preservation services shall be  
10 offered (i) to prevent the placement of children in substitute  
11 care when the children can be cared for at home or in the  
12 custody of the person responsible for the children's welfare,  
13 (ii) to reunite children with their families, or (iii) to  
14 maintain an adoptive placement. Family preservation services  
15 shall only be offered when doing so will not endanger the  
16 children's health or safety. With respect to children who are  
17 in substitute care pursuant to the Juvenile Court Act of 1987,  
18 family preservation services shall not be offered if a goal  
19 other than those of subdivisions (A), (B), or (B-1) of  
20 subsection (2) of Section 2-28 of that Act has been set.  
21 Nothing in this paragraph shall be construed to create a  
22 private right of action or claim on the part of any individual  
23 or child welfare agency, except that when a child is the  
24 subject of an action under Article II of the Juvenile Court Act  
25 of 1987 and the child's service plan calls for services to  
26 facilitate achievement of the permanency goal, the court

1 hearing the action under Article II of the Juvenile Court Act  
2 of 1987 may order the Department to provide the services set  
3 out in the plan, if those services are not provided with  
4 reasonable promptness and if those services are available.

5 The Department shall notify the child and his family of the  
6 Department's responsibility to offer and provide family  
7 preservation services as identified in the service plan. The  
8 child and his family shall be eligible for services as soon as  
9 the report is determined to be "indicated". The Department may  
10 offer services to any child or family with respect to whom a  
11 report of suspected child abuse or neglect has been filed,  
12 prior to concluding its investigation under Section 7.12 of the  
13 Abused and Neglected Child Reporting Act. However, the child's  
14 or family's willingness to accept services shall not be  
15 considered in the investigation. The Department may also  
16 provide services to any child or family who is the subject of  
17 any report of suspected child abuse or neglect or may refer  
18 such child or family to services available from other agencies  
19 in the community, even if the report is determined to be  
20 unfounded, if the conditions in the child's or family's home  
21 are reasonably likely to subject the child or family to future  
22 reports of suspected child abuse or neglect. Acceptance of such  
23 services shall be voluntary. The Department may also provide  
24 services to any child or family after completion of a family  
25 assessment, as an alternative to an investigation, as provided  
26 under the "differential response program" provided for in

1 subsection (a-5) of Section 7.4 of the Abused and Neglected  
2 Child Reporting Act.

3 The Department may, at its discretion except for those  
4 children also adjudicated neglected or dependent, accept for  
5 care and training any child who has been adjudicated addicted,  
6 as a truant minor in need of supervision or as a minor  
7 requiring authoritative intervention, under the Juvenile Court  
8 Act or the Juvenile Court Act of 1987, but no such child shall  
9 be committed to the Department by any court without the  
10 approval of the Department. A minor charged with a criminal  
11 offense under the Criminal Code of 1961 or the Criminal Code of  
12 2012 or adjudicated delinquent shall not be placed in the  
13 custody of or committed to the Department by any court, except  
14 (i) a minor less than 15 years of age committed to the  
15 Department under Section 5-710 of the Juvenile Court Act of  
16 1987, (ii) a minor for whom an independent basis of abuse,  
17 neglect, or dependency exists, which must be defined by  
18 departmental rule, or (iii) a minor for whom the court has  
19 granted a supplemental petition to reinstate wardship pursuant  
20 to subsection (2) of Section 2-33 of the Juvenile Court Act of  
21 1987. An independent basis exists when the allegations or  
22 adjudication of abuse, neglect, or dependency do not arise from  
23 the same facts, incident, or circumstances which give rise to a  
24 charge or adjudication of delinquency.

25 As soon as is possible after August 7, 2009 (the effective  
26 date of Public Act 96-134), the Department shall develop and

1 implement a special program of family preservation services to  
2 support intact, foster, and adoptive families who are  
3 experiencing extreme hardships due to the difficulty and stress  
4 of caring for a child who has been diagnosed with a pervasive  
5 developmental disorder if the Department determines that those  
6 services are necessary to ensure the health and safety of the  
7 child. The Department may offer services to any family whether  
8 or not a report has been filed under the Abused and Neglected  
9 Child Reporting Act. The Department may refer the child or  
10 family to services available from other agencies in the  
11 community if the conditions in the child's or family's home are  
12 reasonably likely to subject the child or family to future  
13 reports of suspected child abuse or neglect. Acceptance of  
14 these services shall be voluntary. The Department shall develop  
15 and implement a public information campaign to alert health and  
16 social service providers and the general public about these  
17 special family preservation services. The nature and scope of  
18 the services offered and the number of families served under  
19 the special program implemented under this paragraph shall be  
20 determined by the level of funding that the Department annually  
21 allocates for this purpose. The term "pervasive developmental  
22 disorder" under this paragraph means a neurological condition,  
23 including but not limited to, Asperger's Syndrome and autism,  
24 as defined in the most recent edition of the Diagnostic and  
25 Statistical Manual of Mental Disorders of the American  
26 Psychiatric Association.

1           (1-1) The legislature recognizes that the best interests of  
2 the child require that the child be placed in the most  
3 permanent living arrangement as soon as is practically  
4 possible. To achieve this goal, the legislature directs the  
5 Department of Children and Family Services to conduct  
6 concurrent planning so that permanency may occur at the  
7 earliest opportunity. Permanent living arrangements may  
8 include prevention of placement of a child outside the home of  
9 the family when the child can be cared for at home without  
10 endangering the child's health or safety; reunification with  
11 the family, when safe and appropriate, if temporary placement  
12 is necessary; or movement of the child toward the most  
13 permanent living arrangement and permanent legal status.

14           When determining reasonable efforts to be made with respect  
15 to a child, as described in this subsection, and in making such  
16 reasonable efforts, the child's health and safety shall be the  
17 paramount concern.

18           When a child is placed in foster care, the Department shall  
19 ensure and document that reasonable efforts were made to  
20 prevent or eliminate the need to remove the child from the  
21 child's home. The Department must make reasonable efforts to  
22 reunify the family when temporary placement of the child occurs  
23 unless otherwise required, pursuant to the Juvenile Court Act  
24 of 1987. At any time after the dispositional hearing where the  
25 Department believes that further reunification services would  
26 be ineffective, it may request a finding from the court that

1 reasonable efforts are no longer appropriate. The Department is  
2 not required to provide further reunification services after  
3 such a finding.

4 A decision to place a child in substitute care shall be  
5 made with considerations of the child's health, safety, and  
6 best interests. At the time of placement, consideration should  
7 also be given so that if reunification fails or is delayed, the  
8 placement made is the best available placement to provide  
9 permanency for the child.

10 The Department shall adopt rules addressing concurrent  
11 planning for reunification and permanency. The Department  
12 shall consider the following factors when determining  
13 appropriateness of concurrent planning:

- 14 (1) the likelihood of prompt reunification;
- 15 (2) the past history of the family;
- 16 (3) the barriers to reunification being addressed by  
17 the family;
- 18 (4) the level of cooperation of the family;
- 19 (5) the foster parents' willingness to work with the  
20 family to reunite;
- 21 (6) the willingness and ability of the foster family to  
22 provide an adoptive home or long-term placement;
- 23 (7) the age of the child;
- 24 (8) placement of siblings.

25 (m) The Department may assume temporary custody of any  
26 child if:

1           (1) it has received a written consent to such temporary  
2           custody signed by the parents of the child or by the parent  
3           having custody of the child if the parents are not living  
4           together or by the guardian or custodian of the child if  
5           the child is not in the custody of either parent, or

6           (2) the child is found in the State and neither a  
7           parent, guardian nor custodian of the child can be located.

8           If the child is found in his or her residence without a parent,  
9           guardian, custodian or responsible caretaker, the Department  
10          may, instead of removing the child and assuming temporary  
11          custody, place an authorized representative of the Department  
12          in that residence until such time as a parent, guardian or  
13          custodian enters the home and expresses a willingness and  
14          apparent ability to ensure the child's health and safety and  
15          resume permanent charge of the child, or until a relative  
16          enters the home and is willing and able to ensure the child's  
17          health and safety and assume charge of the child until a  
18          parent, guardian or custodian enters the home and expresses  
19          such willingness and ability to ensure the child's safety and  
20          resume permanent charge. After a caretaker has remained in the  
21          home for a period not to exceed 12 hours, the Department must  
22          follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
23          5-415 of the Juvenile Court Act of 1987.

24          The Department shall have the authority, responsibilities  
25          and duties that a legal custodian of the child would have  
26          pursuant to subsection (9) of Section 1-3 of the Juvenile Court

1 Act of 1987. Whenever a child is taken into temporary custody  
2 pursuant to an investigation under the Abused and Neglected  
3 Child Reporting Act, or pursuant to a referral and acceptance  
4 under the Juvenile Court Act of 1987 of a minor in limited  
5 custody, the Department, during the period of temporary custody  
6 and before the child is brought before a judicial officer as  
7 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile  
8 Court Act of 1987, shall have the authority, responsibilities  
9 and duties that a legal custodian of the child would have under  
10 subsection (9) of Section 1-3 of the Juvenile Court Act of  
11 1987.

12 The Department shall ensure that any child taken into  
13 custody is scheduled for an appointment for a medical  
14 examination.

15 A parent, guardian or custodian of a child in the temporary  
16 custody of the Department who would have custody of the child  
17 if he were not in the temporary custody of the Department may  
18 deliver to the Department a signed request that the Department  
19 surrender the temporary custody of the child. The Department  
20 may retain temporary custody of the child for 10 days after the  
21 receipt of the request, during which period the Department may  
22 cause to be filed a petition pursuant to the Juvenile Court Act  
23 of 1987. If a petition is so filed, the Department shall retain  
24 temporary custody of the child until the court orders  
25 otherwise. If a petition is not filed within the 10 day period,  
26 the child shall be surrendered to the custody of the requesting



1 parent, guardian or custodian not later than the expiration of  
2 the 10 day period, at which time the authority and duties of  
3 the Department with respect to the temporary custody of the  
4 child shall terminate.

5 (m-1) The Department may place children under 18 years of  
6 age in a secure child care facility licensed by the Department  
7 that cares for children who are in need of secure living  
8 arrangements for their health, safety, and well-being after a  
9 determination is made by the facility director and the Director  
10 or the Director's designate prior to admission to the facility  
11 subject to Section 2-27.1 of the Juvenile Court Act of 1987.  
12 This subsection (m-1) does not apply to a child who is subject  
13 to placement in a correctional facility operated pursuant to  
14 Section 3-15-2 of the Unified Code of Corrections, unless the  
15 child is a ward who was placed under the care of the Department  
16 before being subject to placement in a correctional facility  
17 and a court of competent jurisdiction has ordered placement of  
18 the child in a secure care facility.

19 (n) The Department may place children under 18 years of age  
20 in licensed child care facilities when in the opinion of the  
21 Department, appropriate services aimed at family preservation  
22 have been unsuccessful and cannot ensure the child's health and  
23 safety or are unavailable and such placement would be for their  
24 best interest. Payment for board, clothing, care, training and  
25 supervision of any child placed in a licensed child care  
26 facility may be made by the Department, by the parents or

1 guardians of the estates of those children, or by both the  
2 Department and the parents or guardians, except that no  
3 payments shall be made by the Department for any child placed  
4 in a licensed child care facility for board, clothing, care,  
5 training and supervision of such a child that exceed the  
6 average per capita cost of maintaining and of caring for a  
7 child in institutions for dependent or neglected children  
8 operated by the Department. However, such restriction on  
9 payments does not apply in cases where children require  
10 specialized care and treatment for problems of severe emotional  
11 disturbance, physical disability, social adjustment, or any  
12 combination thereof and suitable facilities for the placement  
13 of such children are not available at payment rates within the  
14 limitations set forth in this Section. All reimbursements for  
15 services delivered shall be absolutely inalienable by  
16 assignment, sale, attachment, garnishment or otherwise.

17 (n-1) The Department shall provide or authorize child  
18 welfare services, aimed at assisting minors to achieve  
19 sustainable self-sufficiency as independent adults, for any  
20 minor eligible for the reinstatement of wardship pursuant to  
21 subsection (2) of Section 2-33 of the Juvenile Court Act of  
22 1987, whether or not such reinstatement is sought or allowed,  
23 provided that the minor consents to such services and has not  
24 yet attained the age of 21. The Department shall have  
25 responsibility for the development and delivery of services  
26 under this Section. An eligible youth may access services under

1 this Section through the Department of Children and Family  
2 Services or by referral from the Department of Human Services.  
3 Youth participating in services under this Section shall  
4 cooperate with the assigned case manager in developing an  
5 agreement identifying the services to be provided and how the  
6 youth will increase skills to achieve self-sufficiency. A  
7 homeless shelter is not considered appropriate housing for any  
8 youth receiving child welfare services under this Section. The  
9 Department shall continue child welfare services under this  
10 Section to any eligible minor until the minor becomes 21 years  
11 of age, no longer consents to participate, or achieves  
12 self-sufficiency as identified in the minor's service plan. The  
13 Department of Children and Family Services shall create clear,  
14 readable notice of the rights of former foster youth to child  
15 welfare services under this Section and how such services may  
16 be obtained. The Department of Children and Family Services and  
17 the Department of Human Services shall disseminate this  
18 information statewide. The Department shall adopt regulations  
19 describing services intended to assist minors in achieving  
20 sustainable self-sufficiency as independent adults.

21 (o) The Department shall establish an administrative  
22 review and appeal process for children and families who request  
23 or receive child welfare services from the Department. Children  
24 who are wards of the Department and are placed by private child  
25 welfare agencies, and foster families with whom those children  
26 are placed, shall be afforded the same procedural and appeal

1 rights as children and families in the case of placement by the  
2 Department, including the right to an initial review of a  
3 private agency decision by that agency. The Department shall  
4 insure that any private child welfare agency, which accepts  
5 wards of the Department for placement, affords those rights to  
6 children and foster families. The Department shall accept for  
7 administrative review and an appeal hearing a complaint made by  
8 (i) a child or foster family concerning a decision following an  
9 initial review by a private child welfare agency or (ii) a  
10 prospective adoptive parent who alleges a violation of  
11 subsection (j-5) of this Section. An appeal of a decision  
12 concerning a change in the placement of a child shall be  
13 conducted in an expedited manner. A court determination that a  
14 current foster home placement is necessary and appropriate  
15 under Section 2-28 of the Juvenile Court Act of 1987 does not  
16 constitute a judicial determination on the merits of an  
17 administrative appeal, filed by a former foster parent,  
18 involving a change of placement decision.

19 (p) There is hereby created the Department of Children and  
20 Family Services Emergency Assistance Fund from which the  
21 Department may provide special financial assistance to  
22 families which are in economic crisis when such assistance is  
23 not available through other public or private sources and the  
24 assistance is deemed necessary to prevent dissolution of the  
25 family unit or to reunite families which have been separated  
26 due to child abuse and neglect. The Department shall establish

1 administrative rules specifying the criteria for determining  
2 eligibility for and the amount and nature of assistance to be  
3 provided. The Department may also enter into written agreements  
4 with private and public social service agencies to provide  
5 emergency financial services to families referred by the  
6 Department. Special financial assistance payments shall be  
7 available to a family no more than once during each fiscal year  
8 and the total payments to a family may not exceed \$500 during a  
9 fiscal year.

10 (q) The Department may receive and use, in their entirety,  
11 for the benefit of children any gift, donation or bequest of  
12 money or other property which is received on behalf of such  
13 children, or any financial benefits to which such children are  
14 or may become entitled while under the jurisdiction or care of  
15 the Department.

16 The Department shall set up and administer no-cost,  
17 interest-bearing accounts in appropriate financial  
18 institutions for children for whom the Department is legally  
19 responsible and who have been determined eligible for Veterans'  
20 Benefits, Social Security benefits, assistance allotments from  
21 the armed forces, court ordered payments, parental voluntary  
22 payments, Supplemental Security Income, Railroad Retirement  
23 payments, Black Lung benefits, or other miscellaneous  
24 payments. Interest earned by each account shall be credited to  
25 the account, unless disbursed in accordance with this  
26 subsection.

1           In disbursing funds from children's accounts, the  
2 Department shall:

3           (1) Establish standards in accordance with State and  
4 federal laws for disbursing money from children's  
5 accounts. In all circumstances, the Department's  
6 "Guardianship Administrator" or his or her designee must  
7 approve disbursements from children's accounts. The  
8 Department shall be responsible for keeping complete  
9 records of all disbursements for each account for any  
10 purpose.

11           (2) Calculate on a monthly basis the amounts paid from  
12 State funds for the child's board and care, medical care  
13 not covered under Medicaid, and social services; and  
14 utilize funds from the child's account, as covered by  
15 regulation, to reimburse those costs. Monthly,  
16 disbursements from all children's accounts, up to 1/12 of  
17 \$13,000,000, shall be deposited by the Department into the  
18 General Revenue Fund and the balance over 1/12 of  
19 \$13,000,000 into the DCFS Children's Services Fund.

20           (3) Maintain any balance remaining after reimbursing  
21 for the child's costs of care, as specified in item (2).  
22 The balance shall accumulate in accordance with relevant  
23 State and federal laws and shall be disbursed to the child  
24 or his or her guardian, or to the issuing agency.

25           (r) The Department shall promulgate regulations  
26 encouraging all adoption agencies to voluntarily forward to the

1 Department or its agent names and addresses of all persons who  
2 have applied for and have been approved for adoption of a  
3 hard-to-place or handicapped child and the names of such  
4 children who have not been placed for adoption. A list of such  
5 names and addresses shall be maintained by the Department or  
6 its agent, and coded lists which maintain the confidentiality  
7 of the person seeking to adopt the child and of the child shall  
8 be made available, without charge, to every adoption agency in  
9 the State to assist the agencies in placing such children for  
10 adoption. The Department may delegate to an agent its duty to  
11 maintain and make available such lists. The Department shall  
12 ensure that such agent maintains the confidentiality of the  
13 person seeking to adopt the child and of the child.

14 (s) The Department of Children and Family Services may  
15 establish and implement a program to reimburse Department and  
16 private child welfare agency foster parents licensed by the  
17 Department of Children and Family Services for damages  
18 sustained by the foster parents as a result of the malicious or  
19 negligent acts of foster children, as well as providing third  
20 party coverage for such foster parents with regard to actions  
21 of foster children to other individuals. Such coverage will be  
22 secondary to the foster parent liability insurance policy, if  
23 applicable. The program shall be funded through appropriations  
24 from the General Revenue Fund, specifically designated for such  
25 purposes.

26 (t) The Department shall perform home studies and

1 investigations and shall exercise supervision over visitation  
2 as ordered by a court pursuant to the Illinois Marriage and  
3 Dissolution of Marriage Act or the Adoption Act only if:

4 (1) an order entered by an Illinois court specifically  
5 directs the Department to perform such services; and

6 (2) the court has ordered one or both of the parties to  
7 the proceeding to reimburse the Department for its  
8 reasonable costs for providing such services in accordance  
9 with Department rules, or has determined that neither party  
10 is financially able to pay.

11 The Department shall provide written notification to the  
12 court of the specific arrangements for supervised visitation  
13 and projected monthly costs within 60 days of the court order.  
14 The Department shall send to the court information related to  
15 the costs incurred except in cases where the court has  
16 determined the parties are financially unable to pay. The court  
17 may order additional periodic reports as appropriate.

18 (u) In addition to other information that must be provided,  
19 whenever the Department places a child with a prospective  
20 adoptive parent or parents or in a licensed foster home, group  
21 home, child care institution, or in a relative home, the  
22 Department shall provide to the prospective adoptive parent or  
23 parents or other caretaker:

24 (1) available detailed information concerning the  
25 child's educational and health history, copies of  
26 immunization records (including insurance and medical card



1 information), a history of the child's previous  
2 placements, if any, and reasons for placement changes  
3 excluding any information that identifies or reveals the  
4 location of any previous caretaker;

5 (2) a copy of the child's portion of the client service  
6 plan, including any visitation arrangement, and all  
7 amendments or revisions to it as related to the child; and

8 (3) information containing details of the child's  
9 individualized educational plan when the child is  
10 receiving special education services.

11 The caretaker shall be informed of any known social or  
12 behavioral information (including, but not limited to,  
13 criminal background, fire setting, perpetuation of sexual  
14 abuse, destructive behavior, and substance abuse) necessary to  
15 care for and safeguard the children to be placed or currently  
16 in the home. The Department may prepare a written summary of  
17 the information required by this paragraph, which may be  
18 provided to the foster or prospective adoptive parent in  
19 advance of a placement. The foster or prospective adoptive  
20 parent may review the supporting documents in the child's file  
21 in the presence of casework staff. In the case of an emergency  
22 placement, casework staff shall at least provide known  
23 information verbally, if necessary, and must subsequently  
24 provide the information in writing as required by this  
25 subsection.

26 The information described in this subsection shall be

1 provided in writing. In the case of emergency placements when  
2 time does not allow prior review, preparation, and collection  
3 of written information, the Department shall provide such  
4 information as it becomes available. Within 10 business days  
5 after placement, the Department shall obtain from the  
6 prospective adoptive parent or parents or other caretaker a  
7 signed verification of receipt of the information provided.  
8 Within 10 business days after placement, the Department shall  
9 provide to the child's guardian ad litem a copy of the  
10 information provided to the prospective adoptive parent or  
11 parents or other caretaker. The information provided to the  
12 prospective adoptive parent or parents or other caretaker shall  
13 be reviewed and approved regarding accuracy at the supervisory  
14 level.

15 (u-5) Effective July 1, 1995, only foster care placements  
16 licensed as foster family homes pursuant to the Child Care Act  
17 of 1969 shall be eligible to receive foster care payments from  
18 the Department. Relative caregivers who, as of July 1, 1995,  
19 were approved pursuant to approved relative placement rules  
20 previously promulgated by the Department at 89 Ill. Adm. Code  
21 335 and had submitted an application for licensure as a foster  
22 family home may continue to receive foster care payments only  
23 until the Department determines that they may be licensed as a  
24 foster family home or that their application for licensure is  
25 denied or until September 30, 1995, whichever occurs first.

26 (v) The Department shall access criminal history record

1 information as defined in the Illinois Uniform Conviction  
2 Information Act and information maintained in the adjudicatory  
3 and dispositional record system as defined in Section 2605-355  
4 of the Department of State Police Law (20 ILCS 2605/2605-355)  
5 if the Department determines the information is necessary to  
6 perform its duties under the Abused and Neglected Child  
7 Reporting Act, the Child Care Act of 1969, and the Children and  
8 Family Services Act. The Department shall provide for  
9 interactive computerized communication and processing  
10 equipment that permits direct on-line communication with the  
11 Department of State Police's central criminal history data  
12 repository. The Department shall comply with all certification  
13 requirements and provide certified operators who have been  
14 trained by personnel from the Department of State Police. In  
15 addition, one Office of the Inspector General investigator  
16 shall have training in the use of the criminal history  
17 information access system and have access to the terminal. The  
18 Department of Children and Family Services and its employees  
19 shall abide by rules and regulations established by the  
20 Department of State Police relating to the access and  
21 dissemination of this information.

22 (v-1) Prior to final approval for placement of a child, the  
23 Department shall conduct a criminal records background check of  
24 the prospective foster or adoptive parent, including  
25 fingerprint-based checks of national crime information  
26 databases. Final approval for placement shall not be granted if

1 the record check reveals a felony conviction for child abuse or  
2 neglect, for spousal abuse, for a crime against children, or  
3 for a crime involving violence, including rape, sexual assault,  
4 or homicide, but not including other physical assault or  
5 battery, or if there is a felony conviction for physical  
6 assault, battery, or a drug-related offense committed within  
7 the past 5 years.

8 (v-2) Prior to final approval for placement of a child, the  
9 Department shall check its child abuse and neglect registry for  
10 information concerning prospective foster and adoptive  
11 parents, and any adult living in the home. If any prospective  
12 foster or adoptive parent or other adult living in the home has  
13 resided in another state in the preceding 5 years, the  
14 Department shall request a check of that other state's child  
15 abuse and neglect registry.

16 (w) Within 120 days of August 20, 1995 (the effective date  
17 of Public Act 89-392), the Department shall prepare and submit  
18 to the Governor and the General Assembly, a written plan for  
19 the development of in-state licensed secure child care  
20 facilities that care for children who are in need of secure  
21 living arrangements for their health, safety, and well-being.  
22 For purposes of this subsection, secure care facility shall  
23 mean a facility that is designed and operated to ensure that  
24 all entrances and exits from the facility, a building or a  
25 distinct part of the building, are under the exclusive control  
26 of the staff of the facility, whether or not the child has the

1 freedom of movement within the perimeter of the facility,  
2 building, or distinct part of the building. The plan shall  
3 include descriptions of the types of facilities that are needed  
4 in Illinois; the cost of developing these secure care  
5 facilities; the estimated number of placements; the potential  
6 cost savings resulting from the movement of children currently  
7 out-of-state who are projected to be returned to Illinois; the  
8 necessary geographic distribution of these facilities in  
9 Illinois; and a proposed timetable for development of such  
10 facilities.

11 (x) The Department shall conduct annual credit history  
12 checks to determine the financial history of children placed  
13 under its guardianship pursuant to the Juvenile Court Act of  
14 1987. The Department shall conduct such credit checks starting  
15 when a ward turns 12 years old and each year thereafter for the  
16 duration of the guardianship as terminated pursuant to the  
17 Juvenile Court Act of 1987. The Department shall determine if  
18 financial exploitation of the child's personal information has  
19 occurred. If financial exploitation appears to have taken place  
20 or is presently ongoing, the Department shall notify the proper  
21 law enforcement agency, the proper State's Attorney, or the  
22 Attorney General.

23 (y) Beginning on the effective date of this amendatory Act  
24 of the 96th General Assembly, a child with a disability who  
25 receives residential and educational services from the  
26 Department shall be eligible to receive transition services in

1 accordance with Article 14 of the School Code from the age of  
2 14.5 through age 21, inclusive, notwithstanding the child's  
3 residential services arrangement. For purposes of this  
4 subsection, "child with a disability" means a child with a  
5 disability as defined by the federal Individuals with  
6 Disabilities Education Improvement Act of 2004.

7 (Source: P.A. 96-134, eff. 8-7-09; 96-581, eff. 1-1-10; 96-600,  
8 eff. 8-21-09; 96-619, eff. 1-1-10; 96-760, eff. 1-1-10;  
9 96-1000, eff. 7-2-10; 96-1189, eff. 7-22-10; 97-1150, eff.  
10 1-25-13.)

11 Section 10. The Juvenile Court Act of 1987 is amended by  
12 changing Sections 1-3 and 1-5 as follows:

13 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

14 Sec. 1-3. Definitions. Terms used in this Act, unless the  
15 context otherwise requires, have the following meanings  
16 ascribed to them:

17 (1) "Adjudicatory hearing" means a hearing to determine  
18 whether the allegations of a petition under Section 2-13, 3-15  
19 or 4-12 that a minor under 18 years of age is abused, neglected  
20 or dependent, or requires authoritative intervention, or  
21 addicted, respectively, are supported by a preponderance of the  
22 evidence or whether the allegations of a petition under Section  
23 5-520 that a minor is delinquent are proved beyond a reasonable  
24 doubt.

1 (2) "Adult" means a person 21 years of age or older.

2 (3) "Agency" means a public or private child care facility  
3 legally authorized or licensed by this State for placement or  
4 institutional care or for both placement and institutional  
5 care.

6 (4) "Association" means any organization, public or  
7 private, engaged in welfare functions which include services to  
8 or on behalf of children but does not include "agency" as  
9 herein defined.

10 (4.05) Whenever a "best interest" determination is  
11 required, the following factors shall be considered in the  
12 context of the child's age and developmental needs:

13 (a) the physical safety and welfare of the child,  
14 including food, shelter, health, and clothing;

15 (b) the development of the child's identity;

16 (c) the child's background and ties, including  
17 familial, cultural, and religious;

18 (d) the child's sense of attachments, including:

19 (i) where the child actually feels love,  
20 attachment, and a sense of being valued (as opposed to  
21 where adults believe the child should feel such love,  
22 attachment, and a sense of being valued);

23 (ii) the child's sense of security;

24 (iii) the child's sense of familiarity;

25 (iv) continuity of affection for the child;

26 (v) the least disruptive placement alternative for

1 the child;

2 (e) the child's wishes and long-term goals;

3 (f) the child's community ties, including church,  
4 school, and friends;

5 (g) the child's need for permanence which includes the  
6 child's need for stability and continuity of relationships  
7 with parent figures and with siblings and other relatives;

8 (h) the uniqueness of every family and child;

9 (i) the risks attendant to entering and being in  
10 substitute care; and

11 (j) the preferences of the persons available to care  
12 for the child.

13 (4.1) "Chronic truant" shall have the definition ascribed  
14 to it in Section 26-2a of the School Code.

15 (5) "Court" means the circuit court in a session or  
16 division assigned to hear proceedings under this Act.

17 (6) "Dispositional hearing" means a hearing to determine  
18 whether a minor should be adjudged to be a ward of the court,  
19 and to determine what order of disposition should be made in  
20 respect to a minor adjudged to be a ward of the court.

21 (7) "Emancipated minor" means any minor 16 years of age or  
22 over who has been completely or partially emancipated under the  
23 Emancipation of Minors Act or under this Act.

24 (7.05) "Foster parent" includes a relative caregiver  
25 selected by the Department of Children and Family Services to  
26 provide care for the minor.



1           (8) "Guardianship of the person" of a minor means the duty  
2 and authority to act in the best interests of the minor,  
3 subject to residual parental rights and responsibilities, to  
4 make important decisions in matters having a permanent effect  
5 on the life and development of the minor and to be concerned  
6 with his or her general welfare. It includes but is not  
7 necessarily limited to:

8           (a) the authority to consent to marriage, to enlistment  
9 in the armed forces of the United States, or to a major  
10 medical, psychiatric, and surgical treatment; to represent  
11 the minor in legal actions; and to make other decisions of  
12 substantial legal significance concerning the minor;

13           (b) the authority and duty of reasonable visitation,  
14 except to the extent that these have been limited in the  
15 best interests of the minor by court order;

16           (c) the rights and responsibilities of legal custody  
17 except where legal custody has been vested in another  
18 person or agency; and

19           (d) the power to consent to the adoption of the minor,  
20 but only if expressly conferred on the guardian in  
21 accordance with Section 2-29, 3-30, or 4-27.

22           (9) "Legal custody" means the relationship created by an  
23 order of court in the best interests of the minor which imposes  
24 on the custodian the responsibility of physical possession of a  
25 minor and the duty to protect, train and discipline him and to  
26 provide him with food, shelter, education and ordinary medical

1 care, except as these are limited by residual parental rights  
2 and responsibilities and the rights and responsibilities of the  
3 guardian of the person, if any.

4 (9.1) "Mentally capable adult relative" means a person 21  
5 years of age or older who is not suffering from a mental  
6 illness that prevents him or her from providing the care  
7 necessary to safeguard the physical safety and welfare of a  
8 minor who is left in that person's care by the parent or  
9 parents or other person responsible for the minor's welfare.

10 (10) "Minor" means a person under the age of 21 years  
11 subject to this Act.

12 (11) "Parent" means the father or mother of a child and  
13 includes any adoptive parent. It also includes a man (i) whose  
14 paternity is presumed or has been established under the law of  
15 this or another jurisdiction or (ii) who has registered with  
16 the Putative Father Registry in accordance with Section 12.1 of  
17 the Adoption Act and whose paternity has not been ruled out  
18 under the law of this or another jurisdiction. It does not  
19 include a parent whose rights in respect to the minor have been  
20 terminated in any manner provided by law. It does not include a  
21 person who has been or could be determined to be a parent under  
22 the Illinois Parentage Act of 1984, or similar parentage law in  
23 any other state, if that person has been convicted of or pled  
24 nolo contendere to a crime that resulted in the conception of  
25 the child under Section 11-1.20, 11-1.30, 11-1.40, 11-11,  
26 12-13, 12-14, 12-14.1, subsection (a) or (b) (but not

1 subsection (c)) of Section 11-1.50 or 12-15, or subsection (a),  
2 (b), (c), (e), or (f) (but not subsection (d)) of Section  
3 11-1.60 or 12-16 of the Criminal Code of 1961 or the Criminal  
4 Code of 2012, or similar statute in another jurisdiction unless  
5 upon motion of any party, other than the offender, to the  
6 juvenile court proceedings the court finds it is in the child's  
7 best interest to deem the offender a parent for purposes of the  
8 juvenile court proceedings.

9 (11.1) "Permanency goal" means a goal set by the court as  
10 defined in subdivision (2) of Section 2-28.

11 (11.2) "Permanency hearing" means a hearing to set the  
12 permanency goal and to review and determine (i) the  
13 appropriateness of the services contained in the plan and  
14 whether those services have been provided, (ii) whether  
15 reasonable efforts have been made by all the parties to the  
16 service plan to achieve the goal, and (iii) whether the plan  
17 and goal have been achieved.

18 (12) "Petition" means the petition provided for in Section  
19 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions  
20 thereunder in Section 3-15, 4-12 or 5-520.

21 (12.1) "Physically capable adult relative" means a person  
22 21 years of age or older who does not have a severe physical  
23 disability or medical condition, or is not suffering from  
24 alcoholism or drug addiction, that prevents him or her from  
25 providing the care necessary to safeguard the physical safety  
26 and welfare of a minor who is left in that person's care by the

1 parent or parents or other person responsible for the minor's  
2 welfare.

3 (12.2) "Post Permanency Sibling Contact Agreement" has the  
4 meaning ascribed to the term in Section 7.4 of the Children and  
5 Family Services Act.

6 (13) "Residual parental rights and responsibilities" means  
7 those rights and responsibilities remaining with the parent  
8 after the transfer of legal custody or guardianship of the  
9 person, including, but not necessarily limited to, the right to  
10 reasonable visitation (which may be limited by the court in the  
11 best interests of the minor as provided in subsection (8) (b) of  
12 this Section), the right to consent to adoption, the right to  
13 determine the minor's religious affiliation, and the  
14 responsibility for his support.

15 (14) "Shelter" means the temporary care of a minor in  
16 physically unrestricting facilities pending court disposition  
17 or execution of court order for placement.

18 (14.1) "Sibling Contact Support Plan" has the meaning  
19 ascribed to the term in Section 7.4 of the Children and Family  
20 Services Act.

21 (15) "Station adjustment" means the informal handling of an  
22 alleged offender by a juvenile police officer.

23 (16) "Ward of the court" means a minor who is so adjudged  
24 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the  
25 requisite jurisdictional facts, and thus is subject to the  
26 dispositional powers of the court under this Act.

1           (17) "Juvenile police officer" means a sworn police officer  
2 who has completed a Basic Recruit Training Course, has been  
3 assigned to the position of juvenile police officer by his or  
4 her chief law enforcement officer and has completed the  
5 necessary juvenile officers training as prescribed by the  
6 Illinois Law Enforcement Training Standards Board, or in the  
7 case of a State police officer, juvenile officer training  
8 approved by the Director of the Department of State Police.

9           (18) "Secure child care facility" means any child care  
10 facility licensed by the Department of Children and Family  
11 Services to provide secure living arrangements for children  
12 under 18 years of age who are subject to placement in  
13 facilities under the Children and Family Services Act and who  
14 are not subject to placement in facilities for whom standards  
15 are established by the Department of Corrections under Section  
16 3-15-2 of the Unified Code of Corrections. "Secure child care  
17 facility" also means a facility that is designed and operated  
18 to ensure that all entrances and exits from the facility, a  
19 building, or a distinct part of the building are under the  
20 exclusive control of the staff of the facility, whether or not  
21 the child has the freedom of movement within the perimeter of  
22 the facility, building, or distinct part of the building.

23           (Source: P.A. 96-168, eff. 8-10-09; 97-568, eff. 8-25-11;  
24 97-1076, eff. 8-24-12; 97-1150, eff. 1-25-13.)

25           (705 ILCS 405/1-5) (from Ch. 37, par. 801-5)

1           Sec. 1-5. Rights of parties to proceedings.

2           (1) Except as provided in this Section and paragraph (2) of  
3 Sections 2-22, 3-23, 4-20, 5-610 or 5-705, the minor who is the  
4 subject of the proceeding and his parents, guardian, legal  
5 custodian or responsible relative who are parties respondent  
6 have the right to be present, to be heard, to present evidence  
7 material to the proceedings, to cross-examine witnesses, to  
8 examine pertinent court files and records and also, although  
9 proceedings under this Act are not intended to be adversary in  
10 character, the right to be represented by counsel. At the  
11 request of any party financially unable to employ counsel, with  
12 the exception of a foster parent permitted to intervene under  
13 this Section, the court shall appoint the Public Defender or  
14 such other counsel as the case may require. Counsel appointed  
15 for the minor and any indigent party shall appear at all stages  
16 of the trial court proceeding, and such appointment shall  
17 continue through the permanency hearings and termination of  
18 parental rights proceedings subject to withdrawal or  
19 substitution pursuant to Supreme Court Rules or the Code of  
20 Civil Procedure. Following the dispositional hearing, the  
21 court may require appointed counsel, other than counsel for the  
22 minor or counsel for the guardian ad litem, to withdraw his or  
23 her appearance upon failure of the party for whom counsel was  
24 appointed under this Section to attend any subsequent  
25 proceedings.

26           No hearing on any petition or motion filed under this Act

1 may be commenced unless the minor who is the subject of the  
2 proceeding is represented by counsel. Notwithstanding the  
3 preceding sentence, if a guardian ad litem has been appointed  
4 for the minor under Section 2-17 of this Act and the guardian  
5 ad litem is a licensed attorney at law of this State, or in the  
6 event that a court appointed special advocate has been  
7 appointed as guardian ad litem and counsel has been appointed  
8 to represent the court appointed special advocate, the court  
9 may not require the appointment of counsel to represent the  
10 minor unless the court finds that the minor's interests are in  
11 conflict with what the guardian ad litem determines to be in  
12 the best interest of the minor. Each adult respondent shall be  
13 furnished a written "Notice of Rights" at or before the first  
14 hearing at which he or she appears.

15 (1.5) The Department shall maintain a system of response to  
16 inquiry made by parents or putative parents as to whether their  
17 child is under the custody or guardianship of the Department;  
18 and if so, the Department shall direct the parents or putative  
19 parents to the appropriate court of jurisdiction, including  
20 where inquiry may be made of the clerk of the court regarding  
21 the case number and the next scheduled court date of the  
22 minor's case. Effective notice and the means of accessing  
23 information shall be given to the public on a continuing basis  
24 by the Department.

25 (2) (a) Though not appointed guardian or legal custodian or  
26 otherwise made a party to the proceeding, any current or

1 previously appointed foster parent or relative caregiver, or  
2 representative of an agency or association interested in the  
3 minor has the right to be heard by the court, but does not  
4 thereby become a party to the proceeding.

5 In addition to the foregoing right to be heard by the  
6 court, any current foster parent or relative caregiver of a  
7 minor and the agency designated by the court or the Department  
8 of Children and Family Services as custodian of the minor who  
9 is alleged to be or has been adjudicated an abused or neglected  
10 minor under Section 2-3 or a dependent minor under Section 2-4  
11 of this Act has the right to and shall be given adequate notice  
12 at all stages of any hearing or proceeding under this Act.

13 Any foster parent or relative caregiver who is denied his  
14 or her right to be heard under this Section may bring a  
15 mandamus action under Article XIV of the Code of Civil  
16 Procedure against the court or any public agency to enforce  
17 that right. The mandamus action may be brought immediately upon  
18 the denial of those rights but in no event later than 30 days  
19 after the foster parent has been denied the right to be heard.

20 (b) If after an adjudication that a minor is abused or  
21 neglected as provided under Section 2-21 of this Act and a  
22 motion has been made to restore the minor to any parent,  
23 guardian, or legal custodian found by the court to have caused  
24 the neglect or to have inflicted the abuse on the minor, a  
25 foster parent may file a motion to intervene in the proceeding  
26 for the sole purpose of requesting that the minor be placed



1 with the foster parent, provided that the foster parent (i) is  
2 the current foster parent of the minor or (ii) has previously  
3 been a foster parent for the minor for one year or more, has a  
4 foster care license or is eligible for a license or is not  
5 required to have a license, and is not the subject of any  
6 findings of abuse or neglect of any child. The juvenile court  
7 may only enter orders placing a minor with a specific foster  
8 parent under this subsection (2) (b) and nothing in this Section  
9 shall be construed to confer any jurisdiction or authority on  
10 the juvenile court to issue any other orders requiring the  
11 appointed guardian or custodian of a minor to place the minor  
12 in a designated foster home or facility. This Section is not  
13 intended to encompass any matters that are within the scope or  
14 determinable under the administrative and appeal process  
15 established by rules of the Department of Children and Family  
16 Services under Section 5(o) of the Children and Family Services  
17 Act. Nothing in this Section shall relieve the court of its  
18 responsibility, under Section 2-14(a) of this Act to act in a  
19 just and speedy manner to reunify families where it is the best  
20 interests of the minor and the child can be cared for at home  
21 without endangering the child's health or safety and, if  
22 reunification is not in the best interests of the minor, to  
23 find another permanent home for the minor. Nothing in this  
24 Section, or in any order issued by the court with respect to  
25 the placement of a minor with a foster parent, shall impair the  
26 ability of the Department of Children and Family Services, or

1 anyone else authorized under Section 5 of the Abused and  
2 Neglected Child Reporting Act, to remove a minor from the home  
3 of a foster parent if the Department of Children and Family  
4 Services or the person removing the minor has reason to believe  
5 that the circumstances or conditions of the minor are such that  
6 continuing in the residence or care of the foster parent will  
7 jeopardize the child's health and safety or present an imminent  
8 risk of harm to that minor's life.

9 (c) If a foster parent has had the minor who is the subject  
10 of the proceeding under Article II in his or her home for more  
11 than one year on or after July 3, 1994 and if the minor's  
12 placement is being terminated from that foster parent's home,  
13 that foster parent shall have standing and intervenor status  
14 except in those circumstances where the Department of Children  
15 and Family Services or anyone else authorized under Section 5  
16 of the Abused and Neglected Child Reporting Act has removed the  
17 minor from the foster parent because of a reasonable belief  
18 that the circumstances or conditions of the minor are such that  
19 continuing in the residence or care of the foster parent will  
20 jeopardize the child's health or safety or presents an imminent  
21 risk of harm to the minor's life.

22 (d) The court may grant standing to any foster parent if  
23 the court finds that it is in the best interest of the child  
24 for the foster parent to have standing and intervenor status.

25 (3) Parties respondent are entitled to notice in compliance  
26 with Sections 2-15 and 2-16, 3-17 and 3-18, 4-14 and 4-15 or

1 5-525 and 5-530, as appropriate. At the first appearance before  
2 the court by the minor, his parents, guardian, custodian or  
3 responsible relative, the court shall explain the nature of the  
4 proceedings and inform the parties of their rights under the  
5 first 2 paragraphs of this Section.

6 If the child is alleged to be abused, neglected or  
7 dependent, the court shall admonish the parents that if the  
8 court declares the child to be a ward of the court and awards  
9 custody or guardianship to the Department of Children and  
10 Family Services, the parents must cooperate with the Department  
11 of Children and Family Services, comply with the terms of the  
12 service plans, and correct the conditions that require the  
13 child to be in care, or risk termination of their parental  
14 rights.

15 Upon an adjudication of wardship of the court under  
16 Sections 2-22, 3-23, 4-20 or 5-705, the court shall inform the  
17 parties of their right to appeal therefrom as well as from any  
18 other final judgment of the court.

19 When the court finds that a child is an abused, neglected,  
20 or dependent minor under Section 2-21, the court shall admonish  
21 the parents that the parents must cooperate with the Department  
22 of Children and Family Services, comply with the terms of the  
23 service plans, and correct the conditions that require the  
24 child to be in care, or risk termination of their parental  
25 rights.

26 When the court declares a child to be a ward of the court

1 and awards guardianship to the Department of Children and  
2 Family Services under Section 2-22, the court shall admonish  
3 the parents, guardian, custodian, or responsible relative that  
4 the parents must cooperate with the Department of Children and  
5 Family Services, comply with the terms of the service plans,  
6 and correct the conditions that require the child to be in  
7 care, or risk termination of their parental rights.

8 (4) No sanction may be applied against the minor who is the  
9 subject of the proceedings by reason of his refusal or failure  
10 to testify in the course of any hearing held prior to final  
11 adjudication under Section 2-22, 3-23, 4-20 or 5-705.

12 (5) In the discretion of the court, the minor may be  
13 excluded from any part or parts of a dispositional hearing and,  
14 with the consent of the parent or parents, guardian, counsel or  
15 a guardian ad litem, from any part or parts of an adjudicatory  
16 hearing.

17 (6) The general public except for the news media and the  
18 crime victim, as defined in Section 3 of the Rights of Crime  
19 Victims and Witnesses Act, shall be excluded from any hearing  
20 and, except for the persons specified in this Section only  
21 persons, including representatives of agencies and  
22 associations, who in the opinion of the court have a direct  
23 interest in the case or in the work of the court shall be  
24 admitted to the hearing. However, the court may, for the  
25 minor's safety and protection and for good cause shown,  
26 prohibit any person or agency present in court from further

1 disclosing the minor's identity. Nothing in this subsection (6)  
2 prevents the court from allowing other juveniles to be present  
3 or to participate in a court session being held under the  
4 Juvenile Drug Court Treatment Act.

5 (7) A party shall not be entitled to exercise the right to  
6 a substitution of a judge without cause under subdivision  
7 (a) (2) of Section 2-1001 of the Code of Civil Procedure in a  
8 proceeding under this Act if the judge is currently assigned to  
9 a proceeding involving the alleged abuse, neglect, or  
10 dependency of the minor's sibling or half sibling and that  
11 judge has made a substantive ruling in the proceeding involving  
12 the minor's sibling or half sibling.

13 (Source: P.A. 93-539, eff. 8-18-03; 94-271, eff. 1-1-06.)