

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

6 (705 ILCS 405/5-745)

7 Sec. 5-745. Court review.

8 (1) The court may require any legal custodian or guardian
9 of the person appointed under this Act, including the
10 Department of Juvenile Justice for youth committed under
11 Section 5-750 of this Act, to report periodically to the court
12 or may cite him or her into court and require him or her, or his
13 or her agency, to make a full and accurate report of his or her
14 or its doings in behalf of the minor, including efforts to
15 secure post-release placement of the youth after release from
16 the Department's facilities. The legal custodian or guardian,
17 within 10 days after the citation, shall make the report,
18 either in writing verified by affidavit or orally under oath in
19 open court, or otherwise as the court directs. Upon the hearing
20 of the report the court may remove the legal custodian or
21 guardian and appoint another in his or her stead or restore the
22 minor to the custody of his or her parents or former guardian
23 or legal custodian.

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

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

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

1 (3) The minor or any person interested in the minor may
2 apply to the court for a change in custody of the minor and the
3 appointment of a new custodian or guardian of the person or for
4 the restoration of the minor to the custody of his or her
5 parents or former guardian or custodian. In the event that the
6 minor has attained 18 years of age and the guardian or
7 custodian petitions the court for an order terminating his or
8 her guardianship or custody, guardianship or legal custody
9 shall terminate automatically 30 days after the receipt of the
10 petition unless the court orders otherwise. No legal custodian
11 or guardian of the person may be removed without his or her
12 consent until given notice and an opportunity to be heard by
13 the court.

14 (4) If the minor is committed to the Department of Juvenile
15 Justice under Section 5-750 of this Act, the Department shall
16 notify the court in writing of the occurrence of any of the
17 following:

18 (a) a critical incident involving a youth committed to
19 the Department; as used in this paragraph (a), "critical
20 incident" means any incident that involves a serious risk
21 to the life, health, or well-being of the youth and
22 includes, but is not limited to, an accident or suicide
23 attempt resulting in serious bodily harm or
24 hospitalization, psychiatric hospitalization, alleged or
25 suspected abuse, or escape or attempted escape from
26 custody, filed within 10 days of the occurrence;

1 (b) a youth who has been released by the Prisoner
2 Review Board but remains in a Department facility solely
3 because the youth does not have an approved aftercare
4 release host site, filed within 10 days of the occurrence;

5 (c) a youth, except a youth who has been adjudicated a
6 habitual or violent juvenile offender under Section 5-815
7 or 5-820 of this Act or committed for first degree murder,
8 who has been held in a Department facility for over one
9 consecutive year; or

10 (d) if a report has been filed under paragraph (c) of
11 this subsection, a supplemental report shall be filed every
12 6 months thereafter.

13 The notification required by this subsection (4) shall contain
14 a brief description of the incident or situation and a summary
15 of the youth's current physical, mental, and emotional health
16 and the actions the Department took in response to the incident
17 or to identify an aftercare release host site, as applicable.
18 Upon receipt of the notification, the court may require the
19 Department to make a full report under subsection (1) of this
20 Section.

21 (5) With respect to any report required to be filed with
22 the court under this Section, the Independent Juvenile
23 Ombudsman shall provide a copy to the minor's court appointed
24 guardian ad litem, if the Department has received written
25 notice of the appointment, and to the minor's attorney, if the
26 Department has received written notice of representation from

1 the attorney. If the Department has a record that a guardian
2 has been appointed for the minor and a record of the last known
3 address of the minor's court appointed guardian, the
4 Independent Juvenile Ombudsman shall send a notice to the
5 guardian that the report is available and will be provided by
6 the Independent Juvenile Ombudsman upon request. If the
7 Department has no record regarding the appointment of a
8 guardian for the minor, and the Department's records include
9 the last known addresses of the minor's parents, the
10 Independent Juvenile Ombudsman shall send a notice to the
11 parents that the report is available and will be provided by
12 the Independent Juvenile Ombudsman upon request.

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