



Rep. Robyn Gabel

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1 AMENDMENT TO HOUSE BILL 3507

2 AMENDMENT NO. _____. Amend House Bill 3507 by replacing
3 everything after the enacting clause with the following:

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

1 1987, as amended, prior to the age of 18 and who
2 continue under the jurisdiction of the court; or

3 (B) were accepted for care, service and training by
4 the Department prior to the age of 18 and whose best
5 interest in the discretion of the Department would be
6 served by continuing that care, service and training
7 because of severe emotional disturbances, physical
8 disability, social adjustment or any combination
9 thereof, or because of the need to complete an
10 educational or vocational training program.

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

15 (3) "Child welfare services" means public social
16 services which are directed toward the accomplishment of
17 the following purposes:

18 (A) protecting and promoting the health, safety
19 and welfare of children, including homeless, dependent
20 or neglected children;

21 (B) remedying, or assisting in the solution of
22 problems which may result in, the neglect, abuse,
23 exploitation or delinquency of children;

24 (C) preventing the unnecessary separation of
25 children from their families by identifying family
26 problems, assisting families in resolving their

1 problems, and preventing the breakup of the family
2 where the prevention of child removal is desirable and
3 possible when the child can be cared for at home
4 without endangering the child's health and safety;

5 (D) restoring to their families children who have
6 been removed, by the provision of services to the child
7 and the families when the child can be cared for at
8 home without endangering the child's health and
9 safety;

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

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

23 (G) (blank);

24 (H) (blank); and

25 (I) placing and maintaining children in facilities
26 that provide separate living quarters for children

1 under the age of 18 and for children 18 years of age
2 and older, unless a child 18 years of age is in the
3 last year of high school education or vocational
4 training, in an approved individual or group treatment
5 program, in a licensed shelter facility, or secure
6 child care facility. The Department is not required to
7 place or maintain children:

8 (i) who are in a foster home, or

9 (ii) who are persons with a developmental
10 disability, as defined in the Mental Health and
11 Developmental Disabilities Code, or

12 (iii) who are female children who are
13 pregnant, pregnant and parenting or parenting, or

14 (iv) who are siblings, in facilities that
15 provide separate living quarters for children 18
16 years of age and older and for children under 18
17 years of age.

18 (b) Nothing in this Section shall be construed to authorize
19 the expenditure of public funds for the purpose of performing
20 abortions.

21 (c) The Department shall establish and maintain
22 tax-supported child welfare services and extend and seek to
23 improve voluntary services throughout the State, to the end
24 that services and care shall be available on an equal basis
25 throughout the State to children requiring such services.

26 (d) The Director may authorize advance disbursements for

1 any new program initiative to any agency contracting with the
2 Department. As a prerequisite for an advance disbursement, the
3 contractor must post a surety bond in the amount of the advance
4 disbursement and have a purchase of service contract approved
5 by the Department. The Department may pay up to 2 months
6 operational expenses in advance. The amount of the advance
7 disbursement shall be prorated over the life of the contract or
8 the remaining months of the fiscal year, whichever is less, and
9 the installment amount shall then be deducted from future
10 bills. Advance disbursement authorizations for new initiatives
11 shall not be made to any agency after that agency has operated
12 during 2 consecutive fiscal years. The requirements of this
13 Section concerning advance disbursements shall not apply with
14 respect to the following: payments to local public agencies for
15 child day care services as authorized by Section 5a of this
16 Act; and youth service programs receiving grant funds under
17 Section 17a-4.

18 (e) (Blank).

19 (f) (Blank).

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

24 (1) adoption;

25 (2) foster care;

26 (3) family counseling;

- 1 (4) protective services;
- 2 (5) (blank);
- 3 (6) homemaker service;
- 4 (7) return of runaway children;
- 5 (8) (blank);
- 6 (9) placement under Section 5-7 of the Juvenile Court
- 7 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile
- 8 Court Act of 1987 in accordance with the federal Adoption
- 9 Assistance and Child Welfare Act of 1980; and
- 10 (10) interstate services.

11 Rules and regulations established by the Department shall
12 include provisions for training Department staff and the staff
13 of Department grantees, through contracts with other agencies
14 or resources, in alcohol and drug abuse screening techniques
15 approved by the Department of Human Services, as a successor to
16 the Department of Alcoholism and Substance Abuse, for the
17 purpose of identifying children and adults who should be
18 referred to an alcohol and drug abuse treatment program for
19 professional evaluation.

20 (h) If the Department finds that there is no appropriate
21 program or facility within or available to the Department for a
22 ward and that no licensed private facility has an adequate and
23 appropriate program or none agrees to accept the ward, the
24 Department shall create an appropriate individualized,
25 program-oriented plan for such ward. The plan may be developed
26 within the Department or through purchase of services by the

1 Department to the extent that it is within its statutory
2 authority to do.

3 (i) Service programs shall be available throughout the
4 State and shall include but not be limited to the following
5 services:

6 (1) case management;

7 (2) homemakers;

8 (3) counseling;

9 (4) parent education;

10 (5) day care; and

11 (6) emergency assistance and advocacy.

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

14 (1) comprehensive family-based services;

15 (2) assessments;

16 (3) respite care; and

17 (4) in-home health services.

18 The Department shall provide transportation for any of the
19 services it makes available to children or families or for
20 which it refers children or families.

21 (j) The Department may provide categories of financial
22 assistance and education assistance grants, and shall
23 establish rules and regulations concerning the assistance and
24 grants, to persons who adopt physically or mentally
25 handicapped, older and other hard-to-place children who (i)
26 immediately prior to their adoption were legal wards of the

1 Department or (ii) were determined eligible for financial
2 assistance with respect to a prior adoption and who become
3 available for adoption because the prior adoption has been
4 dissolved and the parental rights of the adoptive parents have
5 been terminated or because the child's adoptive parents have
6 died. The Department may continue to provide financial
7 assistance and education assistance grants for a child who was
8 determined eligible for financial assistance under this
9 subsection (j) in the interim period beginning when the child's
10 adoptive parents died and ending with the finalization of the
11 new adoption of the child by another adoptive parent or
12 parents. The Department may also provide categories of
13 financial assistance and education assistance grants, and
14 shall establish rules and regulations for the assistance and
15 grants, to persons appointed guardian of the person under
16 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
17 4-25 or 5-740 of the Juvenile Court Act of 1987 for children
18 who were wards of the Department for 12 months immediately
19 prior to the appointment of the guardian.

20 The amount of assistance may vary, depending upon the needs
21 of the child and the adoptive parents, as set forth in the
22 annual assistance agreement. Special purpose grants are
23 allowed where the child requires special service but such costs
24 may not exceed the amounts which similar services would cost
25 the Department if it were to provide or secure them as guardian
26 of the child.

1 Any financial assistance provided under this subsection is
2 inalienable by assignment, sale, execution, attachment,
3 garnishment, or any other remedy for recovery or collection of
4 a judgment or debt.

5 (j-5) The Department shall not deny or delay the placement
6 of a child for adoption if an approved family is available
7 either outside of the Department region handling the case, or
8 outside of the State of Illinois.

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

13 (l) The Department shall offer family preservation
14 services, as defined in Section 8.2 of the Abused and Neglected
15 Child Reporting Act, to help families, including adoptive and
16 extended families. Family preservation services shall be
17 offered (i) to prevent the placement of children in substitute
18 care when the children can be cared for at home or in the
19 custody of the person responsible for the children's welfare,
20 (ii) to reunite children with their families, or (iii) to
21 maintain an adoptive placement. Family preservation services
22 shall only be offered when doing so will not endanger the
23 children's health or safety. With respect to children who are
24 in substitute care pursuant to the Juvenile Court Act of 1987,
25 family preservation services shall not be offered if a goal
26 other than those of subdivisions (A), (B), or (B-1) of

1 subsection (2) of Section 2-28 of that Act has been set.
2 Nothing in this paragraph shall be construed to create a
3 private right of action or claim on the part of any individual
4 or child welfare agency, except that when a child is the
5 subject of an action under Article II of the Juvenile Court Act
6 of 1987 and the child's service plan calls for services to
7 facilitate achievement of the permanency goal, the court
8 hearing the action under Article II of the Juvenile Court Act
9 of 1987 may order the Department to provide the services set
10 out in the plan, if those services are not provided with
11 reasonable promptness and if those services are available.

12 The Department shall notify the child and his family of the
13 Department's responsibility to offer and provide family
14 preservation services as identified in the service plan. The
15 child and his family shall be eligible for services as soon as
16 the report is determined to be "indicated". The Department may
17 offer services to any child or family with respect to whom a
18 report of suspected child abuse or neglect has been filed,
19 prior to concluding its investigation under Section 7.12 of the
20 Abused and Neglected Child Reporting Act. However, the child's
21 or family's willingness to accept services shall not be
22 considered in the investigation. The Department may also
23 provide services to any child or family who is the subject of
24 any report of suspected child abuse or neglect or may refer
25 such child or family to services available from other agencies
26 in the community, even if the report is determined to be

1 unfounded, if the conditions in the child's or family's home
2 are reasonably likely to subject the child or family to future
3 reports of suspected child abuse or neglect. Acceptance of such
4 services shall be voluntary. The Department may also provide
5 services to any child or family after completion of a family
6 assessment, as an alternative to an investigation, as provided
7 under the "differential response program" provided for in
8 subsection (a-5) of Section 7.4 of the Abused and Neglected
9 Child Reporting Act.

10 The Department may, at its discretion except for those
11 children also adjudicated neglected or dependent, accept for
12 care and training any child who has been adjudicated addicted,
13 as a truant minor in need of supervision or as a minor
14 requiring authoritative intervention, under the Juvenile Court
15 Act or the Juvenile Court Act of 1987, but no such child shall
16 be committed to the Department by any court without the
17 approval of the Department. On and after the effective date of
18 this amendatory Act of the 98th General Assembly and before
19 January 1, 2017, a minor charged with a criminal offense under
20 the Criminal Code of 1961 or the Criminal Code of 2012 or
21 adjudicated delinquent shall not be placed in the custody of or
22 committed to the Department by any court, except (i) a minor
23 less than 16 years of age committed to the Department under
24 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
25 for whom an independent basis of abuse, neglect, or dependency
26 exists, which must be defined by departmental rule, or (iii) a

1 minor for whom the court has granted a supplemental petition to
2 reinstate wardship pursuant to subsection (2) of Section 2-33
3 of the Juvenile Court Act of 1987. On and after January 1,
4 2017, a minor charged with a criminal offense under the
5 Criminal Code of 1961 or the Criminal Code of 2012 or
6 adjudicated delinquent shall not be placed in the custody of or
7 committed to the Department by any court, except (i) a minor
8 less than 15 years of age committed to the Department under
9 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor
10 for whom an independent basis of abuse, neglect, or dependency
11 exists, which must be defined by departmental rule, or (iii) a
12 minor for whom the court has granted a supplemental petition to
13 reinstate wardship pursuant to subsection (2) of Section 2-33
14 of the Juvenile Court Act of 1987. An independent basis exists
15 when the allegations or adjudication of abuse, neglect, or
16 dependency do not arise from the same facts, incident, or
17 circumstances which give rise to a charge or adjudication of
18 delinquency.

19 As soon as is possible after August 7, 2009 (the effective
20 date of Public Act 96-134), the Department shall develop and
21 implement a special program of family preservation services to
22 support intact, foster, and adoptive families who are
23 experiencing extreme hardships due to the difficulty and stress
24 of caring for a child who has been diagnosed with a pervasive
25 developmental disorder if the Department determines that those
26 services are necessary to ensure the health and safety of the

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

21 (1-1) The legislature recognizes that the best interests of
22 the child require that the child be placed in the most
23 permanent living arrangement as soon as is practically
24 possible. To achieve this goal, the legislature directs the
25 Department of Children and Family Services to conduct
26 concurrent planning so that permanency may occur at the

1 earliest opportunity. Permanent living arrangements may
2 include prevention of placement of a child outside the home of
3 the family when the child can be cared for at home without
4 endangering the child's health or safety; reunification with
5 the family, when safe and appropriate, if temporary placement
6 is necessary; or movement of the child toward the most
7 permanent living arrangement and permanent legal status.

8 When determining reasonable efforts to be made with respect
9 to a child, as described in this subsection, and in making such
10 reasonable efforts, the child's health and safety shall be the
11 paramount concern.

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

24 A decision to place a child in substitute care shall be
25 made with considerations of the child's health, safety, and
26 best interests. At the time of placement, consideration should

1 also be given so that if reunification fails or is delayed, the
2 placement made is the best available placement to provide
3 permanency for the child.

4 The Department shall adopt rules addressing concurrent
5 planning for reunification and permanency. The Department
6 shall consider the following factors when determining
7 appropriateness of concurrent planning:

8 (1) the likelihood of prompt reunification;

9 (2) the past history of the family;

10 (3) the barriers to reunification being addressed by
11 the family;

12 (4) the level of cooperation of the family;

13 (5) the foster parents' willingness to work with the
14 family to reunite;

15 (6) the willingness and ability of the foster family to
16 provide an adoptive home or long-term placement;

17 (7) the age of the child;

18 (8) placement of siblings.

19 (m) The Department may assume temporary custody of any
20 child if:

21 (1) it has received a written consent to such temporary
22 custody signed by the parents of the child or by the parent
23 having custody of the child if the parents are not living
24 together or by the guardian or custodian of the child if
25 the child is not in the custody of either parent, or

26 (2) the child is found in the State and neither a

1 parent, guardian nor custodian of the child can be located.
2 If the child is found in his or her residence without a parent,
3 guardian, custodian or responsible caretaker, the Department
4 may, instead of removing the child and assuming temporary
5 custody, place an authorized representative of the Department
6 in that residence until such time as a parent, guardian or
7 custodian enters the home and expresses a willingness and
8 apparent ability to ensure the child's health and safety and
9 resume permanent charge of the child, or until a relative
10 enters the home and is willing and able to ensure the child's
11 health and safety and assume charge of the child until a
12 parent, guardian or custodian enters the home and expresses
13 such willingness and ability to ensure the child's safety and
14 resume permanent charge. After a caretaker has remained in the
15 home for a period not to exceed 12 hours, the Department must
16 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
17 5-415 of the Juvenile Court Act of 1987.

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

1 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
2 Court Act of 1987, shall have the authority, responsibilities
3 and duties that a legal custodian of the child would have under
4 subsection (9) of Section 1-3 of the Juvenile Court Act of
5 1987.

6 The Department shall ensure that any child taken into
7 custody is scheduled for an appointment for a medical
8 examination.

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

25 (m-1) The Department may place children under 18 years of
26 age in a secure child care facility licensed by the Department

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

13 (n) The Department may place children under 18 years of age
14 in licensed child care facilities when in the opinion of the
15 Department, appropriate services aimed at family preservation
16 have been unsuccessful and cannot ensure the child's health and
17 safety or are unavailable and such placement would be for their
18 best interest. Payment for board, clothing, care, training and
19 supervision of any child placed in a licensed child care
20 facility may be made by the Department, by the parents or
21 guardians of the estates of those children, or by both the
22 Department and the parents or guardians, except that no
23 payments shall be made by the Department for any child placed
24 in a licensed child care facility for board, clothing, care,
25 training and supervision of such a child that exceed the
26 average per capita cost of maintaining and of caring for a

1 child in institutions for dependent or neglected children
2 operated by the Department. However, such restriction on
3 payments does not apply in cases where children require
4 specialized care and treatment for problems of severe emotional
5 disturbance, physical disability, social adjustment, or any
6 combination thereof and suitable facilities for the placement
7 of such children are not available at payment rates within the
8 limitations set forth in this Section. All reimbursements for
9 services delivered shall be absolutely inalienable by
10 assignment, sale, attachment, garnishment or otherwise.

11 (n-1) The Department shall provide or authorize child
12 welfare services, aimed at assisting minors to achieve
13 sustainable self-sufficiency as independent adults, for any
14 minor eligible for the reinstatement of wardship pursuant to
15 subsection (2) of Section 2-33 of the Juvenile Court Act of
16 1987, whether or not such reinstatement is sought or allowed,
17 provided that the minor consents to such services and has not
18 yet attained the age of 21. The Department shall have
19 responsibility for the development and delivery of services
20 under this Section. An eligible youth may access services under
21 this Section through the Department of Children and Family
22 Services or by referral from the Department of Human Services.
23 Youth participating in services under this Section shall
24 cooperate with the assigned case manager in developing an
25 agreement identifying the services to be provided and how the
26 youth will increase skills to achieve self-sufficiency. A

1 homeless shelter is not considered appropriate housing for any
2 youth receiving child welfare services under this Section. The
3 Department shall continue child welfare services under this
4 Section to any eligible minor until the minor becomes 21 years
5 of age, no longer consents to participate, or achieves
6 self-sufficiency as identified in the minor's service plan. The
7 Department of Children and Family Services shall create clear,
8 readable notice of the rights of former foster youth to child
9 welfare services under this Section and how such services may
10 be obtained. The Department of Children and Family Services and
11 the Department of Human Services shall disseminate this
12 information statewide. The Department shall adopt regulations
13 describing services intended to assist minors in achieving
14 sustainable self-sufficiency as independent adults.

15 (n-2) The Department shall provide, as required by this Act
16 or any applicable State or federal law, child welfare services
17 aimed at assisting minors in achieving sustainable
18 self-sufficiency as adults for any minor for whom the
19 Department is appointed the custodian or guardian pursuant to
20 the Juvenile Court Act of 1987. Such services shall include,
21 but shall not be limited to: transitional living programs;
22 independent living programs; educational assistance, including
23 Youth in College; community college tuition waivers, and
24 scholarships awarded by the Department; case management;
25 mentoring; Youth in Employment; counseling; support and
26 services for pregnant and parenting youth; sibling and parent

1 visitation services and support; vocational training; and, as
2 appropriate, transitioning youth to appropriate adult
3 placement services and guardianship and any other service
4 included in the youth's case plan. This Section shall not be
5 interpreted as creating a new obligation of the Department to
6 provide services, but as recognizing an existing and continuing
7 obligation to provide services to youth in the Department's
8 care, including those between the ages of 18 and 21 and those
9 over the age of 21 receiving assistance through scholarships
10 awarded by the Department and Youth in College programs, and
11 any other applicable programs.

12 (o) The Department shall establish an administrative
13 review and appeal process for children and families who request
14 or receive child welfare services from the Department. Children
15 who are wards of the Department and are placed by private child
16 welfare agencies, and foster families with whom those children
17 are placed, shall be afforded the same procedural and appeal
18 rights as children and families in the case of placement by the
19 Department, including the right to an initial review of a
20 private agency decision by that agency. The Department shall
21 insure that any private child welfare agency, which accepts
22 wards of the Department for placement, affords those rights to
23 children and foster families. The Department shall accept for
24 administrative review and an appeal hearing a complaint made by
25 (i) a child or foster family concerning a decision following an
26 initial review by a private child welfare agency or (ii) a

1 prospective adoptive parent who alleges a violation of
2 subsection (j-5) of this Section. An appeal of a decision
3 concerning a change in the placement of a child shall be
4 conducted in an expedited manner. A court determination that a
5 current foster home placement is necessary and appropriate
6 under Section 2-28 of the Juvenile Court Act of 1987 does not
7 constitute a judicial determination on the merits of an
8 administrative appeal, filed by a former foster parent,
9 involving a change of placement decision.

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

1 (q) The Department may receive and use, in their entirety,
2 for the benefit of children any gift, donation or bequest of
3 money or other property which is received on behalf of such
4 children, or any financial benefits to which such children are
5 or may become entitled while under the jurisdiction or care of
6 the Department.

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

18 In disbursing funds from children's accounts, the
19 Department shall:

20 (1) Establish standards in accordance with State and
21 federal laws for disbursing money from children's
22 accounts. In all circumstances, the Department's
23 "Guardianship Administrator" or his or her designee must
24 approve disbursements from children's accounts. The
25 Department shall be responsible for keeping complete
26 records of all disbursements for each account for any

1 purpose.

2 (2) Calculate on a monthly basis the amounts paid from
3 State funds for the child's board and care, medical care
4 not covered under Medicaid, and social services; and
5 utilize funds from the child's account, as covered by
6 regulation, to reimburse those costs. Monthly,
7 disbursements from all children's accounts, up to 1/12 of
8 \$13,000,000, shall be deposited by the Department into the
9 General Revenue Fund and the balance over 1/12 of
10 \$13,000,000 into the DCFS Children's Services Fund.

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

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

1 adoption. The Department may delegate to an agent its duty to
2 maintain and make available such lists. The Department shall
3 ensure that such agent maintains the confidentiality of the
4 person seeking to adopt the child and of the child.

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

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

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

23 (2) the court has ordered one or both of the parties to
24 the proceeding to reimburse the Department for its
25 reasonable costs for providing such services in accordance
26 with Department rules, or has determined that neither party

1 is financially able to pay.

2 The Department shall provide written notification to the
3 court of the specific arrangements for supervised visitation
4 and projected monthly costs within 60 days of the court order.
5 The Department shall send to the court information related to
6 the costs incurred except in cases where the court has
7 determined the parties are financially unable to pay. The court
8 may order additional periodic reports as appropriate.

9 (u) In addition to other information that must be provided,
10 whenever the Department places a child with a prospective
11 adoptive parent or parents or in a licensed foster home, group
12 home, child care institution, or in a relative home, the
13 Department shall provide to the prospective adoptive parent or
14 parents or other caretaker:

15 (1) available detailed information concerning the
16 child's educational and health history, copies of
17 immunization records (including insurance and medical card
18 information), a history of the child's previous
19 placements, if any, and reasons for placement changes
20 excluding any information that identifies or reveals the
21 location of any previous caretaker;

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

25 (3) information containing details of the child's
26 individualized educational plan when the child is

1 receiving special education services.

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

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

1 information provided to the prospective adoptive parent or
2 parents or other caretaker. The information provided to the
3 prospective adoptive parent or parents or other caretaker shall
4 be reviewed and approved regarding accuracy at the supervisory
5 level.

6 (u-5) Effective July 1, 1995, only foster care placements
7 licensed as foster family homes pursuant to the Child Care Act
8 of 1969 shall be eligible to receive foster care payments from
9 the Department. Relative caregivers who, as of July 1, 1995,
10 were approved pursuant to approved relative placement rules
11 previously promulgated by the Department at 89 Ill. Adm. Code
12 335 and had submitted an application for licensure as a foster
13 family home may continue to receive foster care payments only
14 until the Department determines that they may be licensed as a
15 foster family home or that their application for licensure is
16 denied or until September 30, 1995, whichever occurs first.

17 (v) The Department shall access criminal history record
18 information as defined in the Illinois Uniform Conviction
19 Information Act and information maintained in the adjudicatory
20 and dispositional record system as defined in Section 2605-355
21 of the Department of State Police Law (20 ILCS 2605/2605-355)
22 if the Department determines the information is necessary to
23 perform its duties under the Abused and Neglected Child
24 Reporting Act, the Child Care Act of 1969, and the Children and
25 Family Services Act. The Department shall provide for
26 interactive computerized communication and processing

1 equipment that permits direct on-line communication with the
2 Department of State Police's central criminal history data
3 repository. The Department shall comply with all certification
4 requirements and provide certified operators who have been
5 trained by personnel from the Department of State Police. In
6 addition, one Office of the Inspector General investigator
7 shall have training in the use of the criminal history
8 information access system and have access to the terminal. The
9 Department of Children and Family Services and its employees
10 shall abide by rules and regulations established by the
11 Department of State Police relating to the access and
12 dissemination of this information.

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

25 (v-2) Prior to final approval for placement of a child, the
26 Department shall check its child abuse and neglect registry for

1 information concerning prospective foster and adoptive
2 parents, and any adult living in the home. If any prospective
3 foster or adoptive parent or other adult living in the home has
4 resided in another state in the preceding 5 years, the
5 Department shall request a check of that other state's child
6 abuse and neglect registry.

7 (w) Within 120 days of August 20, 1995 (the effective date
8 of Public Act 89-392), the Department shall prepare and submit
9 to the Governor and the General Assembly, a written plan for
10 the development of in-state licensed secure child care
11 facilities that care for children who are in need of secure
12 living arrangements for their health, safety, and well-being.
13 For purposes of this subsection, secure care facility shall
14 mean a facility that is designed and operated to ensure that
15 all entrances and exits from the facility, a building or a
16 distinct part of the building, are under the exclusive control
17 of the staff of the facility, whether or not the child has the
18 freedom of movement within the perimeter of the facility,
19 building, or distinct part of the building. The plan shall
20 include descriptions of the types of facilities that are needed
21 in Illinois; the cost of developing these secure care
22 facilities; the estimated number of placements; the potential
23 cost savings resulting from the movement of children currently
24 out-of-state who are projected to be returned to Illinois; the
25 necessary geographic distribution of these facilities in
26 Illinois; and a proposed timetable for development of such

1 facilities.

2 (x) The Department shall conduct annual credit history
3 checks to determine the financial history of children placed
4 under its guardianship pursuant to the Juvenile Court Act of
5 1987. The Department shall conduct such credit checks starting
6 when a ward turns 12 years old and each year thereafter for the
7 duration of the guardianship as terminated pursuant to the
8 Juvenile Court Act of 1987. The Department shall determine if
9 financial exploitation of the child's personal information has
10 occurred. If financial exploitation appears to have taken place
11 or is presently ongoing, the Department shall notify the proper
12 law enforcement agency, the proper State's Attorney, or the
13 Attorney General.

14 (y) Beginning on the effective date of this amendatory Act
15 of the 96th General Assembly, a child with a disability who
16 receives residential and educational services from the
17 Department shall be eligible to receive transition services in
18 accordance with Article 14 of the School Code from the age of
19 14.5 through age 21, inclusive, notwithstanding the child's
20 residential services arrangement. For purposes of this
21 subsection, "child with a disability" means a child with a
22 disability as defined by the federal Individuals with
23 Disabilities Education Improvement Act of 2004.

24 (z) The Department shall access criminal history record
25 information as defined as "background information" in this
26 subsection and criminal history record information as defined

1 in the Illinois Uniform Conviction Information Act for each
2 Department employee or Department applicant. Each Department
3 employee or Department applicant shall submit his or her
4 fingerprints to the Department of State Police in the form and
5 manner prescribed by the Department of State Police. These
6 fingerprints shall be checked against the fingerprint records
7 now and hereafter filed in the Department of State Police and
8 the Federal Bureau of Investigation criminal history records
9 databases. The Department of State Police shall charge a fee
10 for conducting the criminal history record check, which shall
11 be deposited into the State Police Services Fund and shall not
12 exceed the actual cost of the record check. The Department of
13 State Police shall furnish, pursuant to positive
14 identification, all Illinois conviction information to the
15 Department of Children and Family Services.

16 For purposes of this subsection:

17 "Background information" means all of the following:

18 (i) Upon the request of the Department of Children and
19 Family Services, conviction information obtained from the
20 Department of State Police as a result of a
21 fingerprint-based criminal history records check of the
22 Illinois criminal history records database and the Federal
23 Bureau of Investigation criminal history records database
24 concerning a Department employee or Department applicant.

25 (ii) Information obtained by the Department of
26 Children and Family Services after performing a check of

1 the Department of State Police's Sex Offender Database, as
2 authorized by Section 120 of the Sex Offender Community
3 Notification Law, concerning a Department employee or
4 Department applicant.

5 (iii) Information obtained by the Department of
6 Children and Family Services after performing a check of
7 the Child Abuse and Neglect Tracking System (CANTS)
8 operated and maintained by the Department.

9 "Department employee" means a full-time or temporary
10 employee coded or certified within the State of Illinois
11 Personnel System.

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

21 (Source: P.A. 97-1150, eff. 1-25-13; 98-249, eff. 1-1-14;
22 98-570, eff. 8-27-13; 98-756, eff. 7-16-14; 98-803, eff.
23 1-1-15.)

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

1 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

5 (a) A minor under 18 years of age found to be neglected
6 or abused under Section 2-3 or dependent under Section 2-4
7 may be (1) continued in the custody of his or her parents,
8 guardian or legal custodian; (2) placed in accordance with
9 Section 2-27; (3) restored to the custody of the parent,
10 parents, guardian, or legal custodian, provided the court
11 shall order the parent, parents, guardian, or legal
12 custodian to cooperate with the Department of Children and
13 Family Services and comply with the terms of an after-care
14 plan or risk the loss of custody of the child and the
15 possible termination of their parental rights; or (4)
16 ordered partially or completely emancipated in accordance
17 with the provisions of the Emancipation of Minors Act.

18 However, in any case in which a minor is found by the
19 court to be neglected or abused under Section 2-3 of this
20 Act, custody of the minor shall not be restored to any
21 parent, guardian or legal custodian whose acts or omissions
22 or both have been identified, pursuant to subsection (1) of
23 Section 2-21, as forming the basis for the court's finding
24 of abuse or neglect, until such time as a hearing is held
25 on the issue of the best interests of the minor and the

1 fitness of such parent, guardian or legal custodian to care
2 for the minor without endangering the minor's health or
3 safety, and the court enters an order that such parent,
4 guardian or legal custodian is fit to care for the minor.

5 (b) A minor under 18 years of age found to be dependent
6 under Section 2-4 may be (1) placed in accordance with
7 Section 2-27 or (2) ordered partially or completely
8 emancipated in accordance with the provisions of the
9 Emancipation of Minors Act.

10 However, in any case in which a minor is found by the
11 court to be dependent under Section 2-4 of this Act,
12 custody of the minor shall not be restored to any parent,
13 guardian or legal custodian whose acts or omissions or both
14 have been identified, pursuant to subsection (1) of Section
15 2-21, as forming the basis for the court's finding of
16 dependency, until such time as a hearing is held on the
17 issue of the fitness of such parent, guardian or legal
18 custodian to care for the minor without endangering the
19 minor's health or safety, and the court enters an order
20 that such parent, guardian or legal custodian is fit to
21 care for the minor.

22 (b-1) A minor between the ages of 18 and 21 may be
23 placed pursuant to Section 2-27 of this Act if (1) the
24 court has granted a supplemental petition to reinstate
25 wardship of the minor pursuant to subsection (2) of Section
26 2-33, or (2) the court has adjudicated the minor a ward of

1 the court, permitted the minor to return home under an
2 order of protection, and subsequently made a finding that
3 it is in the minor's best interest to vacate the order of
4 protection and commit the minor to the Department of
5 Children and Family Services for care and service.

6 (c) When the court awards guardianship to the
7 Department of Children and Family Services, the court shall
8 order the parents to cooperate with the Department of
9 Children and Family Services, comply with the terms of the
10 service plans, and correct the conditions that require the
11 child to be in care, or risk termination of their parental
12 rights.

13 (2) Any order of disposition may provide for protective
14 supervision under Section 2-24 and may include an order of
15 protection under Section 2-25.

16 Unless the order of disposition expressly so provides, it
17 does not operate to close proceedings on the pending petition,
18 but is subject to modification, not inconsistent with Section
19 2-28, until final closing and discharge of the proceedings
20 under Section 2-31.

21 (3) The court also shall enter any other orders necessary
22 to fulfill the service plan, including, but not limited to, (i)
23 orders requiring parties to cooperate with services, (ii)
24 restraining orders controlling the conduct of any party likely
25 to frustrate the achievement of the goal, and (iii) visiting
26 orders. When the child is placed separately from a sibling, the

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

1 ~~placements, specific services, or specific service providers~~
2 ~~to be included in the plan.~~

3 (4) In addition to any other order of disposition, the
4 court may order any minor adjudicated neglected with respect to
5 his or her own injurious behavior to make restitution, in
6 monetary or non-monetary form, under the terms and conditions
7 of Section 5-5-6 of the Unified Code of Corrections, except
8 that the "presentence hearing" referred to therein shall be the
9 dispositional hearing for purposes of this Section. The parent,
10 guardian or legal custodian of the minor may pay some or all of
11 such restitution on the minor's behalf.

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

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

25 (7) The court may terminate the parental rights of a parent
26 at the initial dispositional hearing if all of the conditions

1 in subsection (5) of Section 2-21 are met.

2 (Source: P.A. 96-581, eff. 1-1-10; 96-600, eff. 8-21-09;
3 96-1000, eff. 7-2-10; 97-1076, eff. 8-24-12.)

4 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)
5 Sec. 2-28. Court review.

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

1 or legal custodian, until such time as an investigation is made
2 as provided in paragraph (5) and a hearing is held on the issue
3 of the fitness of such parent, guardian or legal custodian to
4 care for the minor and the court enters an order that such
5 parent, guardian or legal custodian is fit to care for the
6 minor.

7 (2) The first permanency hearing shall be conducted by the
8 judge. Subsequent permanency hearings may be heard by a judge
9 or by hearing officers appointed or approved by the court in
10 the manner set forth in Section 2-28.1 of this Act. The initial
11 hearing shall be held (a) within 12 months from the date
12 temporary custody was taken, regardless of whether an
13 adjudication or dispositional hearing has been completed
14 within that time frame, (b) if the parental rights of both
15 parents have been terminated in accordance with the procedure
16 described in subsection (5) of Section 2-21, within 30 days of
17 the order for termination of parental rights and appointment of
18 a guardian with power to consent to adoption, or (c) in
19 accordance with subsection (2) of Section 2-13.1. Subsequent
20 permanency hearings shall be held every 6 months or more
21 frequently if necessary in the court's determination following
22 the initial permanency hearing, in accordance with the
23 standards set forth in this Section, until the court determines
24 that the plan and goal have been achieved. Once the plan and
25 goal have been achieved, if the minor remains in substitute
26 care, the case shall be reviewed at least every 6 months

1 thereafter, subject to the provisions of this Section, unless
2 the minor is placed in the guardianship of a suitable relative
3 or other person and the court determines that further
4 monitoring by the court does not further the health, safety or
5 best interest of the child and that this is a stable permanent
6 placement. The permanency hearings must occur within the time
7 frames set forth in this subsection and may not be delayed in
8 anticipation of a report from any source or due to the agency's
9 failure to timely file its written report (this written report
10 means the one required under the next paragraph and does not
11 mean the service plan also referred to in that paragraph).

12 The public agency that is the custodian or guardian of the
13 minor, or another agency responsible for the minor's care,
14 shall ensure that all parties to the permanency hearings are
15 provided a copy of the most recent service plan prepared within
16 the prior 6 months at least 14 days in advance of the hearing.
17 If not contained in the plan, the agency shall also include a
18 report setting forth (i) any special physical, psychological,
19 educational, medical, emotional, or other needs of the minor or
20 his or her family that are relevant to a permanency or
21 placement determination and (ii) for any minor age 16 or over,
22 a written description of the programs and services that will
23 enable the minor to prepare for independent living. The
24 agency's written report must detail what progress or lack of
25 progress the parent has made in correcting the conditions
26 requiring the child to be in care; whether the child can be

1 returned home without jeopardizing the child's health, safety,
2 and welfare, and if not, what permanency goal is recommended to
3 be in the best interests of the child, and why the other
4 permanency goals are not appropriate. The caseworker must
5 appear and testify at the permanency hearing. If a permanency
6 hearing has not previously been scheduled by the court, the
7 moving party shall move for the setting of a permanency hearing
8 and the entry of an order within the time frames set forth in
9 this subsection.

10 At the permanency hearing, the court shall determine the
11 future status of the child. The court shall set one of the
12 following permanency goals:

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

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

20 (B-1) The minor will be in short-term care with a
21 continued goal to return home pending a status hearing.
22 When the court finds that a parent has not made reasonable
23 efforts or reasonable progress to date, the court shall
24 identify what actions the parent and the Department must
25 take in order to justify a finding of reasonable efforts or
26 reasonable progress and shall set a status hearing to be

1 held not earlier than 9 months from the date of
2 adjudication nor later than 11 months from the date of
3 adjudication during which the parent's progress will again
4 be reviewed.

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

7 (D) Adoption, provided that parental rights have been
8 terminated or relinquished.

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

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

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

19 In selecting any permanency goal, the court shall indicate
20 in writing the reasons the goal was selected and why the
21 preceding goals were ruled out. Where the court has selected a
22 permanency goal other than (A), (B), or (B-1), the Department
23 of Children and Family Services shall not provide further
24 reunification services, but shall provide services consistent
25 with the goal selected.

26 (H) Notwithstanding any other provision in this

1 Section, the court may select the goal of continuing foster
2 care as a permanency goal if:

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

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

7 (3) The court has found compelling reasons, based
8 on written documentation reviewed by the court, to
9 place the minor in continuing foster care. Compelling
10 reasons include:

11 (a) the child does not wish to be adopted or to
12 be placed in the guardianship of his or her
13 relative or foster care placement;

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

17 (c) the child who is the subject of the
18 permanency hearing has existing close and strong
19 bonds with a sibling, and achievement of another
20 permanency goal would substantially interfere with
21 the subject child's sibling relationship, taking
22 into consideration the nature and extent of the
23 relationship, and whether ongoing contact is in
24 the subject child's best interest, including
25 long-term emotional interest, as compared with the
26 legal and emotional benefit of permanence;

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

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

6 The court shall set a permanency goal that is in the best
7 interest of the child. In determining that goal, the court
8 shall consult with the minor in an age-appropriate manner
9 regarding the proposed permanency or transition plan for the
10 minor. The court's determination shall include the following
11 factors:

12 (1) Age of the child.

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

15 (3) Current placement of the child and the intent of
16 the family regarding adoption.

17 (4) Emotional, physical, and mental status or
18 condition of the child.

19 (5) Types of services previously offered and whether or
20 not the services were successful and, if not successful,
21 the reasons the services failed.

22 (6) Availability of services currently needed and
23 whether the services exist.

24 (7) Status of siblings of the minor.

25 The court shall consider (i) the permanency goal contained
26 in the service plan, (ii) the appropriateness of the services

1 contained in the plan and whether those services have been
2 provided, (iii) whether reasonable efforts have been made by
3 all the parties to the service plan to achieve the goal, and
4 (iv) whether the plan and goal have been achieved. All evidence
5 relevant to determining these questions, including oral and
6 written reports, may be admitted and may be relied on to the
7 extent of their probative value.

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

24 If the permanency goal is to return home, the court shall
25 make findings that identify any problems that are causing
26 continued placement of the children away from the home and

1 identify what outcomes would be considered a resolution to
2 these problems. The court shall explain to the parents that
3 these findings are based on the information that the court has
4 at that time and may be revised, should additional evidence be
5 presented to the court.

6 The court shall review the Sibling Contact Support Plan
7 developed or modified under subsection (f) of Section 7.4 of
8 the Children and Family Services Act, if applicable. If the
9 Department has not convened a meeting to develop or modify a
10 Sibling Contact Support Plan, or if the court finds that the
11 existing Plan is not in the child's best interest, the court
12 may enter an order requiring the Department to develop, modify
13 or implement a Sibling Contact Support Plan, or order
14 mediation.

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

18 If, after receiving evidence, the court determines that the
19 services contained in the plan are not reasonably calculated to
20 facilitate achievement of the permanency goal, the court shall
21 put in writing the factual basis supporting the determination
22 and enter specific findings based on the evidence. The court
23 also shall enter an order for the Department to develop and
24 implement a new service plan or to implement changes to the
25 current service plan consistent with the court's findings. The
26 new service plan shall be filed with the court and served on

1 all parties within 45 days of the date of the order. The court
2 shall continue the matter until the new service plan is filed.
3 ~~Unless otherwise specifically authorized by law, the court is~~
4 ~~not empowered under this subsection (2) or under subsection (3)~~
5 ~~to order specific placements, specific services, or specific~~
6 ~~service providers to be included in the plan.~~

7 A guardian or custodian appointed by the court pursuant to
8 this Act shall file updated case plans with the court every 6
9 months.

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

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

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

19 (b) If the permanency goal of the minor cannot be
20 achieved immediately, the specific reasons for continuing
21 the minor in the care of the Department of Children and
22 Family Services or other agency for short term placement,
23 and the following determinations:

24 (i) (Blank).

25 (ii) Whether the services required by the court and
26 by any service plan prepared within the prior 6 months

1 have been provided and (A) if so, whether the services
2 were reasonably calculated to facilitate the
3 achievement of the permanency goal or (B) if not
4 provided, why the services were not provided.

5 (iii) Whether the minor's placement is necessary,
6 and appropriate to the plan and goal, recognizing the
7 right of minors to the least restrictive (most
8 family-like) setting available and in close proximity
9 to the parents' home consistent with the health,
10 safety, best interest and special needs of the minor
11 and, if the minor is placed out-of-State, whether the
12 out-of-State placement continues to be appropriate and
13 consistent with the health, safety, and best interest
14 of the minor.

15 (iv) (Blank).

16 (v) (Blank).

17 (4) The minor or any person interested in the minor may
18 apply to the court for a change in custody of the minor and the
19 appointment of a new custodian or guardian of the person or for
20 the restoration of the minor to the custody of his parents or
21 former guardian or custodian.

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

23 (a) The Department, the minor, or the current foster
24 parent or relative caregiver seeking private guardianship
25 may file a motion for private guardianship of the minor.
26 Appointment of a guardian under this Section requires

1 approval of the court.

2 (b) The State's Attorney may file a motion to terminate
3 parental rights of any parent who has failed to make
4 reasonable efforts to correct the conditions which led to
5 the removal of the child or reasonable progress toward the
6 return of the child, as defined in subdivision (D)(m) of
7 Section 1 of the Adoption Act or for whom any other
8 unfitness ground for terminating parental rights as
9 defined in subdivision (D) of Section 1 of the Adoption Act
10 exists.

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

1 Custody of the minor shall not be restored to any parent,
2 guardian or legal custodian in any case in which the minor is
3 found to be neglected or abused under Section 2-3 or dependent
4 under Section 2-4 of this Act, unless the minor can be cared
5 for at home without endangering his or her health or safety and
6 it is in the best interest of the minor, and if such neglect,
7 abuse, or dependency is found by the court under paragraph (1)
8 of Section 2-21 of this Act to have come about due to the acts
9 or omissions or both of such parent, guardian or legal
10 custodian, until such time as an investigation is made as
11 provided in paragraph (5) and a hearing is held on the issue of
12 the health, safety and best interest of the minor and the
13 fitness of such parent, guardian or legal custodian to care for
14 the minor and the court enters an order that such parent,
15 guardian or legal custodian is fit to care for the minor. In
16 the event that the minor has attained 18 years of age and the
17 guardian or custodian petitions the court for an order
18 terminating his guardianship or custody, guardianship or
19 custody shall terminate automatically 30 days after the receipt
20 of the petition unless the court orders otherwise. No legal
21 custodian or guardian of the person may be removed without his
22 consent until given notice and an opportunity to be heard by
23 the court.

24 When the court orders a child restored to the custody of
25 the parent or parents, the court shall order the parent or
26 parents to cooperate with the Department of Children and Family

1 Services and comply with the terms of an after-care plan, or
2 risk the loss of custody of the child and possible termination
3 of their parental rights. The court may also enter an order of
4 protective supervision in accordance with Section 2-24.

5 (5) Whenever a parent, guardian, or legal custodian files a
6 motion for restoration of custody of the minor, and the minor
7 was adjudicated neglected, abused, or dependent as a result of
8 physical abuse, the court shall cause to be made an
9 investigation as to whether the movant has ever been charged
10 with or convicted of any criminal offense which would indicate
11 the likelihood of any further physical abuse to the minor.
12 Evidence of such criminal convictions shall be taken into
13 account in determining whether the minor can be cared for at
14 home without endangering his or her health or safety and
15 fitness of the parent, guardian, or legal custodian.

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

19 (b) The information derived from the investigation and
20 any conclusions or recommendations derived from the
21 information shall be provided to the parent, guardian, or
22 legal custodian seeking restoration of custody prior to the
23 hearing on fitness and the movant shall have an opportunity
24 at the hearing to refute the information or contest its
25 significance.

26 (c) All information obtained from any investigation

1 shall be confidential as provided in Section 5-150 of this
2 Act.

3 (Source: P.A. 97-425, eff. 8-16-11; 97-1076, eff. 8-24-12;
4 98-756, eff. 7-16-14.)

5 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

6 Sec. 2-31. Duration of wardship and discharge of
7 proceedings.

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

19 (2) Whenever the court determines, and makes written
20 factual findings, that health, safety, and the best interests
21 of the minor and the public no longer require the wardship of
22 the court, the court shall order the wardship terminated and
23 all proceedings under this Act respecting that minor finally
24 closed and discharged. The court may at the same time continue
25 or terminate any custodianship or guardianship theretofore

1 ordered but the termination must be made in compliance with
2 Section 2-28. When terminating wardship under this Section, if
3 the minor is over 18 and is exiting wardship to live
4 independently, or if wardship is terminated in conjunction with
5 an order partially or completely emancipating the minor in
6 accordance with the Emancipation of Minors Act, the court shall
7 also make specific findings of fact as to the minor's wishes
8 regarding case closure and the manner in which the minor will
9 maintain independence. The minor's lack of cooperation with
10 services provided by the Department of Children and Family
11 Services shall not by itself be considered sufficient evidence
12 that the minor is prepared to live independently and that it is
13 in the best interest of the minor to terminate wardship. In
14 ruling on a motion by any party requesting that the case of a
15 minor over the age of 18 be closed to independence, the court,
16 upon the request of any party, shall conduct a permanency
17 hearing instanter pursuant to Section 2-28. After conducting
18 the permanency hearing, the court is authorized to enter any
19 orders necessary to assist the minor in preparing to live
20 independently, including orders requiring the Department of
21 Children and Family Services to provide services and placement.

22 (3) ~~(Blank) The wardship of the minor and any custodianship~~
23 ~~or guardianship respecting the minor for whom a petition was~~
24 ~~filed after the effective date of this amendatory Act of 1991~~
25 ~~automatically terminates when he attains the age of 19 years~~
26 ~~except as set forth in subsection (1) of this Section. The~~

1 ~~clerk of the court shall at that time record all proceedings~~
2 ~~under this Act as finally closed and discharged for that~~
3 ~~reason.~~

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