



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0931

Introduced 2/7/2017, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-3	from Ch. 37, par. 801-3
705 ILCS 405/2-28	from Ch. 37, par. 802-28

Amends the Juvenile Court Act of 1987. Provides that the public agency that is the custodian or guardian of the minor shall file a written report with the court no later than 15 days after a minor in the agency's care remains: (1) in a shelter placement beyond 30 days; (2) in a psychiatric hospital past the time when the minor is clinically ready for discharge or beyond medical necessity for the minor's health; or (3) in a detention center or Department of Juvenile Justice facility solely because the public agency cannot find an appropriate placement for the minor. Provides that the report shall explain the steps the agency is taking to ensure the minor is placed appropriately, how the minor's needs are being met in the minor's shelter placement, and if a future placement has been identified by the Department, why the anticipated placement is appropriate for the needs of the minor and the anticipated placement date. Provides that if not contained in the agency's service plan, the agency's report shall specify if a minor is placed in a licensed child care facility under a corrective plan by the Department due to concerns impacting the minor's safety and well-being. Provides that the report shall explain the steps the Department is taking to ensure the safety and well-being of the minor and that the minor's needs are met in the facility. Defines "shelter placement."

LRB100 08409 SLF 18523 b

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 1-3 and 2-28 as follows:

6 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

7 Sec. 1-3. Definitions. Terms used in this Act, unless the
8 context otherwise requires, have the following meanings
9 ascribed to them:

10 (1) "Adjudicatory hearing" means a hearing to determine
11 whether the allegations of a petition under Section 2-13, 3-15
12 or 4-12 that a minor under 18 years of age is abused, neglected
13 or dependent, or requires authoritative intervention, or
14 addicted, respectively, are supported by a preponderance of the
15 evidence or whether the allegations of a petition under Section
16 5-520 that a minor is delinquent are proved beyond a reasonable
17 doubt.

18 (2) "Adult" means a person 21 years of age or older.

19 (3) "Agency" means a public or private child care facility
20 legally authorized or licensed by this State for placement or
21 institutional care or for both placement and institutional
22 care.

23 (4) "Association" means any organization, public or

1 private, engaged in welfare functions which include services to
2 or on behalf of children but does not include "agency" as
3 herein defined.

4 (4.05) Whenever a "best interest" determination is
5 required, the following factors shall be considered in the
6 context of the child's age and developmental needs:

7 (a) the physical safety and welfare of the child,
8 including food, shelter, health, and clothing;

9 (b) the development of the child's identity;

10 (c) the child's background and ties, including
11 familial, cultural, and religious;

12 (d) the child's sense of attachments, including:

13 (i) where the child actually feels love,
14 attachment, and a sense of being valued (as opposed to
15 where adults believe the child should feel such love,
16 attachment, and a sense of being valued);

17 (ii) the child's sense of security;

18 (iii) the child's sense of familiarity;

19 (iv) continuity of affection for the child;

20 (v) the least disruptive placement alternative for
21 the child;

22 (e) the child's wishes and long-term goals;

23 (f) the child's community ties, including church,
24 school, and friends;

25 (g) the child's need for permanence which includes the
26 child's need for stability and continuity of relationships

1 with parent figures and with siblings and other relatives;

2 (h) the uniqueness of every family and child;

3 (i) the risks attendant to entering and being in
4 substitute care; and

5 (j) the preferences of the persons available to care
6 for the child.

7 (4.1) "Chronic truant" shall have the definition ascribed
8 to it in Section 26-2a of the School Code.

9 (5) "Court" means the circuit court in a session or
10 division assigned to hear proceedings under this Act.

11 (6) "Dispositional hearing" means a hearing to determine
12 whether a minor should be adjudged to be a ward of the court,
13 and to determine what order of disposition should be made in
14 respect to a minor adjudged to be a ward of the court.

15 (7) "Emancipated minor" means any minor 16 years of age or
16 over who has been completely or partially emancipated under the
17 Emancipation of Minors Act or under this Act.

18 (7.05) "Foster parent" includes a relative caregiver
19 selected by the Department of Children and Family Services to
20 provide care for the minor.

21 (8) "Guardianship of the person" of a minor means the duty
22 and authority to act in the best interests of the minor,
23 subject to residual parental rights and responsibilities, to
24 make important decisions in matters having a permanent effect
25 on the life and development of the minor and to be concerned
26 with his or her general welfare. It includes but is not

1 necessarily limited to:

2 (a) the authority to consent to marriage, to enlistment
3 in the armed forces of the United States, or to a major
4 medical, psychiatric, and surgical treatment; to represent
5 the minor in legal actions; and to make other decisions of
6 substantial legal significance concerning the minor;

7 (b) the authority and duty of reasonable visitation,
8 except to the extent that these have been limited in the
9 best interests of the minor by court order;

10 (c) the rights and responsibilities of legal custody
11 except where legal custody has been vested in another
12 person or agency; and

13 (d) the power to consent to the adoption of the minor,
14 but only if expressly conferred on the guardian in
15 accordance with Section 2-29, 3-30, or 4-27.

16 (9) "Legal custody" means the relationship created by an
17 order of court in the best interests of the minor which imposes
18 on the custodian the responsibility of physical possession of a
19 minor and the duty to protect, train and discipline him and to
20 provide him with food, shelter, education and ordinary medical
21 care, except as these are limited by residual parental rights
22 and responsibilities and the rights and responsibilities of the
23 guardian of the person, if any.

24 (9.1) "Mentally capable adult relative" means a person 21
25 years of age or older who is not suffering from a mental
26 illness that prevents him or her from providing the care

1 necessary to safeguard the physical safety and welfare of a
2 minor who is left in that person's care by the parent or
3 parents or other person responsible for the minor's welfare.

4 (10) "Minor" means a person under the age of 21 years
5 subject to this Act.

6 (11) "Parent" means a father or mother of a child and
7 includes any adoptive parent. It also includes a person (i)
8 whose parentage is presumed or has been established under the
9 law of this or another jurisdiction or (ii) who has registered
10 with the Putative Father Registry in accordance with Section
11 12.1 of the Adoption Act and whose paternity has not been ruled
12 out under the law of this or another jurisdiction. It does not
13 include a parent whose rights in respect to the minor have been
14 terminated in any manner provided by law. It does not include a
15 person who has been or could be determined to be a parent under
16 the Illinois Parentage Act of 1984 or the Illinois Parentage
17 Act of 2015, or similar parentage law in any other state, if
18 that person has been convicted of or pled nolo contendere to a
19 crime that resulted in the conception of the child under
20 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
21 12-14.1, subsection (a) or (b) (but not subsection (c)) of
22 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
23 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
24 Criminal Code of 1961 or the Criminal Code of 2012, or similar
25 statute in another jurisdiction unless upon motion of any
26 party, other than the offender, to the juvenile court

1 proceedings the court finds it is in the child's best interest
2 to deem the offender a parent for purposes of the juvenile
3 court proceedings.

4 (11.1) "Permanency goal" means a goal set by the court as
5 defined in subdivision (2) of Section 2-28.

6 (11.2) "Permanency hearing" means a hearing to set the
7 permanency goal and to review and determine (i) the
8 appropriateness of the services contained in the plan and
9 whether those services have been provided, (ii) whether
10 reasonable efforts have been made by all the parties to the
11 service plan to achieve the goal, and (iii) whether the plan
12 and goal have been achieved.

13 (12) "Petition" means the petition provided for in Section
14 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
15 thereunder in Section 3-15, 4-12 or 5-520.

16 (12.1) "Physically capable adult relative" means a person
17 21 years of age or older who does not have a severe physical
18 disability or medical condition, or is not suffering from
19 alcoholism or drug addiction, that prevents him or her from
20 providing the care necessary to safeguard the physical safety
21 and welfare of a minor who is left in that person's care by the
22 parent or parents or other person responsible for the minor's
23 welfare.

24 (12.2) "Post Permanency Sibling Contact Agreement" has the
25 meaning ascribed to the term in Section 7.4 of the Children and
26 Family Services Act.

1 (13) "Residual parental rights and responsibilities" means
2 those rights and responsibilities remaining with the parent
3 after the transfer of legal custody or guardianship of the
4 person, including, but not necessarily limited to, the right to
5 reasonable visitation (which may be limited by the court in the
6 best interests of the minor as provided in subsection (8) (b) of
7 this Section), the right to consent to adoption, the right to
8 determine the minor's religious affiliation, and the
9 responsibility for his support.

10 (14) "Shelter" means the temporary care of a minor in
11 physically unrestricting facilities pending court disposition
12 or execution of court order for placement.

13 (14.05) "Shelter placement" means a temporary or emergency
14 placement for a minor, including an emergency foster home
15 placement.

16 (14.1) "Sibling Contact Support Plan" has the meaning
17 ascribed to the term in Section 7.4 of the Children and Family
18 Services Act.

19 (15) "Station adjustment" means the informal handling of an
20 alleged offender by a juvenile police officer.

21 (16) "Ward of the court" means a minor who is so adjudged
22 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
23 requisite jurisdictional facts, and thus is subject to the
24 dispositional powers of the court under this Act.

25 (17) "Juvenile police officer" means a sworn police officer
26 who has completed a Basic Recruit Training Course, has been

1 assigned to the position of juvenile police officer by his or
2 her chief law enforcement officer and has completed the
3 necessary juvenile officers training as prescribed by the
4 Illinois Law Enforcement Training Standards Board, or in the
5 case of a State police officer, juvenile officer training
6 approved by the Director of the Department of State Police.

7 (18) "Secure child care facility" means any child care
8 facility licensed by the Department of Children and Family
9 Services to provide secure living arrangements for children
10 under 18 years of age who are subject to placement in
11 facilities under the Children and Family Services Act and who
12 are not subject to placement in facilities for whom standards
13 are established by the Department of Corrections under Section
14 3-15-2 of the Unified Code of Corrections. "Secure child care
15 facility" also means a facility that is designed and operated
16 to ensure that all entrances and exits from the facility, a
17 building, or a distinct part of the building are under the
18 exclusive control of the staff of the facility, whether or not
19 the child has the freedom of movement within the perimeter of
20 the facility, building, or distinct part of the building.

21 (Source: P.A. 98-249, eff. 1-1-14; 99-85, eff. 1-1-16.)

22 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

23 Sec. 2-28. Court review.

24 (1) The court may require any legal custodian or guardian
25 of the person appointed under this Act to report periodically

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

26 (1.5) The public agency that is the custodian or guardian

1 of the minor shall file a written report with the court no
2 later than 15 days after a minor in the agency's care remains:

3 (1) in a shelter placement beyond 30 days;

4 (2) in a psychiatric hospital past the time when the
5 minor is clinically ready for discharge or beyond medical
6 necessity for the minor's health; or

7 (3) in a detention center or Department of Juvenile
8 Justice facility solely because the public agency cannot
9 find an appropriate placement for the minor.

10 The report shall explain the steps the agency is taking to
11 ensure the minor is placed appropriately, how the minor's needs
12 are being met in the minor's shelter placement, and if a future
13 placement has been identified by the Department, why the
14 anticipated placement is appropriate for the needs of the minor
15 and the anticipated placement date.

16 (2) The first permanency hearing shall be conducted by the
17 judge. Subsequent permanency hearings may be heard by a judge
18 or by hearing officers appointed or approved by the court in
19 the manner set forth in Section 2-28.1 of this Act. The initial
20 hearing shall be held (a) within 12 months from the date
21 temporary custody was taken, regardless of whether an
22 adjudication or dispositional hearing has been completed
23 within that time frame, (b) if the parental rights of both
24 parents have been terminated in accordance with the procedure
25 described in subsection (5) of Section 2-21, within 30 days of
26 the order for termination of parental rights and appointment of

1 a guardian with power to consent to adoption, or (c) in
2 accordance with subsection (2) of Section 2-13.1. Subsequent
3 permanency hearings shall be held every 6 months or more
4 frequently if necessary in the court's determination following
5 the initial permanency hearing, in accordance with the
6 standards set forth in this Section, until the court determines
7 that the plan and goal have been achieved. Once the plan and
8 goal have been achieved, if the minor remains in substitute
9 care, the case shall be reviewed at least every 6 months
10 thereafter, subject to the provisions of this Section, unless
11 the minor is placed in the guardianship of a suitable relative
12 or other person and the court determines that further
13 monitoring by the court does not further the health, safety or
14 best interest of the child and that this is a stable permanent
15 placement. The permanency hearings must occur within the time
16 frames set forth in this subsection and may not be delayed in
17 anticipation of a report from any source or due to the agency's
18 failure to timely file its written report (this written report
19 means the one required under the next paragraph and does not
20 mean the service plan also referred to in that paragraph).

21 The public agency that is the custodian or guardian of the
22 minor, or another agency responsible for the minor's care,
23 shall ensure that all parties to the permanency hearings are
24 provided a copy of the most recent service plan prepared within
25 the prior 6 months at least 14 days in advance of the hearing.
26 If not contained in the agency's service plan, the agency shall

1 also include a report setting forth (i) any special physical,
2 psychological, educational, medical, emotional, or other needs
3 of the minor or his or her family that are relevant to a
4 permanency or placement determination and (ii) for any minor
5 age 16 or over, a written description of the programs and
6 services that will enable the minor to prepare for independent
7 living. If not contained in the agency's service plan, the
8 agency's report shall specify if a minor is placed in a
9 licensed child care facility under a corrective plan by the
10 Department due to concerns impacting the minor's safety and
11 well-being. The report shall explain the steps the Department
12 is taking to ensure the safety and well-being of the minor and
13 that the minor's needs are met in the facility. The agency's
14 written report must detail what progress or lack of progress
15 the parent has made in correcting the conditions requiring the
16 child to be in care; whether the child can be returned home
17 without jeopardizing the child's health, safety, and welfare,
18 and if not, what permanency goal is recommended to be in the
19 best interests of the child, and why the other permanency goals
20 are not appropriate. The caseworker must appear and testify at
21 the permanency hearing. If a permanency hearing has not
22 previously been scheduled by the court, the moving party shall
23 move for the setting of a permanency hearing and the entry of
24 an order within the time frames set forth in this subsection.

25 At the permanency hearing, the court shall determine the
26 future status of the child. The court shall set one of the

1 following permanency goals:

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

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

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

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

22 (D) Adoption, provided that parental rights have been
23 terminated or relinquished.

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

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

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

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

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

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

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

22 (3) The court has found compelling reasons, based
23 on written documentation reviewed by the court, to
24 place the minor in continuing foster care. Compelling
25 reasons include:

26 (a) the child does not wish to be adopted or to

1 be placed in the guardianship of his or her
2 relative or foster care placement;

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

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

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

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

21 The court shall set a permanency goal that is in the best
22 interest of the child. In determining that goal, the court
23 shall consult with the minor in an age-appropriate manner
24 regarding the proposed permanency or transition plan for the
25 minor. The court's determination shall include the following
26 factors:

1 (1) Age of the child.

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

4 (3) Current placement of the child and the intent of
5 the family regarding adoption.

6 (4) Emotional, physical, and mental status or
7 condition of the child.

8 (5) Types of services previously offered and whether or
9 not the services were successful and, if not successful,
10 the reasons the services failed.

11 (6) Availability of services currently needed and
12 whether the services exist.

13 (7) Status of siblings of the minor.

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

23 The court shall make findings as to whether, in violation
24 of Section 8.2 of the Abused and Neglected Child Reporting Act,
25 any portion of the service plan compels a child or parent to
26 engage in any activity or refrain from any activity that is not

1 reasonably related to remedying a condition or conditions that
2 gave rise or which could give rise to any finding of child
3 abuse or neglect. The services contained in the service plan
4 shall include services reasonably related to remedy the
5 conditions that gave rise to removal of the child from the home
6 of his or her parents, guardian, or legal custodian or that the
7 court has found must be remedied prior to returning the child
8 home. Any tasks the court requires of the parents, guardian, or
9 legal custodian or child prior to returning the child home,
10 must be reasonably related to remedying a condition or
11 conditions that gave rise to or which could give rise to any
12 finding of child abuse or neglect.

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

21 The court shall review the Sibling Contact Support Plan
22 developed or modified under subsection (f) of Section 7.4 of
23 the Children and Family Services Act, if applicable. If the
24 Department has not convened a meeting to develop or modify a
25 Sibling Contact Support Plan, or if the court finds that the
26 existing Plan is not in the child's best interest, the court

1 may enter an order requiring the Department to develop, modify
2 or implement a Sibling Contact Support Plan, or order
3 mediation.

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

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

22 A guardian or custodian appointed by the court pursuant to
23 this Act shall file updated case plans with the court every 6
24 months.

25 Rights of wards of the court under this Act are enforceable
26 against any public agency by complaints for relief by mandamus

1 filed in any proceedings brought under this Act.

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

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

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

13 (i) (Blank).

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

20 (iii) Whether the minor's placement is necessary,
21 and appropriate to the plan and goal, recognizing the
22 right of minors to the least restrictive (most
23 family-like) setting available and in close proximity
24 to the parents' home consistent with the health,
25 safety, best interest and special needs of the minor
26 and, if the minor is placed out-of-State, whether the

1 out-of-State placement continues to be appropriate and
2 consistent with the health, safety, and best interest
3 of the minor.

4 (iv) (Blank).

5 (v) (Blank).

6 (4) The minor or any person interested in the minor may
7 apply to the court for a change in custody of the minor and the
8 appointment of a new custodian or guardian of the person or for
9 the restoration of the minor to the custody of his parents or
10 former guardian or custodian.

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

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

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

26 When parental rights have been terminated for a minimum

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

16 Custody of the minor shall not be restored to any parent,
17 guardian or legal custodian in any case in which the minor is
18 found to be neglected or abused under Section 2-3 or dependent
19 under Section 2-4 of this Act, unless the minor can be cared
20 for at home without endangering his or her health or safety and
21 it is in the best interest of the minor, and if such neglect,
22 abuse, or dependency is found by the court under paragraph (1)
23 of Section 2-21 of this Act to have come about due to the acts
24 or omissions or both of such parent, guardian or legal
25 custodian, until such time as an investigation is made as
26 provided in paragraph (5) and a hearing is held on the issue of

1 the health, safety and best interest of the minor and the
2 fitness of such parent, guardian or legal custodian to care for
3 the minor and the court enters an order that such parent,
4 guardian or legal custodian is fit to care for the minor. In
5 the event that the minor has attained 18 years of age and the
6 guardian or custodian petitions the court for an order
7 terminating his guardianship or custody, guardianship or
8 custody shall terminate automatically 30 days after the receipt
9 of the petition unless the court orders otherwise. No legal
10 custodian or guardian of the person may be removed without his
11 consent until given notice and an opportunity to be heard by
12 the court.

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

20 (5) Whenever a parent, guardian, or legal custodian files a
21 motion for restoration of custody of the minor, and the minor
22 was adjudicated neglected, abused, or dependent as a result of
23 physical abuse, the court shall cause to be made an
24 investigation as to whether the movant has ever been charged
25 with or convicted of any criminal offense which would indicate
26 the likelihood of any further physical abuse to the minor.

1 Evidence of such criminal convictions shall be taken into
2 account in determining whether the minor can be cared for at
3 home without endangering his or her health or safety and
4 fitness of the parent, guardian, or legal custodian.

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

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

15 (c) All information obtained from any investigation
16 shall be confidential as provided in Section 5-150 of this
17 Act.

18 (Source: P.A. 97-425, eff. 8-16-11; 97-1076, eff. 8-24-12;
19 98-756, eff. 7-16-14.)