

1 AN ACT concerning State government.

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. On and after the effective date of  
11 this amendatory Act of the 98th General Assembly and before  
12 January 1, 2017, a minor charged with a criminal offense under  
13 the Criminal Code of 1961 or the Criminal Code of 2012 or  
14 adjudicated delinquent shall not be placed in the custody of or  
15 committed to the Department by any court, except (i) a minor  
16 less than 16 years of age committed to the Department under  
17 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
18 for whom an independent basis of abuse, neglect, or dependency  
19 exists, which must be defined by departmental rule, or (iii) a  
20 minor for whom the court has granted a supplemental petition to  
21 reinstate wardship pursuant to subsection (2) of Section 2-33  
22 of the Juvenile Court Act of 1987. On and after January 1,  
23 2017, a minor charged with a criminal offense under the  
24 Criminal Code of 1961 or the Criminal Code of 2012 or  
25 adjudicated delinquent shall not be placed in the custody of or  
26 committed to the Department by any court, except (i) a minor

1 less than 15 years of age committed to the Department under  
2 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor  
3 for whom an independent basis of abuse, neglect, or dependency  
4 exists, which must be defined by departmental rule, or (iii) a  
5 minor for whom the court has granted a supplemental petition to  
6 reinstate wardship pursuant to subsection (2) of Section 2-33  
7 of the Juvenile Court Act of 1987. An independent basis exists  
8 when the allegations or adjudication of abuse, neglect, or  
9 dependency do not arise from the same facts, incident, or  
10 circumstances which give rise to a charge or adjudication of  
11 delinquency.

12 As soon as is possible after August 7, 2009 (the effective  
13 date of Public Act 96-134), the Department shall develop and  
14 implement a special program of family preservation services to  
15 support intact, foster, and adoptive families who are  
16 experiencing extreme hardships due to the difficulty and stress  
17 of caring for a child who has been diagnosed with a pervasive  
18 developmental disorder if the Department determines that those  
19 services are necessary to ensure the health and safety of the  
20 child. The Department may offer services to any family whether  
21 or not a report has been filed under the Abused and Neglected  
22 Child Reporting Act. The Department may refer the child or  
23 family to services available from other agencies in the  
24 community if the conditions in the child's or family's home are  
25 reasonably likely to subject the child or family to future  
26 reports of suspected child abuse or neglect. Acceptance of

1 these services shall be voluntary. The Department shall develop  
2 and implement a public information campaign to alert health and  
3 social service providers and the general public about these  
4 special family preservation services. The nature and scope of  
5 the services offered and the number of families served under  
6 the special program implemented under this paragraph shall be  
7 determined by the level of funding that the Department annually  
8 allocates for this purpose. The term "pervasive developmental  
9 disorder" under this paragraph means a neurological condition,  
10 including but not limited to, Asperger's Syndrome and autism,  
11 as defined in the most recent edition of the Diagnostic and  
12 Statistical Manual of Mental Disorders of the American  
13 Psychiatric Association.

14 (1-1) The legislature recognizes that the best interests of  
15 the child require that the child be placed in the most  
16 permanent living arrangement as soon as is practically  
17 possible. To achieve this goal, the legislature directs the  
18 Department of Children and Family Services to conduct  
19 concurrent planning so that permanency may occur at the  
20 earliest opportunity. Permanent living arrangements may  
21 include prevention of placement of a child outside the home of  
22 the family when the child can be cared for at home without  
23 endangering the child's health or safety; reunification with  
24 the family, when safe and appropriate, if temporary placement  
25 is necessary; or movement of the child toward the most  
26 permanent living arrangement and permanent legal status.

1           When determining reasonable efforts to be made with respect  
2 to a child, as described in this subsection, and in making such  
3 reasonable efforts, the child's health and safety shall be the  
4 paramount concern.

5           When a child is placed in foster care, the Department shall  
6 ensure and document that reasonable efforts were made to  
7 prevent or eliminate the need to remove the child from the  
8 child's home. The Department must make reasonable efforts to  
9 reunify the family when temporary placement of the child occurs  
10 unless otherwise required, pursuant to the Juvenile Court Act  
11 of 1987. At any time after the dispositional hearing where the  
12 Department believes that further reunification services would  
13 be ineffective, it may request a finding from the court that  
14 reasonable efforts are no longer appropriate. The Department is  
15 not required to provide further reunification services after  
16 such a finding.

17           A decision to place a child in substitute care shall be  
18 made with considerations of the child's health, safety, and  
19 best interests. At the time of placement, consideration should  
20 also be given so that if reunification fails or is delayed, the  
21 placement made is the best available placement to provide  
22 permanency for the child.

23           The Department shall adopt rules addressing concurrent  
24 planning for reunification and permanency. The Department  
25 shall consider the following factors when determining  
26 appropriateness of concurrent planning:

- 1 (1) the likelihood of prompt reunification;
- 2 (2) the past history of the family;
- 3 (3) the barriers to reunification being addressed by
- 4 the family;
- 5 (4) the level of cooperation of the family;
- 6 (5) the foster parents' willingness to work with the
- 7 family to reunite;
- 8 (6) the willingness and ability of the foster family to
- 9 provide an adoptive home or long-term placement;
- 10 (7) the age of the child;
- 11 (8) placement of siblings.

12 (m) The Department may assume temporary custody of any  
13 child if:

14 (1) it has received a written consent to such temporary  
15 custody signed by the parents of the child or by the parent  
16 having custody of the child if the parents are not living  
17 together or by the guardian or custodian of the child if  
18 the child is not in the custody of either parent, or

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

21 If the child is found in his or her residence without a parent,  
22 guardian, custodian or responsible caretaker, the Department  
23 may, instead of removing the child and assuming temporary  
24 custody, place an authorized representative of the Department  
25 in that residence until such time as a parent, guardian or  
26 custodian enters the home and expresses a willingness and

1     apparent ability to ensure the child's health and safety and  
2     resume permanent charge of the child, or until a relative  
3     enters the home and is willing and able to ensure the child's  
4     health and safety and assume charge of the child until a  
5     parent, guardian or custodian enters the home and expresses  
6     such willingness and ability to ensure the child's safety and  
7     resume permanent charge. After a caretaker has remained in the  
8     home for a period not to exceed 12 hours, the Department must  
9     follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
10    5-415 of the Juvenile Court Act of 1987.

11         The Department shall have the authority, responsibilities  
12     and duties that a legal custodian of the child would have  
13     pursuant to subsection (9) of Section 1-3 of the Juvenile Court  
14     Act of 1987. Whenever a child is taken into temporary custody  
15     pursuant to an investigation under the Abused and Neglected  
16     Child Reporting Act, or pursuant to a referral and acceptance  
17     under the Juvenile Court Act of 1987 of a minor in limited  
18     custody, the Department, during the period of temporary custody  
19     and before the child is brought before a judicial officer as  
20     required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile  
21     Court Act of 1987, shall have the authority, responsibilities  
22     and duties that a legal custodian of the child would have under  
23     subsection (9) of Section 1-3 of the Juvenile Court Act of  
24     1987.

25         The Department shall ensure that any child taken into  
26     custody is scheduled for an appointment for a medical



1 examination.

2 A parent, guardian or custodian of a child in the temporary  
3 custody of the Department who would have custody of the child  
4 if he were not in the temporary custody of the Department may  
5 deliver to the Department a signed request that the Department  
6 surrender the temporary custody of the child. The Department  
7 may retain temporary custody of the child for 10 days after the  
8 receipt of the request, during which period the Department may  
9 cause to be filed a petition pursuant to the Juvenile Court Act  
10 of 1987. If a petition is so filed, the Department shall retain  
11 temporary custody of the child until the court orders  
12 otherwise. If a petition is not filed within the 10 day period,  
13 the child shall be surrendered to the custody of the requesting  
14 parent, guardian or custodian not later than the expiration of  
15 the 10 day period, at which time the authority and duties of  
16 the Department with respect to the temporary custody of the  
17 child shall terminate.

18 (m-1) The Department may place children under 18 years of  
19 age in a secure child care facility licensed by the Department  
20 that cares for children who are in need of secure living  
21 arrangements for their health, safety, and well-being after a  
22 determination is made by the facility director and the Director  
23 or the Director's designate prior to admission to the facility  
24 subject to Section 2-27.1 of the Juvenile Court Act of 1987.  
25 This subsection (m-1) does not apply to a child who is subject  
26 to placement in a correctional facility operated pursuant to

1 Section 3-15-2 of the Unified Code of Corrections, unless the  
2 child is a ward who was placed under the care of the Department  
3 before being subject to placement in a correctional facility  
4 and a court of competent jurisdiction has ordered placement of  
5 the child in a secure care facility.

6 (n) The Department may place children under 18 years of age  
7 in licensed child care facilities when in the opinion of the  
8 Department, appropriate services aimed at family preservation  
9 have been unsuccessful and cannot ensure the child's health and  
10 safety or are unavailable and such placement would be for their  
11 best interest. Payment for board, clothing, care, training and  
12 supervision of any child placed in a licensed child care  
13 facility may be made by the Department, by the parents or  
14 guardians of the estates of those children, or by both the  
15 Department and the parents or guardians, except that no  
16 payments shall be made by the Department for any child placed  
17 in a licensed child care facility for board, clothing, care,  
18 training and supervision of such a child that exceed the  
19 average per capita cost of maintaining and of caring for a  
20 child in institutions for dependent or neglected children  
21 operated by the Department. However, such restriction on  
22 payments does not apply in cases where children require  
23 specialized care and treatment for problems of severe emotional  
24 disturbance, physical disability, social adjustment, or any  
25 combination thereof and suitable facilities for the placement  
26 of such children are not available at payment rates within the

1 limitations set forth in this Section. All reimbursements for  
2 services delivered shall be absolutely inalienable by  
3 assignment, sale, attachment, garnishment or otherwise.

4 (n-1) The Department shall provide or authorize child  
5 welfare services, aimed at assisting minors to achieve  
6 sustainable self-sufficiency as independent adults, for any  
7 minor eligible for the reinstatement of wardship pursuant to  
8 subsection (2) of Section 2-33 of the Juvenile Court Act of  
9 1987, whether or not such reinstatement is sought or allowed,  
10 provided that the minor consents to such services and has not  
11 yet attained the age of 21. The Department shall have  
12 responsibility for the development and delivery of services  
13 under this Section. An eligible youth may access services under  
14 this Section through the Department of Children and Family  
15 Services or by referral from the Department of Human Services.  
16 Youth participating in services under this Section shall  
17 cooperate with the assigned case manager in developing an  
18 agreement identifying the services to be provided and how the  
19 youth will increase skills to achieve self-sufficiency. A  
20 homeless shelter is not considered appropriate housing for any  
21 youth receiving child welfare services under this Section. The  
22 Department shall continue child welfare services under this  
23 Section to any eligible minor until the minor becomes 21 years  
24 of age, no longer consents to participate, or achieves  
25 self-sufficiency as identified in the minor's service plan. The  
26 Department of Children and Family Services shall create clear,

1 readable notice of the rights of former foster youth to child  
2 welfare services under this Section and how such services may  
3 be obtained. The Department of Children and Family Services and  
4 the Department of Human Services shall disseminate this  
5 information statewide. The Department shall adopt regulations  
6 describing services intended to assist minors in achieving  
7 sustainable self-sufficiency as independent adults.

8 (n-2) The Department shall provide, as required by this Act  
9 or any applicable State or federal law, child welfare services  
10 aimed at assisting minors in achieving sustainable  
11 self-sufficiency as adults for any minor for whom the  
12 Department is appointed the custodian or guardian pursuant to  
13 the Juvenile Court Act of 1987. Such services shall include,  
14 but shall not be limited to: transitional living programs;  
15 independent living programs; educational assistance, including  
16 Youth in College; community college tuition waivers, and  
17 scholarships awarded by the Department; case management;  
18 mentoring; Youth in Employment; counseling; support and  
19 services for pregnant and parenting youth; sibling and parent  
20 visitation services and support; vocational training; and, as  
21 appropriate, transitioning youth to appropriate adult  
22 placement services and guardianship and any other service  
23 included in the youth's case plan. This Section shall not be  
24 interpreted as creating a new obligation of the Department to  
25 provide services, but as recognizing an existing and continuing  
26 obligation to provide services to youth in the Department's

1 care, including those between the ages of 18 and 21 and those  
2 over the age of 21 receiving assistance through scholarships  
3 awarded by the Department and Youth in College programs, and  
4 any other applicable programs.

5 (o) The Department shall establish an administrative  
6 review and appeal process for children and families who request  
7 or receive child welfare services from the Department. Children  
8 who are wards of the Department and are placed by private child  
9 welfare agencies, and foster families with whom those children  
10 are placed, shall be afforded the same procedural and appeal  
11 rights as children and families in the case of placement by the  
12 Department, including the right to an initial review of a  
13 private agency decision by that agency. The Department shall  
14 insure that any private child welfare agency, which accepts  
15 wards of the Department for placement, affords those rights to  
16 children and foster families. The Department shall accept for  
17 administrative review and an appeal hearing a complaint made by  
18 (i) a child or foster family concerning a decision following an  
19 initial review by a private child welfare agency or (ii) a  
20 prospective adoptive parent who alleges a violation of  
21 subsection (j-5) of this Section. An appeal of a decision  
22 concerning a change in the placement of a child shall be  
23 conducted in an expedited manner. A court determination that a  
24 current foster home placement is necessary and appropriate  
25 under Section 2-28 of the Juvenile Court Act of 1987 does not  
26 constitute a judicial determination on the merits of an

1 administrative appeal, filed by a former foster parent,  
2 involving a change of placement decision.

3 (p) There is hereby created the Department of Children and  
4 Family Services Emergency Assistance Fund from which the  
5 Department may provide special financial assistance to  
6 families which are in economic crisis when such assistance is  
7 not available through other public or private sources and the  
8 assistance is deemed necessary to prevent dissolution of the  
9 family unit or to reunite families which have been separated  
10 due to child abuse and neglect. The Department shall establish  
11 administrative rules specifying the criteria for determining  
12 eligibility for and the amount and nature of assistance to be  
13 provided. The Department may also enter into written agreements  
14 with private and public social service agencies to provide  
15 emergency financial services to families referred by the  
16 Department. Special financial assistance payments shall be  
17 available to a family no more than once during each fiscal year  
18 and the total payments to a family may not exceed \$500 during a  
19 fiscal year.

20 (q) The Department may receive and use, in their entirety,  
21 for the benefit of children any gift, donation or bequest of  
22 money or other property which is received on behalf of such  
23 children, or any financial benefits to which such children are  
24 or may become entitled while under the jurisdiction or care of  
25 the Department.

26 The Department shall set up and administer no-cost,

1 interest-bearing accounts in appropriate financial  
2 institutions for children for whom the Department is legally  
3 responsible and who have been determined eligible for Veterans'  
4 Benefits, Social Security benefits, assistance allotments from  
5 the armed forces, court ordered payments, parental voluntary  
6 payments, Supplemental Security Income, Railroad Retirement  
7 payments, Black Lung benefits, or other miscellaneous  
8 payments. Interest earned by each account shall be credited to  
9 the account, unless disbursed in accordance with this  
10 subsection.

11 In disbursing funds from children's accounts, the  
12 Department shall:

13 (1) Establish standards in accordance with State and  
14 federal laws for disbursing money from children's  
15 accounts. In all circumstances, the Department's  
16 "Guardianship Administrator" or his or her designee must  
17 approve disbursements from children's accounts. The  
18 Department shall be responsible for keeping complete  
19 records of all disbursements for each account for any  
20 purpose.

21 (2) Calculate on a monthly basis the amounts paid from  
22 State funds for the child's board and care, medical care  
23 not covered under Medicaid, and social services; and  
24 utilize funds from the child's account, as covered by  
25 regulation, to reimburse those costs. Monthly,  
26 disbursements from all children's accounts, up to 1/12 of

1           \$13,000,000, shall be deposited by the Department into the  
2           General Revenue Fund and the balance over 1/12 of  
3           \$13,000,000 into the DCFS Children's Services Fund.

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

9           (r) The Department shall promulgate regulations  
10          encouraging all adoption agencies to voluntarily forward to the  
11          Department or its agent names and addresses of all persons who  
12          have applied for and have been approved for adoption of a  
13          hard-to-place or handicapped child and the names of such  
14          children who have not been placed for adoption. A list of such  
15          names and addresses shall be maintained by the Department or  
16          its agent, and coded lists which maintain the confidentiality  
17          of the person seeking to adopt the child and of the child shall  
18          be made available, without charge, to every adoption agency in  
19          the State to assist the agencies in placing such children for  
20          adoption. The Department may delegate to an agent its duty to  
21          maintain and make available such lists. The Department shall  
22          ensure that such agent maintains the confidentiality of the  
23          person seeking to adopt the child and of the child.

24          (s) The Department of Children and Family Services may  
25          establish and implement a program to reimburse Department and  
26          private child welfare agency foster parents licensed by the



1 Department of Children and Family Services for damages  
2 sustained by the foster parents as a result of the malicious or  
3 negligent acts of foster children, as well as providing third  
4 party coverage for such foster parents with regard to actions  
5 of foster children to other individuals. Such coverage will be  
6 secondary to the foster parent liability insurance policy, if  
7 applicable. The program shall be funded through appropriations  
8 from the General Revenue Fund, specifically designated for such  
9 purposes.

10 (t) The Department shall perform home studies and  
11 investigations and shall exercise supervision over visitation  
12 as ordered by a court pursuant to the Illinois Marriage and  
13 Dissolution of Marriage Act or the Adoption Act only if:

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

16 (2) the court has ordered one or both of the parties to  
17 the proceeding to reimburse the Department for its  
18 reasonable costs for providing such services in accordance  
19 with Department rules, or has determined that neither party  
20 is financially able to pay.

21 The Department shall provide written notification to the  
22 court of the specific arrangements for supervised visitation  
23 and projected monthly costs within 60 days of the court order.  
24 The Department shall send to the court information related to  
25 the costs incurred except in cases where the court has  
26 determined the parties are financially unable to pay. The court

1 may order additional periodic reports as appropriate.

2 (u) In addition to other information that must be provided,  
3 whenever the Department places a child with a prospective  
4 adoptive parent or parents or in a licensed foster home, group  
5 home, child care institution, or in a relative home, the  
6 Department shall provide to the prospective adoptive parent or  
7 parents or other caretaker:

8 (1) available detailed information concerning the  
9 child's educational and health history, copies of  
10 immunization records (including insurance and medical card  
11 information), a history of the child's previous  
12 placements, if any, and reasons for placement changes  
13 excluding any information that identifies or reveals the  
14 location of any previous caretaker;

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

18 (3) information containing details of the child's  
19 individualized educational plan when the child is  
20 receiving special education services.

21 The caretaker shall be informed of any known social or  
22 behavioral information (including, but not limited to,  
23 criminal background, fire setting, perpetuation of sexual  
24 abuse, destructive behavior, and substance abuse) necessary to  
25 care for and safeguard the children to be placed or currently  
26 in the home. The Department may prepare a written summary of

1 the information required by this paragraph, which may be  
2 provided to the foster or prospective adoptive parent in  
3 advance of a placement. The foster or prospective adoptive  
4 parent may review the supporting documents in the child's file  
5 in the presence of casework staff. In the case of an emergency  
6 placement, casework staff shall at least provide known  
7 information verbally, if necessary, and must subsequently  
8 provide the information in writing as required by this  
9 subsection.

10 The information described in this subsection shall be  
11 provided in writing. In the case of emergency placements when  
12 time does not allow prior review, preparation, and collection  
13 of written information, the Department shall provide such  
14 information as it becomes available. Within 10 business days  
15 after placement, the Department shall obtain from the  
16 prospective adoptive parent or parents or other caretaker a  
17 signed verification of receipt of the information provided.  
18 Within 10 business days after placement, the Department shall  
19 provide to the child's guardian ad litem a copy of the  
20 information provided to the prospective adoptive parent or  
21 parents or other caretaker. The information provided to the  
22 prospective adoptive parent or parents or other caretaker shall  
23 be reviewed and approved regarding accuracy at the supervisory  
24 level.

25 (u-5) Effective July 1, 1995, only foster care placements  
26 licensed as foster family homes pursuant to the Child Care Act

1 of 1969 shall be eligible to receive foster care payments from  
2 the Department. Relative caregivers who, as of July 1, 1995,  
3 were approved pursuant to approved relative placement rules  
4 previously promulgated by the Department at 89 Ill. Adm. Code  
5 335 and had submitted an application for licensure as a foster  
6 family home may continue to receive foster care payments only  
7 until the Department determines that they may be licensed as a  
8 foster family home or that their application for licensure is  
9 denied or until September 30, 1995, whichever occurs first.

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

1 information access system and have access to the terminal. The  
2 Department of Children and Family Services and its employees  
3 shall abide by rules and regulations established by the  
4 Department of State Police relating to the access and  
5 dissemination of this information.

6 (v-1) Prior to final approval for placement of a child, the  
7 Department shall conduct a criminal records background check of  
8 the prospective foster or adoptive parent, including  
9 fingerprint-based checks of national crime information  
10 databases. Final approval for placement shall not be granted if  
11 the record check reveals a felony conviction for child abuse or  
12 neglect, for spousal abuse, for a crime against children, or  
13 for a crime involving violence, including rape, sexual assault,  
14 or homicide, but not including other physical assault or  
15 battery, or if there is a felony conviction for physical  
16 assault, battery, or a drug-related offense committed within  
17 the past 5 years.

18 (v-2) Prior to final approval for placement of a child, the  
19 Department shall check its child abuse and neglect registry for  
20 information concerning prospective foster and adoptive  
21 parents, and any adult living in the home. If any prospective  
22 foster or adoptive parent or other adult living in the home has  
23 resided in another state in the preceding 5 years, the  
24 Department shall request a check of that other state's child  
25 abuse and neglect registry.

26 (w) Within 120 days of August 20, 1995 (the effective date

1 of Public Act 89-392), the Department shall prepare and submit  
2 to the Governor and the General Assembly, a written plan for  
3 the development of in-state licensed secure child care  
4 facilities that care for children who are in need of secure  
5 living arrangements for their health, safety, and well-being.  
6 For purposes of this subsection, secure care facility shall  
7 mean a facility that is designed and operated to ensure that  
8 all entrances and exits from the facility, a building or a  
9 distinct part of the building, are under the exclusive control  
10 of the staff of the facility, whether or not the child has the  
11 freedom of movement within the perimeter of the facility,  
12 building, or distinct part of the building. The plan shall  
13 include descriptions of the types of facilities that are needed  
14 in Illinois; the cost of developing these secure care  
15 facilities; the estimated number of placements; the potential  
16 cost savings resulting from the movement of children currently  
17 out-of-state who are projected to be returned to Illinois; the  
18 necessary geographic distribution of these facilities in  
19 Illinois; and a proposed timetable for development of such  
20 facilities.

21 (x) The Department shall conduct annual credit history  
22 checks to determine the financial history of children placed  
23 under its guardianship pursuant to the Juvenile Court Act of  
24 1987. The Department shall conduct such credit checks starting  
25 when a ward turns 12 years old and each year thereafter for the  
26 duration of the guardianship as terminated pursuant to the

1 Juvenile Court Act of 1987. The Department shall determine if  
2 financial exploitation of the child's personal information has  
3 occurred. If financial exploitation appears to have taken place  
4 or is presently ongoing, the Department shall notify the proper  
5 law enforcement agency, the proper State's Attorney, or the  
6 Attorney General.

7 (y) Beginning on the effective date of this amendatory Act  
8 of the 96th General Assembly, a child with a disability who  
9 receives residential and educational services from the  
10 Department shall be eligible to receive transition services in  
11 accordance with Article 14 of the School Code from the age of  
12 14.5 through age 21, inclusive, notwithstanding the child's  
13 residential services arrangement. For purposes of this  
14 subsection, "child with a disability" means a child with a  
15 disability as defined by the federal Individuals with  
16 Disabilities Education Improvement Act of 2004.

17 (z) The Department shall access criminal history record  
18 information as defined as "background information" in this  
19 subsection and criminal history record information as defined  
20 in the Illinois Uniform Conviction Information Act for each  
21 Department employee or Department applicant. Each Department  
22 employee or Department applicant shall submit his or her  
23 fingerprints to the Department of State Police in the form and  
24 manner prescribed by the Department of State Police. These  
25 fingerprints shall be checked against the fingerprint records  
26 now and hereafter filed in the Department of State Police and

1 the Federal Bureau of Investigation criminal history records  
2 databases. The Department of State Police shall charge a fee  
3 for conducting the criminal history record check, which shall  
4 be deposited into the State Police Services Fund and shall not  
5 exceed the actual cost of the record check. The Department of  
6 State Police shall furnish, pursuant to positive  
7 identification, all Illinois conviction information to the  
8 Department of Children and Family Services.

9 For purposes of this subsection:

10 "Background information" means all of the following:

11 (i) Upon the request of the Department of Children and  
12 Family Services, conviction information obtained from the  
13 Department of State Police as a result of a  
14 fingerprint-based criminal history records check of the  
15 Illinois criminal history records database and the Federal  
16 Bureau of Investigation criminal history records database  
17 concerning a Department employee or Department applicant.

18 (ii) Information obtained by the Department of  
19 Children and Family Services after performing a check of  
20 the Department of State Police's Sex Offender Database, as  
21 authorized by Section 120 of the Sex Offender Community  
22 Notification Law, concerning a Department employee or  
23 Department applicant.

24 (iii) Information obtained by the Department of  
25 Children and Family Services after performing a check of  
26 the Child Abuse and Neglect Tracking System (CANTS)



1 operated and maintained by the Department.

2 "Department employee" means a full-time or temporary  
3 employee coded or certified within the State of Illinois  
4 Personnel System.

5 "Department applicant" means an individual who has  
6 conditional Department full-time or part-time work, a  
7 contractor, an individual used to replace or supplement staff,  
8 an academic intern, a volunteer in Department offices or on  
9 Department contracts, a work-study student, an individual or  
10 entity licensed by the Department, or an unlicensed service  
11 provider who works as a condition of a contract or an agreement  
12 and whose work may bring the unlicensed service provider into  
13 contact with Department clients or client records.

14 (Source: P.A. 97-1150, eff. 1-25-13; 98-249, eff. 1-1-14;  
15 98-570, eff. 8-27-13; 98-756, eff. 7-16-14; 98-803, eff.  
16 1-1-15.)

17 Section 10. The Juvenile Court Act of 1987 is amended by  
18 changing Sections 2-23, 2-28, and 2-31 as follows:

19 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

20 Sec. 2-23. Kinds of dispositional orders.

21 (1) The following kinds of orders of disposition may be  
22 made in respect of wards of the court:

23 (a) A minor under 18 years of age found to be neglected  
24 or abused under Section 2-3 or dependent under Section 2-4

1           may be (1) continued in the custody of his or her parents,  
2           guardian or legal custodian; (2) placed in accordance with  
3           Section 2-27; (3) restored to the custody of the parent,  
4           parents, guardian, or legal custodian, provided the court  
5           shall order the parent, parents, guardian, or legal  
6           custodian to cooperate with the Department of Children and  
7           Family Services and comply with the terms of an after-care  
8           plan or risk the loss of custody of the child and the  
9           possible termination of their parental rights; or (4)  
10          ordered partially or completely emancipated in accordance  
11          with the provisions of the Emancipation of Minors Act.

12           However, in any case in which a minor is found by the  
13          court to be neglected or abused under Section 2-3 of this  
14          Act, custody of the minor shall not be restored to any  
15          parent, guardian or legal custodian whose acts or omissions  
16          or both have been identified, pursuant to subsection (1) of  
17          Section 2-21, as forming the basis for the court's finding  
18          of abuse or neglect, until such time as a hearing is held  
19          on the issue of the best interests of the minor and the  
20          fitness of such parent, guardian or legal custodian to care  
21          for the minor without endangering the minor's health or  
22          safety, and the court enters an order that such parent,  
23          guardian or legal custodian is fit to care for the minor.

24           (b) A minor under 18 years of age found to be dependent  
25          under Section 2-4 may be (1) placed in accordance with  
26          Section 2-27 or (2) ordered partially or completely

1 emancipated in accordance with the provisions of the  
2 Emancipation of Minors Act.

3 However, in any case in which a minor is found by the  
4 court to be dependent under Section 2-4 of this Act,  
5 custody of the minor shall not be restored to any parent,  
6 guardian or legal custodian whose acts or omissions or both  
7 have been identified, pursuant to subsection (1) of Section  
8 2-21, as forming the basis for the court's finding of  
9 dependency, until such time as a hearing is held on the  
10 issue of the fitness of such parent, guardian or legal  
11 custodian to care for the minor without endangering the  
12 minor's health or safety, and the court enters an order  
13 that such parent, guardian or legal custodian is fit to  
14 care for the minor.

15 (b-1) A minor between the ages of 18 and 21 may be  
16 placed pursuant to Section 2-27 of this Act if (1) the  
17 court has granted a supplemental petition to reinstate  
18 wardship of the minor pursuant to subsection (2) of Section  
19 2-33, or (2) the court has adjudicated the minor a ward of  
20 the court, permitted the minor to return home under an  
21 order of protection, and subsequently made a finding that  
22 it is in the minor's best interest to vacate the order of  
23 protection and commit the minor to the Department of  
24 Children and Family Services for care and service.

25 (c) When the court awards guardianship to the  
26 Department of Children and Family Services, the court shall

1           order the parents to cooperate with the Department of  
2           Children and Family Services, comply with the terms of the  
3           service plans, and correct the conditions that require the  
4           child to be in care, or risk termination of their parental  
5           rights.

6           (2) Any order of disposition may provide for protective  
7           supervision under Section 2-24 and may include an order of  
8           protection under Section 2-25.

9           Unless the order of disposition expressly so provides, it  
10          does not operate to close proceedings on the pending petition,  
11          but is subject to modification, not inconsistent with Section  
12          2-28, until final closing and discharge of the proceedings  
13          under Section 2-31.

14          (3) The court also shall enter any other orders necessary  
15          to fulfill the service plan, including, but not limited to, (i)  
16          orders requiring parties to cooperate with services, (ii)  
17          restraining orders controlling the conduct of any party likely  
18          to frustrate the achievement of the goal, and (iii) visiting  
19          orders. When the child is placed separately from a sibling, the  
20          court shall review the Sibling Contact Support Plan developed  
21          under subsection (f) of Section 7.4 of the Children and Family  
22          Services Act, if applicable. If the Department has not convened  
23          a meeting to develop a Sibling Contact Support Plan, or if the  
24          court finds that the existing Plan is not in the child's best  
25          interest, the court may enter an order requiring the Department  
26          to develop and implement a Sibling Contact Support Plan under

1 subsection (f) of Section 7.4 of the Children and Family  
2 Services Act or order mediation. ~~Unless otherwise specifically~~  
3 ~~authorized by law, the court is not empowered under this~~  
4 ~~subsection (3) to order specific placements, specific~~  
5 ~~services, or specific service providers to be included in the~~  
6 ~~plan.~~ If, after receiving evidence, the court determines that  
7 the services contained in the plan are not reasonably  
8 calculated to facilitate achievement of the permanency goal,  
9 the court shall put in writing the factual basis supporting the  
10 determination and enter specific findings based on the  
11 evidence. The court also shall enter an order for the  
12 Department to develop and implement a new service plan or to  
13 implement changes to the current service plan consistent with  
14 the court's findings. The new service plan shall be filed with  
15 the court and served on all parties within 45 days after the  
16 date of the order. The court shall continue the matter until  
17 the new service plan is filed. ~~Unless otherwise specifically~~  
18 ~~authorized by law, the court is not empowered under this~~  
19 ~~subsection (3) or under subsection (2) to order specific~~  
20 ~~placements, specific services, or specific service providers~~  
21 ~~to be included in the plan.~~

22 (4) In addition to any other order of disposition, the  
23 court may order any minor adjudicated neglected with respect to  
24 his or her own injurious behavior to make restitution, in  
25 monetary or non-monetary form, under the terms and conditions  
26 of Section 5-5-6 of the Unified Code of Corrections, except

1 that the "presentence hearing" referred to therein shall be the  
2 dispositional hearing for purposes of this Section. The parent,  
3 guardian or legal custodian of the minor may pay some or all of  
4 such restitution on the minor's behalf.

5 (5) Any order for disposition where the minor is committed  
6 or placed in accordance with Section 2-27 shall provide for the  
7 parents or guardian of the estate of such minor to pay to the  
8 legal custodian or guardian of the person of the minor such  
9 sums as are determined by the custodian or guardian of the  
10 person of the minor as necessary for the minor's needs. Such  
11 payments may not exceed the maximum amounts provided for by  
12 Section 9.1 of the Children and Family Services Act.

13 (6) Whenever the order of disposition requires the minor to  
14 attend school or participate in a program of training, the  
15 truant officer or designated school official shall regularly  
16 report to the court if the minor is a chronic or habitual  
17 truant under Section 26-2a of the School Code.

18 (7) The court may terminate the parental rights of a parent  
19 at the initial dispositional hearing if all of the conditions  
20 in subsection (5) of Section 2-21 are met.

21 (Source: P.A. 96-581, eff. 1-1-10; 96-600, eff. 8-21-09;  
22 96-1000, eff. 7-2-10; 97-1076, eff. 8-24-12.)

23 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)  
24 Sec. 2-28. Court review.

25 (1) The court may require any legal custodian or guardian

1 of the person appointed under this Act to report periodically  
2 to the court or may cite him into court and require him or his  
3 agency, to make a full and accurate report of his or its doings  
4 in behalf of the minor. The custodian or guardian, within 10  
5 days after such citation, shall make the report, either in  
6 writing verified by affidavit or orally under oath in open  
7 court, or otherwise as the court directs. Upon the hearing of  
8 the report the court may remove the custodian or guardian and  
9 appoint another in his stead or restore the minor to the  
10 custody of his parents or former guardian or custodian.  
11 However, custody of the minor shall not be restored to any  
12 parent, guardian or legal custodian in any case in which the  
13 minor is found to be neglected or abused under Section 2-3 or  
14 dependent under Section 2-4 of this Act, unless the minor can  
15 be cared for at home without endangering the minor's health or  
16 safety and it is in the best interests of the minor, and if  
17 such neglect, abuse, or dependency is found by the court under  
18 paragraph (1) of Section 2-21 of this Act to have come about  
19 due to the acts or omissions or both of such parent, guardian  
20 or legal custodian, until such time as an investigation is made  
21 as provided in paragraph (5) and a hearing is held on the issue  
22 of the fitness of such parent, guardian or legal custodian to  
23 care for the minor and the court enters an order that such  
24 parent, guardian or legal custodian is fit to care for the  
25 minor.

26 (2) The first permanency hearing shall be conducted by the

1 judge. Subsequent permanency hearings may be heard by a judge  
2 or by hearing officers appointed or approved by the court in  
3 the manner set forth in Section 2-28.1 of this Act. The initial  
4 hearing shall be held (a) within 12 months from the date  
5 temporary custody was taken, regardless of whether an  
6 adjudication or dispositional hearing has been completed  
7 within that time frame, (b) if the parental rights of both  
8 parents have been terminated in accordance with the procedure  
9 described in subsection (5) of Section 2-21, within 30 days of  
10 the order for termination of parental rights and appointment of  
11 a guardian with power to consent to adoption, or (c) in  
12 accordance with subsection (2) of Section 2-13.1. Subsequent  
13 permanency hearings shall be held every 6 months or more  
14 frequently if necessary in the court's determination following  
15 the initial permanency hearing, in accordance with the  
16 standards set forth in this Section, until the court determines  
17 that the plan and goal have been achieved. Once the plan and  
18 goal have been achieved, if the minor remains in substitute  
19 care, the case shall be reviewed at least every 6 months  
20 thereafter, subject to the provisions of this Section, unless  
21 the minor is placed in the guardianship of a suitable relative  
22 or other person and the court determines that further  
23 monitoring by the court does not further the health, safety or  
24 best interest of the child and that this is a stable permanent  
25 placement. The permanency hearings must occur within the time  
26 frames set forth in this subsection and may not be delayed in



1 anticipation of a report from any source or due to the agency's  
2 failure to timely file its written report (this written report  
3 means the one required under the next paragraph and does not  
4 mean the service plan also referred to in that paragraph).

5 The public agency that is the custodian or guardian of the  
6 minor, or another agency responsible for the minor's care,  
7 shall ensure that all parties to the permanency hearings are  
8 provided a copy of the most recent service plan prepared within  
9 the prior 6 months at least 14 days in advance of the hearing.  
10 If not contained in the plan, the agency shall also include a  
11 report setting forth (i) any special physical, psychological,  
12 educational, medical, emotional, or other needs of the minor or  
13 his or her family that are relevant to a permanency or  
14 placement determination and (ii) for any minor age 16 or over,  
15 a written description of the programs and services that will  
16 enable the minor to prepare for independent living. The  
17 agency's written report must detail what progress or lack of  
18 progress the parent has made in correcting the conditions  
19 requiring the child to be in care; whether the child can be  
20 returned home without jeopardizing the child's health, safety,  
21 and welfare, and if not, what permanency goal is recommended to  
22 be in the best interests of the child, and why the other  
23 permanency goals are not appropriate. The caseworker must  
24 appear and testify at the permanency hearing. If a permanency  
25 hearing has not previously been scheduled by the court, the  
26 moving party shall move for the setting of a permanency hearing

1 and the entry of an order within the time frames set forth in  
2 this subsection.

3 At the permanency hearing, the court shall determine the  
4 future status of the child. The court shall set one of the  
5 following permanency goals:

6 (A) The minor will be returned home by a specific date  
7 within 5 months.

8 (B) The minor will be in short-term care with a  
9 continued goal to return home within a period not to exceed  
10 one year, where the progress of the parent or parents is  
11 substantial giving particular consideration to the age and  
12 individual needs of the minor.

13 (B-1) The minor will be in short-term care with a  
14 continued goal to return home pending a status hearing.  
15 When the court finds that a parent has not made reasonable  
16 efforts or reasonable progress to date, the court shall  
17 identify what actions the parent and the Department must  
18 take in order to justify a finding of reasonable efforts or  
19 reasonable progress and shall set a status hearing to be  
20 held not earlier than 9 months from the date of  
21 adjudication nor later than 11 months from the date of  
22 adjudication during which the parent's progress will again  
23 be reviewed.

24 (C) The minor will be in substitute care pending court  
25 determination on termination of parental rights.

26 (D) Adoption, provided that parental rights have been

1 terminated or relinquished.

2 (E) The guardianship of the minor will be transferred  
3 to an individual or couple on a permanent basis provided  
4 that goals (A) through (D) have been ruled out.

5 (F) The minor over age 15 will be in substitute care  
6 pending independence.

7 (G) The minor will be in substitute care because he or  
8 she cannot be provided for in a home environment due to  
9 developmental disabilities or mental illness or because he  
10 or she is a danger to self or others, provided that goals  
11 (A) through (D) have been ruled out.

12 In selecting any permanency goal, the court shall indicate  
13 in writing the reasons the goal was selected and why the  
14 preceding goals were ruled out. Where the court has selected a  
15 permanency goal other than (A), (B), or (B-1), the Department  
16 of Children and Family Services shall not provide further  
17 reunification services, but shall provide services consistent  
18 with the goal selected.

19 (H) Notwithstanding any other provision in this  
20 Section, the court may select the goal of continuing foster  
21 care as a permanency goal if:

22 (1) The Department of Children and Family Services  
23 has custody and guardianship of the minor;

24 (2) The court has ruled out all other permanency  
25 goals based on the child's best interest;

26 (3) The court has found compelling reasons, based

1 on written documentation reviewed by the court, to  
2 place the minor in continuing foster care. Compelling  
3 reasons include:

4 (a) the child does not wish to be adopted or to  
5 be placed in the guardianship of his or her  
6 relative or foster care placement;

7 (b) the child exhibits an extreme level of need  
8 such that the removal of the child from his or her  
9 placement would be detrimental to the child; or

10 (c) the child who is the subject of the  
11 permanency hearing has existing close and strong  
12 bonds with a sibling, and achievement of another  
13 permanency goal would substantially interfere with  
14 the subject child's sibling relationship, taking  
15 into consideration the nature and extent of the  
16 relationship, and whether ongoing contact is in  
17 the subject child's best interest, including  
18 long-term emotional interest, as compared with the  
19 legal and emotional benefit of permanence;

20 (4) The child has lived with the relative or foster  
21 parent for at least one year; and

22 (5) The relative or foster parent currently caring  
23 for the child is willing and capable of providing the  
24 child with a stable and permanent environment.

25 The court shall set a permanency goal that is in the best  
26 interest of the child. In determining that goal, the court

1 shall consult with the minor in an age-appropriate manner  
2 regarding the proposed permanency or transition plan for the  
3 minor. The court's determination shall include the following  
4 factors:

5 (1) Age of the child.

6 (2) Options available for permanence, including both  
7 out-of-State and in-State placement options.

8 (3) Current placement of the child and the intent of  
9 the family regarding adoption.

10 (4) Emotional, physical, and mental status or  
11 condition of the child.

12 (5) Types of services previously offered and whether or  
13 not the services were successful and, if not successful,  
14 the reasons the services failed.

15 (6) Availability of services currently needed and  
16 whether the services exist.

17 (7) Status of siblings of the minor.

18 The court shall consider (i) the permanency goal contained  
19 in the service plan, (ii) the appropriateness of the services  
20 contained in the plan and whether those services have been  
21 provided, (iii) whether reasonable efforts have been made by  
22 all the parties to the service plan to achieve the goal, and  
23 (iv) whether the plan and goal have been achieved. All evidence  
24 relevant to determining these questions, including oral and  
25 written reports, may be admitted and may be relied on to the  
26 extent of their probative value.

1           The court shall make findings as to whether, in violation  
2 of Section 8.2 of the Abused and Neglected Child Reporting Act,  
3 any portion of the service plan compels a child or parent to  
4 engage in any activity or refrain from any activity that is not  
5 reasonably related to remedying a condition or conditions that  
6 gave rise or which could give rise to any finding of child  
7 abuse or neglect. The services contained in the service plan  
8 shall include services reasonably related to remedy the  
9 conditions that gave rise to removal of the child from the home  
10 of his or her parents, guardian, or legal custodian or that the  
11 court has found must be remedied prior to returning the child  
12 home. Any tasks the court requires of the parents, guardian, or  
13 legal custodian or child prior to returning the child home,  
14 must be reasonably related to remedying a condition or  
15 conditions that gave rise to or which could give rise to any  
16 finding of child abuse or neglect.

17           If the permanency goal is to return home, the court shall  
18 make findings that identify any problems that are causing  
19 continued placement of the children away from the home and  
20 identify what outcomes would be considered a resolution to  
21 these problems. The court shall explain to the parents that  
22 these findings are based on the information that the court has  
23 at that time and may be revised, should additional evidence be  
24 presented to the court.

25           The court shall review the Sibling Contact Support Plan  
26 developed or modified under subsection (f) of Section 7.4 of

1 the Children and Family Services Act, if applicable. If the  
2 Department has not convened a meeting to develop or modify a  
3 Sibling Contact Support Plan, or if the court finds that the  
4 existing Plan is not in the child's best interest, the court  
5 may enter an order requiring the Department to develop, modify  
6 or implement a Sibling Contact Support Plan, or order  
7 mediation.

8 If the goal has been achieved, the court shall enter orders  
9 that are necessary to conform the minor's legal custody and  
10 status to those findings.

11 If, after receiving evidence, the court determines that the  
12 services contained in the plan are not reasonably calculated to  
13 facilitate achievement of the permanency goal, the court shall  
14 put in writing the factual basis supporting the determination  
15 and enter specific findings based on the evidence. The court  
16 also shall enter an order for the Department to develop and  
17 implement a new service plan or to implement changes to the  
18 current service plan consistent with the court's findings. The  
19 new service plan shall be filed with the court and served on  
20 all parties within 45 days of the date of the order. The court  
21 shall continue the matter until the new service plan is filed.  
22 ~~Unless otherwise specifically authorized by law, the court is~~  
23 ~~not empowered under this subsection (2) or under subsection (3)~~  
24 ~~to order specific placements, specific services, or specific~~  
25 ~~service providers to be included in the plan.~~

26 A guardian or custodian appointed by the court pursuant to

1 this Act shall file updated case plans with the court every 6  
2 months.

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) Following the permanency hearing, the court shall enter  
7 a written order that includes the determinations required under  
8 subsection (2) of this Section and sets forth the following:

9 (a) The future status of the minor, including the  
10 permanency goal, and any order necessary to conform the  
11 minor's legal custody and status to such determination; or

12 (b) If the permanency goal of the minor cannot be  
13 achieved immediately, the specific reasons for continuing  
14 the minor in the care of the Department of Children and  
15 Family Services or other agency for short term placement,  
16 and the following determinations:

17 (i) (Blank).

18 (ii) Whether the services required by the court and  
19 by any service plan prepared within the prior 6 months  
20 have been provided and (A) if so, whether the services  
21 were reasonably calculated to facilitate the  
22 achievement of the permanency goal or (B) if not  
23 provided, why the services were not provided.

24 (iii) Whether the minor's placement is necessary,  
25 and appropriate to the plan and goal, recognizing the  
26 right of minors to the least restrictive (most



1 family-like) setting available and in close proximity  
2 to the parents' home consistent with the health,  
3 safety, best interest and special needs of the minor  
4 and, if the minor is placed out-of-State, whether the  
5 out-of-State placement continues to be appropriate and  
6 consistent with the health, safety, and best interest  
7 of the minor.

8 (iv) (Blank).

9 (v) (Blank).

10 (4) The minor or any person interested in the minor may  
11 apply to the court for a change in custody of the minor and the  
12 appointment of a new custodian or guardian of the person or for  
13 the restoration of the minor to the custody of his parents or  
14 former guardian or custodian.

15 When return home is not selected as the permanency goal:

16 (a) The Department, the minor, or the current foster  
17 parent or relative caregiver seeking private guardianship  
18 may file a motion for private guardianship of the minor.  
19 Appointment of a guardian under this Section requires  
20 approval of the court.

21 (b) The State's Attorney may file a motion to terminate  
22 parental rights of any parent who has failed to make  
23 reasonable efforts to correct the conditions which led to  
24 the removal of the child or reasonable progress toward the  
25 return of the child, as defined in subdivision (D)(m) of  
26 Section 1 of the Adoption Act or for whom any other

1           unfitness ground for terminating parental rights as  
2           defined in subdivision (D) of Section 1 of the Adoption Act  
3           exists.

4           When parental rights have been terminated for a minimum  
5           of 3 years and the child who is the subject of the  
6           permanency hearing is 13 years old or older and is not  
7           currently placed in a placement likely to achieve  
8           permanency, the Department of Children and Family Services  
9           shall make reasonable efforts to locate parents whose  
10          rights have been terminated, except when the Court  
11          determines that those efforts would be futile or  
12          inconsistent with the subject child's best interests. The  
13          Department of Children and Family Services shall assess the  
14          appropriateness of the parent whose rights have been  
15          terminated, and shall, as appropriate, foster and support  
16          connections between the parent whose rights have been  
17          terminated and the youth. The Department of Children and  
18          Family Services shall document its determinations and  
19          efforts to foster connections in the child's case plan.

20          Custody of the minor shall not be restored to any parent,  
21          guardian or legal custodian in any case in which the minor is  
22          found to be neglected or abused under Section 2-3 or dependent  
23          under Section 2-4 of this Act, unless the minor can be cared  
24          for at home without endangering his or her health or safety and  
25          it is in the best interest of the minor, and if such neglect,  
26          abuse, or dependency is found by the court under paragraph (1)

1 of Section 2-21 of this Act to have come about due to the acts  
2 or omissions or both of such parent, guardian or legal  
3 custodian, until such time as an investigation is made as  
4 provided in paragraph (5) and a hearing is held on the issue of  
5 the health, safety and best interest of the minor and the  
6 fitness of such parent, guardian or legal custodian to care for  
7 the minor and the court enters an order that such parent,  
8 guardian or legal custodian is fit to care for the minor. In  
9 the event that the minor has attained 18 years of age and the  
10 guardian or custodian petitions the court for an order  
11 terminating his guardianship or custody, guardianship or  
12 custody shall terminate automatically 30 days after the receipt  
13 of the petition unless the court orders otherwise. No legal  
14 custodian or guardian of the person may be removed without his  
15 consent until given notice and an opportunity to be heard by  
16 the court.

17 When the court orders a child restored to the custody of  
18 the parent or parents, the court shall order the parent or  
19 parents to cooperate with the Department of Children and Family  
20 Services and comply with the terms of an after-care plan, or  
21 risk the loss of custody of the child and possible termination  
22 of their parental rights. The court may also enter an order of  
23 protective supervision in accordance with Section 2-24.

24 (5) Whenever a parent, guardian, or legal custodian files a  
25 motion for restoration of custody of the minor, and the minor  
26 was adjudicated neglected, abused, or dependent as a result of

1 physical abuse, the court shall cause to be made an  
2 investigation as to whether the movant has ever been charged  
3 with or convicted of any criminal offense which would indicate  
4 the likelihood of any further physical abuse to the minor.  
5 Evidence of such criminal convictions shall be taken into  
6 account in determining whether the minor can be cared for at  
7 home without endangering his or her health or safety and  
8 fitness of the parent, guardian, or legal custodian.

9 (a) Any agency of this State or any subdivision thereof  
10 shall co-operate with the agent of the court in providing  
11 any information sought in the investigation.

12 (b) The information derived from the investigation and  
13 any conclusions or recommendations derived from the  
14 information shall be provided to the parent, guardian, or  
15 legal custodian seeking restoration of custody prior to the  
16 hearing on fitness and the movant shall have an opportunity  
17 at the hearing to refute the information or contest its  
18 significance.

19 (c) All information obtained from any investigation  
20 shall be confidential as provided in Section 5-150 of this  
21 Act.

22 (Source: P.A. 97-425, eff. 8-16-11; 97-1076, eff. 8-24-12;  
23 98-756, eff. 7-16-14.)

24 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

25 Sec. 2-31. Duration of wardship and discharge of

1 proceedings.

2 (1) All proceedings under this Act ~~in respect of any minor~~  
3 ~~for whom a petition was filed after the effective date of this~~  
4 ~~amendatory Act of 1991~~ automatically terminate upon the minor  
5 attaining the age of 21. The clerk of the court shall at that  
6 time record all proceedings under this Act as finally closed  
7 and discharged for that reason ~~his attaining the age of 19~~  
8 ~~years, except that a court may continue the wardship of a minor~~  
9 ~~until age 21 for good cause when there is satisfactory evidence~~  
10 ~~presented to the court and the court makes written factual~~  
11 ~~findings that the health, safety, and best interest of the~~  
12 ~~minor and the public require the continuation of the wardship.~~

13 (2) Whenever the court determines, and makes written  
14 factual findings, that health, safety, and the best interests  
15 of the minor and the public no longer require the wardship of  
16 the court, the court shall order the wardship terminated and  
17 all proceedings under this Act respecting that minor finally  
18 closed and discharged. The court may at the same time continue  
19 or terminate any custodianship or guardianship theretofore  
20 ordered but the termination must be made in compliance with  
21 Section 2-28. When terminating wardship under this Section, if  
22 the minor is over 18 and is exiting wardship to live  
23 independently, or if wardship is terminated in conjunction with  
24 an order partially or completely emancipating the minor in  
25 accordance with the Emancipation of Minors Act, the court shall  
26 also make specific findings of fact as to the minor's wishes

1 regarding case closure and the manner in which the minor will  
2 maintain independence. The minor's lack of cooperation with  
3 services provided by the Department of Children and Family  
4 Services shall not by itself be considered sufficient evidence  
5 that the minor is prepared to live independently and that it is  
6 in the best interest of the minor to terminate wardship. In  
7 ruling on a motion by any party requesting that the case of a  
8 minor over the age of 18 be closed to independence, the court,  
9 upon the request of any party, shall conduct a permanency  
10 hearing instanter pursuant to Section 2-28. After conducting  
11 the permanency hearing, the court is authorized to enter any  
12 orders necessary to assist the minor in preparing to live  
13 independently, including orders requiring the Department of  
14 Children and Family Services to provide services and placement.

15 (3) (Blank) ~~The wardship of the minor and any custodianship~~  
16 ~~or guardianship respecting the minor for whom a petition was~~  
17 ~~filed after the effective date of this amendatory Act of 1991~~  
18 ~~automatically terminates when he attains the age of 19 years~~  
19 ~~except as set forth in subsection (1) of this Section. The~~  
20 ~~clerk of the court shall at that time record all proceedings~~  
21 ~~under this Act as finally closed and discharged for that~~  
22 ~~reason.~~

23 (Source: P.A. 96-581, eff. 1-1-10.)