



Rep. Mary E. Flowers

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LRB099 03699 SLF 46841 a

1 AMENDMENT TO HOUSE BILL 114

2 AMENDMENT NO. _____. Amend House Bill 114, 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 (2) ~~A guardian or legal custodian appointed by the court~~
10 ~~under this Act shall file updated case plans with the court~~
11 ~~every 6 months.~~ Every agency which has guardianship of a child
12 shall file a supplemental petition for court review, or review
13 by an administrative body appointed or approved by the court
14 and further order within 18 months of the sentencing order and
15 each 18 months thereafter. The petition shall state facts
16 relative to the child's present condition of physical, mental
17 and emotional health as well as facts relative to his or her
18 present custodial or foster care. The petition shall be set for
19 hearing and the clerk shall mail 10 days notice of the hearing
20 by certified mail, return receipt requested, to the person or
21 agency having the physical custody of the child, the minor and
22 other interested parties unless a written waiver of notice is
23 filed with the petition.

24 If the minor is in the custody of the Illinois Department
25 of Children and Family Services, pursuant to an order entered
26 under this Article, the court shall conduct permanency hearings

1 as set out in subsections (1), (2), and (3) of Section 2-28 of
2 Article II of this Act.

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

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

19 (4) If the minor is committed to the Department of Juvenile
20 Justice under Section 5-750 of this Act, the Department shall
21 notify the court in writing of the occurrence of any of the
22 following:

23 (a) a critical incident involving a youth committed to
24 the Department; as used in this paragraph (a), "critical
25 incident" means any incident that involves a serious risk
26 to the life, health, or well-being of the youth and

1 includes, but is not limited to, an accident or suicide
2 attempt resulting in serious bodily harm or
3 hospitalization, psychiatric hospitalization, alleged or
4 suspected abuse, or escape or attempted escape from
5 custody, filed within 10 days of the occurrence;

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

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

15 (d) if a report has been filed under paragraph (c) of
16 this subsection, a supplemental report shall be filed every
17 6 months thereafter.

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

26 (5) With respect to any report required to be filed with

1 the court under this Section, the Independent Juvenile
2 Ombudsman shall provide a copy to the minor's court appointed
3 guardian ad litem, if the Department has received written
4 notice of the appointment, and to the minor's attorney, if the
5 Department has received written notice of representation from
6 the attorney. If the Department has a record that a guardian
7 has been appointed for the minor and a record of the last known
8 address of the minor's court appointed guardian, the
9 Independent Juvenile Ombudsman shall send a notice to the
10 guardian that the report is available and will be provided by
11 the Independent Juvenile Ombudsman upon request. If the
12 Department has no record regarding the appointment of a
13 guardian for the minor, and the Department's records include
14 the last known addresses of the minor's parents, the
15 Independent Juvenile Ombudsman shall send a notice to the
16 parents that the report is available and will be provided by
17 the Independent Juvenile Ombudsman upon request.

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