



Rep. Mary E. Flowers

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LRB098 19356 RLC 57788 a

1 AMENDMENT TO HOUSE BILL 4496

2 AMENDMENT NO. _____. Amend House Bill 4496, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Juvenile Court Act of 1987 is amended by
6 changing Section 5-745 as follows:

7 (705 ILCS 405/5-745)

8 Sec. 5-745. Court review.

9 (1) The court may require any legal custodian or guardian
10 of the person appointed under this Act, including the
11 Department of Juvenile Justice for youth committed under
12 Section 5-750 of this Act, to report periodically to the court
13 or may cite him or her into court and require him or her, or his
14 or her agency, to make a full and accurate report of his or her
15 or its doings in behalf of the minor, including efforts to
16 secure post-release placement of the youth after release from

1 the Department's facilities. The legal custodian or guardian,
2 within 10 days after the citation, shall make the report,
3 either in writing verified by affidavit or orally under oath in
4 open court, or otherwise as the court directs. Upon the hearing
5 of the report the court may remove the legal custodian or
6 guardian and appoint another in his or her stead or restore the
7 minor to the custody of his or her parents or former guardian
8 or legal custodian.

9 (1.5) The Department of Juvenile Justice shall file a
10 critical incident report with the court within 10 days of the
11 occurrence of a critical incident involving a youth committed
12 to the Department. "Critical incident" means an incident that
13 involves a serious risk to the life, health, or wellbeing of
14 the youth, including, but not limited to, an accident or
15 suicide attempt resulting in serious bodily harm or
16 hospitalization, psychiatric hospitalization, alleged or
17 suspected abuse, or escape or attempted escape from custody.
18 The report shall contain a brief description of the incident, a
19 summary of the actions the Department took as a result of the
20 incident, and relevant information regarding the youth's
21 current physical, mental, and emotional health. Upon receipt of
22 the critical incident report, the court shall review the report
23 and may require the Department to make a full report under
24 subsection (1) of this Section.

25 (2) A guardian or legal custodian appointed by the court
26 under this Act shall file updated case plans with the court

1 every 6 months. Every agency which has guardianship of a child
2 shall file a supplemental petition for court review, or review
3 by an administrative body appointed or approved by the court
4 and further order within 18 months of the sentencing order and
5 each 18 months thereafter. The petition shall state facts
6 relative to the child's present condition of physical, mental
7 and emotional health as well as facts relative to his or her
8 present custodial or foster care. The petition shall be set for
9 hearing and the clerk shall mail 10 days notice of the hearing
10 by certified mail, return receipt requested, to the person or
11 agency having the physical custody of the child, the minor and
12 other interested parties unless a written waiver of notice is
13 filed with the petition.

14 If the minor is in the custody of the Illinois Department
15 of Children and Family Services, pursuant to an order entered
16 under this Article, the court shall conduct permanency hearings
17 as set out in subsections (1), (2), and (3) of Section 2-28 of
18 Article II of this Act.

19 Rights of wards of the court under this Act are enforceable
20 against any public agency by complaints for relief by mandamus
21 filed in any proceedings brought under this Act.

22 (2.1) The following provisions apply if the minor is in the
23 physical custody of the Department of Juvenile Justice. The
24 Department of Juvenile Justice shall file updated case plans
25 with the court every 6 months. The plan shall also be provided
26 to the minor's court appointed guardian ad litem, when the

1 Department has received written notice of the appointment and a
2 copy of the order making the appointment. When the court record
3 includes the last known addresses for the minor's parents and
4 guardian, the Department shall send a notice to the parents or
5 guardian that the plan is available and the Department shall
6 provide the plan to the parents or guardian upon request. On or
7 before January 1, 2015, the Department of Juvenile Justice
8 shall adopt final rules setting out the information to be
9 contained in the case plan. The rules shall require that the
10 information in the case plan is sufficient to assist the court
11 in determining whether the minor's incarceration is consistent
12 with the goals under Section 5-101 of this Act. The rules shall
13 ensure that the materials and information contained in the plan
14 do not violate the minor's federal and State rights to privacy
15 and confidentiality and shall establish procedures whereby
16 these rights may be expressly waived in writing by the minor or
17 the minor's guardian or parent if waiver is authorized by law.
18 Upon receipt of the plan, the court shall review the case plan
19 and determine whether a hearing would serve the minor's best
20 interests. The guardian ad litem, parent, or guardian of the
21 minor may request that the court conduct a hearing. When the
22 court has set a hearing on the case plan, the clerk shall mail
23 notice of the hearing to the Director of Juvenile Justice and
24 the minor's guardian ad litem at least 10 days prior to the
25 hearing and when the court record includes their last known
26 addresses, to the minor's parents and guardian. If the minor

1 does not have an attorney or guardian ad litem appointed, the
2 court may appoint an attorney or guardian ad litem, or both,
3 for the minor. In conducting hearings under this Section, the
4 court may take testimony of witnesses and order that the minor
5 participate in the hearing by way of teleconferencing or
6 audio-visual communication, if this communication technology
7 is available. If after receiving evidence, the court determines
8 that the services contained in the plan are not reasonably
9 calculated to prepare the minor for a successful reentry into
10 the community, the court shall put in writing the factual basis
11 supporting the determination and enter specific findings based
12 on the evidence. The court also shall enter an order for the
13 Department to develop and implement a new case plan or to
14 implement changes to the current case plan consistent with the
15 court's findings. The new case plan shall be filed with the
16 court and served on all parties within 45 days of the date of
17 the order. The court shall continue the matter until the new
18 case plan is filed. Unless otherwise specifically authorized by
19 law, the court may not under this subsection (2.1) order
20 specific placements, specific services, or specific service
21 providers to be included in the plan.

22 (3) The minor or any person interested in the minor may
23 apply to the court for a change in custody of the minor and the
24 appointment of a new custodian or guardian of the person or for
25 the restoration of the minor to the custody of his or her
26 parents or former guardian or custodian. In the event that the

1 minor has attained 18 years of age and the guardian or
2 custodian petitions the court for an order terminating his or
3 her guardianship or custody, guardianship or legal custody
4 shall terminate automatically 30 days after the receipt of the
5 petition unless the court orders otherwise. No legal custodian
6 or guardian of the person may be removed without his or her
7 consent until given notice and an opportunity to be heard by
8 the court.

9 (Source: P.A. 96-178, eff. 1-1-10; 97-518, eff. 1-1-12.)".