AN ACT concerning children.

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

Section 1. Reference to Act. This Act may be referred to as the Safeguards to Ensure Continuity and Uphold Rights and Equity (SECURE) Act.

Section 3. Legislative findings and intent. The General Assembly finds and declares:

(1) Youth in the care of the Department of Children and Family Services deserve all the legal protections available under the law, but the current legal protections available to these youth require a suite of statutory enhancements.

(2) Illinois has a duty to safeguard the safety, health, dignity, well-being, and best interests of youth in the care of the Department of Children and Family Services, regardless of where such youth is placed, and that ultimate responsibility cannot be delegated to other states.

(3) Out-of-state placements of youth do not diminish Illinois' responsibility to ensure youth are protected from foreseeable harm, discrimination, or denial of care that would be lawful and clinically appropriate under Illinois law.

(4) Youth in foster care may present with higher rates, when compared to youth not in care, of trauma and a range of

unmet medical, reproductive, sexual, and gender-related health needs that may evolve over time and require ongoing monitoring and appropriate treatment care.

(5) Youth voice is essential to sound child welfare decision-making.

(6) When making placement decisions, the State of Illinois, including the Department of Children and Family Services, must solicit and meaningfully consider a youth's expressed preferences in its evaluation of placement options while conducting transparent, individualized risk assessments of potential harms to the youth based on the youth's specific circumstances.

(7) Regular Illinois-based caseworker contact is necessary, among other important reasons, to identify the emerging needs of youth, including pregnancy-related care, contraception, and treatment for sexually transmitted infections.

(8) Caseworkers coordinating and delivering services on behalf of youth in the Department's care who are placed out-of-state are obligated to provide lawful health care coordination.

(9) Service providers and caregivers receiving State funds from the Department of Children and Family Services must comply with Illinois standards for care including, but not limited to, laws, rules, and policies, as a condition of licensure and contracting.

(10) To protect youth in the Department's care from harm resulting from violations of specified provisions of this Act and to ensure effective enforcement of this Act, the General Assembly intends to provide courts hearing cases in accordance with the Juvenile Court Act of 1987 with review authority and the Department's Inspector General with investigative authority to address alleged statutory violations as tools for enforcement.

(11) The changes made by this Act shall be liberally construed to protect the safety, dignity, well-being, and rights of youth.

Section 5. The Children and Family Services Act is amended by changing Sections 4d, 6a, 7, and 35.5 and by adding Sections 5g, 7.29, 7.30, and 7.31 as follows:

(20 ILCS 505/4d)

Sec. 4d. Definitions.

(a) As used in this Act:

"Caregiver" means a certified relative caregiver, relative caregiver, or foster parent with whom a youth in care is placed.

"Certified relative caregiver" has the meaning ascribed to that term in Section 2.36 of the Child Care Act of 1969.

"Certified relative caregiver home" has the meaning ascribed to that term in Section 2.37 of the Child Care Act of

1969.

"Child-specific record" or "youth-specific record" means documentation maintained separately for an individual child or youth within a family's case file.

"Fictive kin" means a person who is unrelated to a child by birth, marriage, tribal custom, or adoption who is shown to have significant and close personal or emotional ties with the child or the child's family.

"Relative" means a person who is: (i) related to a child by blood, marriage, tribal custom, adoption, or to a child's sibling in any of the foregoing ways, even though the person is not related to the child, when the child and the child's sibling are placed together with that person or (ii) fictive kin. For children who have been in the guardianship of the Department following the termination of their parents' parental rights, been adopted or placed in subsidized or unsubsidized guardianship, and are subsequently returned to the temporary custody or guardianship of the Department, "relative" includes any person who would have qualified as a relative under this Section prior to the termination of the parents' parental rights if the Department determines, and documents, or the court finds that it would be in the child's best interests to consider this person a relative, based upon the factors for determining best interests set forth in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

"Relative caregiver" means a person responsible for the care and supervision of a child placed by the Department, other than the parent, who is a relative.

"Relative home" means a home of a relative that is not a foster family home or a certified relative caregiver home but provides care to a child placed by the Department who is a relative of a household member of the relative's home.

"Sensitive identity information" means personal data that is linked or reasonably linkable to a child or youth and identifies the child's or youth's sexual orientation, as the term is defined in subsection (O-1) of Section 1-103 of the Illinois Human Rights Act.

"Subsidized guardian" means a person who signs a subsidized guardianship agreement prior to being appointed as plenary guardian of the person of a minor.

"Subsidized guardianship" means a permanency outcome when a caregiver is appointed as a plenary guardian of the person of a minor exiting the foster care system, who receives guardianship assistance program payments. Payments may be funded through State funds, federal funds, or both State and federal funds.

"Third party" means any person, government unit, agency, organization, or body other than the Department of Children and Family Services. "Third party" does not include a recipient of Department records who is an attorney representing a child.

"Youth in care" means persons placed in the temporary custody or guardianship of the Department pursuant to the Juvenile Court Act of 1987.

(b) The changes made to this Section by this amendatory Act of the 104th General Assembly apply on and after September 1, 2026 if the effective date of this amendatory Act of the 104th General Assembly is on or before September 1, 2026; otherwise, the changes made to this Section by this amendatory Act of the 104th General Assembly apply on and after December 1, 2026.

(Source: P.A. 103-1061, eff. 7-1-25.)

(20 ILCS 505/5g new)

Sec. 5g. Administrative safeguards for sensitive identity information.

(a) The Department shall protect a child from unnecessary and unapproved disclosure of the child's sensitive identity information. Before or at the time the Department requests, initiates, or engages in a conversation, assessment, or service interaction in which a child may disclose the child's sensitive identity information to the Department or its service providing entities, the Department shall inform the child of the circumstances under which the Department or its service providing entities are permitted or required to share the child's sensitive identity information without the child's knowledge and agreement. If a child discloses the child's sensitive identity information before the Department provides this notice, the Department shall inform the child of these disclosure circumstances at the earliest possible opportunity, but no later than 14 days after the disclosure occurs. The Department shall document this discussion with the child in the Department's records, in a manner consistent with Department policy regarding documentation of sensitive identity information.

As used in this Section, "service providing entity" means a person, governmental unit, agency, organization, or body providing services or care for a child on behalf of the Department in accordance with a contract, grant agreement, or purchase-of-service agreement or any other person, governmental unit, agency, organization, or body subcontracted or otherwise engaged in the furtherance of those services, including, but not limited to, academic and research institutions and any person, governmental unit, agency, organization, or body that collects, processes, analyzes, stores, shares, or otherwise uses Department data that includes personal data that is or can be reasonably linked to an identified or identifiable individual served by the Department. A service providing entity does not include a recipient of Department records who is an attorney representing a child.

(b) If the Department discloses a child's sensitive identity information to the federal government, as required under federal law or pursuant to an order of a court of competent jurisdiction, the Department shall:

(1) limit such disclosure to the scope, purpose, and receiving party, and information necessary to comply with the specific legal necessity of that disclosure;

(2) narrow, limit, or de-identify that information to the fullest extent legally permitted before such disclosure;

(3) notify the child of the scope of the disclosure and receiving party as soon as the Department is legally permitted to inform the child; and

(4) document the date the Department made the disclosure, the scope of disclosure, the recipient party of the disclosure, and the activities completed by the Department to fulfill the obligations of paragraphs (1), (2), and (3).

The Department shall ensure that its service providing entities are also contractually obligated to limit disclosure of a child's sensitive identity information to a manner consistent with the restrictions described under this subsection.

(c) De-identified sensitive information.

(1) Datasets and aggregated data, including data related to a child's sensitive identity information that cannot reasonably be used to infer information about, re-identify, or otherwise be linked to an identified or

identifiable child, are not considered a child's sensitive identity information for the purposes of this Section if the Department:

(A) takes reasonable measures to ensure the data cannot be linked to a child even if combined with other datasets or sources; and

(B) contractually obligates any third party recipient to process such data only in a de-identified manner; and

(C) prohibits any attempts to re-identify de-identified data.

(2) The Department shall not aggregate children's sensitive identity information unless:

(A) the information is gathered and maintained as de-identified sensitive information, as provided under paragraph (1); or

(B) the Department has a legitimate service delivery need that cannot be accomplished without the specific children's sensitive identity information.

(3) The Department may grant a third party access to Department data systems subject to the terms of Section 5g. Any third party granted access to Department data systems or records that include a child's sensitive identity information shall be prohibited from aggregating children's sensitive identity information in any manner that is not de-identified as prescribed under paragraph

(1).

(d) Child-specific documentation requirement. The Department shall:

(1) maintain child-specific narrative sections within service plans, integrated assessments, and court reports;

(2) ensure that sensitive identity information concerning one child is not included in generalized family summaries or a sibling's child-specific record unless materially relevant to the safety or placement of that child's sibling or siblings or the permanency goal; and

(3) ensure a child is aware that the child's sensitive identity information is necessary for court reporting if the sensitive identity information is materially relevant to advance the child's permanency goal or ensure the child's safety or appropriate service provision.

(e) Internal electronic access controls. No later than January 1, 2028, the Department shall implement internal safeguards within its electronic case management systems to:

(1) limit access to a child's sensitive identity information to personnel with a documented case-related need; and

(2) segregate sensitive identity information fields from general case summaries where technologically feasible.

(f) The provisions of this Section apply on and after January 1, 2028, except that the provisions of subsection (b) apply on and after September 1, 2026 if the effective date of this amendatory Act of the 104th General Assembly is on or before September 1, 2026; otherwise, the provisions of this Section apply on and after January 1, 2028, except that the provisions of subsection (b) apply on and after December 1, 2026.

(20 ILCS 505/6a) (from Ch. 23, par. 5006a)

Sec. 6a. Case plan.

(a) With respect to each Department client for whom the Department is providing placement service, the Department shall develop a case plan designed to stabilize the family situation and prevent placement of a child outside the home of the family when the child can be cared for at home without endangering the child's health or safety, reunify the family if temporary placement is necessary when safe and appropriate, or move the child toward an appropriate permanent living arrangement and permanent legal status, consistent with the child's best interest, using the factors set forth in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987. Such case plan shall provide for the utilization of family preservation services as defined in Section 8.2 of the Abused and Neglected Child Reporting Act. Such case plan shall be reviewed and updated every 6 months. The Department shall ensure that incarcerated parents are able to participate in case plan reviews via teleconference or videoconference. Where appropriate, the case plan shall include recommendations concerning alcohol or drug abuse evaluation.

If the parent is incarcerated, the case plan must address the tasks that must be completed by the parent and how the parent will participate in the administrative case review and permanency planning hearings and, wherever possible, must include treatment that reflects the resources available at the facility where the parent is confined. The case plan must provide for visitation opportunities, unless visitation is not in the best interests of the child.

(a-5)(1) As used in this subsection:

"Protected characteristic" has the meaning ascribed to that term in subsection (b) of Section 7.29.

"Supportive care" has the meaning ascribed to that term in subsection (b) of Section 7.29.

(2) The case plan shall include tasks addressing the responsibilities of a youth in care's caregiver and service providers, as defined in Section 7.29, regarding safe, proper, and supportive care based on the youth in care's needs and consistent with the youth in care's best interests, including, but not limited to, the youth in care's protected characteristics, and in alignment with the requirements of Sections 7, 7.29, and 7.30.

(3) These caregiver and service provider responsibilities shall include, at a minimum, the duty to:

(A) ensure that the youth in care's daily physical, emotional, developmental, educational, cultural, and social needs are met;

(B) maintain an environment providing supportive care to treat the youth in care in a manner that meets the youth in care's need for safety and security and is free from harassment and abuse;

(C) collaborate with the youth in care's parents, the Department, and relevant service providers, when appropriate and consistent with the youth in care's safety, best interests, as determined by the Department, court, and permanency plan, to promote the youth in care's well-being and connection to family and community; and

(D) maintain the youth in care's privacy.

As needed, the youth in care's case plan shall identify specific actions the caregiver and service providers must take to fulfill these responsibilities.

(4) Case plans shall address each youth in care's health care needs and specify steps the Department, service providers, and caregivers shall take to ensure timely provision of health care, including, but not limited to, arranging transportation and ensuring the youth in care can attend appointments. If the Department is placing or has placed a youth in care in a jurisdiction outside the State of Illinois, and that jurisdiction exposes a youth in care to risk of adverse action as defined in subsection (b) of Section 7.30 and as determined by the Department, the case plan shall,

consistent with Department policy regarding documentation of sensitive identity information, include steps the Department is taking to mitigate any identified risk of adverse action and ensure that the youth in care continues to receive the full protections and benefits guaranteed by the laws of this State, as required under Sections 7, 7.29, and 7.30. This includes, but is not limited to, coordination with out-of-state providers or Illinois-based providers to ensure that a youth in care can access and receive health care, including mental health care, lawful in the State of Illinois and with the privacy and confidentiality protections that Illinois law affords. The Department shall document in the case plan the steps the Department has taken to fulfill the obligations under this subsection and Sections 7, 7.29, and 7.30 and report this information to the court as part of the Department's required efforts under Section 2-28 of the Juvenile Court Act of 1987, in a manner consistent with Department policy regarding documentation of sensitive identity information.

(5) The Department shall provide guidance and support to caregivers to ensure they have the resources necessary to meet the responsibilities described in this subsection, including culturally responsive and trauma-informed care practices. The Department shall monitor the caregiver's and service providers' fulfillment of the responsibilities under this subsection, document this information as part of the youth in

care's case review and permanency hearing process required under this Act and report this information to the court as part of the Department's required efforts under Sections 2-27.2, 2-27.4, and 2-28 of the Juvenile Court Act of 1987, in a manner consistent with the Department's policy regarding documentation of a youth's sensitive identity information.

(6) Nothing in this subsection shall be construed to limit or diminish:

(A) the rights of a youth in care to be free from discrimination or to receive care consistent with the protections guaranteed under State and federal law;

(B) the Department's obligation to act in the best interest of a youth in care; or

(C) the Department's obligation to pursue reunification with a parent when the permanency goal is return home.

(b) The Department may enter into written agreements with child welfare agencies to establish and implement case plan demonstration projects. The demonstration projects shall require that service providers develop, implement, review and update client case plans. The Department shall examine the effectiveness of the demonstration projects in promoting the family reunification or the permanent placement of each client and shall report its findings to the General Assembly no later than 90 days after the end of the fiscal year in which any such demonstration project is implemented.

<u>(c) The changes made to this Section by this amendatory Act of the 104th General Assembly apply on and after January 1, 2028.</u>

(Source: P.A. 103-1061, eff. 7-1-25.)

(20 ILCS 505/7) (from Ch. 23, par. 5007)

Sec. 7. Placement of children; considerations.

(a) In placing any child under this Act, the Department shall place the child, as far as possible, in the care and custody of some individual holding the same religious belief as the parents of the child, or with some child care facility which is operated by persons of like religious faith as the parents of such child.

(a-5) In placing a child under this Act, the Department shall place the child with the child's sibling or siblings under Section 7.4 of this Act unless the placement is not in each child's best interest, or is otherwise not possible under the Department's rules. If the child is not placed with a sibling under the Department's rules, the Department shall consider placements that are likely to develop, preserve, nurture, and support sibling relationships, where doing so is in each child's best interest.

(b) In placing a child under this Act, the Department shall place a child with a relative if the Department determines that the relative will be able to adequately provide for the child's safety and welfare based on the factors set forth in the Department's rules governing such placements, and that the placement is consistent with the child's best interests, taking into consideration the factors set out in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

When the Department first assumes custody of a child, in placing that child under this Act, the Department shall make reasonable efforts to identify, locate, and provide notice to all adult grandparents and other adult relatives of the child who are ready, willing, and able to care for the child. At a minimum, these diligent efforts shall be renewed each time the child requires a placement change and it is appropriate for the child to be cared for in a home environment. The Department must document its efforts to identify, locate, and provide notice to such potential relative placements and maintain the documentation in the child's case file. The Department shall complete the following initial family finding and relative engagement efforts:

(1) The Department shall conduct an investigation in order to identify and locate all grandparents, parents of a sibling of the child, if the parent has legal custody of the sibling, adult siblings, other adult relatives of the child ~~minor~~ including any other adult relatives suggested by the parents, and, if it is known or there is reason to know the child is an Indian child, any extended family members, as defined in Section 4 of the Indian Child

Welfare Act of 1978 (25 U.S.C. 1903). The Department shall make diligent efforts to investigate the names and locations of the relatives, including, but not limited to, asking the child in an age-appropriate manner and consistent with the child's best interest about any parent, alleged parent, and relatives important to the child, and obtaining information regarding the location of the child's parents, alleged parents, and adult relatives.

As used in this subsection (b), "family finding and relative engagement" means conducting an investigation, including, but not limited to, through a computer-based search engine, to identify any person who would be eligible to be a relative caregiver as defined in Section 4d of this Act and to connect a child, consistent with the child's best interest, who may be disconnected from the child's parents, with those relatives and kin in an effort to provide family support or possible placement. If it is known or there is reason to know that the child is an Indian child, as defined in Section 4 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903), "family finding and relative engagement" also includes contacting the Indian child's tribe to identify relatives and kin. The ~~No later than July 1, 2025, the~~ Department shall adopt rules setting forth specific criteria as to family finding and relative engagement efforts under this subsection (b) and under Section 2-27.3 of the Juvenile Court Act of 1987, including determining the manner in which efforts may or may not be appropriate, consistent with the best interests of the child.

(2) In accordance with Section 471(a)(29) of the Social Security Act, the Department shall make diligent efforts to provide all adult relatives who are located with written notification and oral notification, in person or by telephone, of all the following information:

(i) the child ~~minor~~ has been removed from the custody of the child's ~~minor's~~ parent or guardian; and

(ii) an explanation of the various options to participate in the care and placement of the child ~~minor~~ and support for the child's ~~minor's~~ family, including any options that may expire by failing to respond. The notice shall provide information about providing care for the child ~~minor~~ while the family receives reunification services with the goal of returning the child to the parent or guardian, how to become a certified relative caregiver home, and additional services and support that are available in substitute care. The notice shall also include information regarding, adoption and subsidized guardianship assistance options, health care coverage for a child ~~youth in care~~ under the medical assistance program established under Article V of the Illinois Public Aid Code, and other options for contact with the child ~~minor~~, including, but not limited to, visitation. Upon establishing the Department's kinship navigator program, the notice shall also include information regarding that benefit.

The ~~No later than July 1, 2025, the~~ Department shall adopt or amend existing rules to implement the requirements of this subsection, including what constitutes "diligent efforts" and when exceptions, consistent with federal law, are appropriate.

(b-5)(1) If the Department determines that a placement with any identified relative is not in the child's best interests or that the relative does not meet the requirements to be a relative caregiver, as set forth in Department rules or by statute, the Department must document the basis for that decision, maintain the documentation in the child's case file, inform the identified relative of the relative's right to reconsideration of the decision to deny placement with the identified relative, provide the identified relative with a description of the reconsideration process established in accordance with subsection (o) of Section 5 of this Act, and report this information to the court in accordance with the requirements of Section 2-27.3 of the Juvenile Court Act of 1987.

If, pursuant to the Department's rules, any person files an administrative appeal of the Department's decision not to place a child with a relative, it is the Department's burden to prove that the decision is consistent with the child's best interests. The Department shall report information related to these appeals pursuant to Section 46 of this Act.

When the Department determines that the child requires placement in an environment, other than a home environment, the Department shall continue to make reasonable efforts to identify and locate relatives to serve as visitation resources for the child and potential future placement resources, unless excused by the court, as outlined in Section 2-27.3 of the Juvenile Court Act of 1987.

If the Department determines that efforts to identify and locate relatives would be futile or inconsistent with the child's best interests, the Department shall document the basis of its determination and maintain the documentation in the child's case file.

If the Department determines that an individual or a group of relatives are inappropriate to serve as visitation resources or possible placement resources, the Department shall document the basis of its determination, maintain the documentation in the child's case file, inform the identified relative of the relative's right to a reconsideration of the decision to deny visitation with the identified relative, provide the identified relative with a description of the reconsideration process established in accordance with subsection (o) of Section 5 of this Act, and report this information to the court in accordance with the requirements of Section 2-27.3 of the Juvenile Court Act of 1987.

When the Department determines that an individual or a group of relatives are appropriate to serve as visitation resources or possible future placement resources, the Department shall document the basis of its determination, maintain the documentation in the child's case file, create a visitation or transition plan, or both, and incorporate the visitation or transition plan, or both, into the child's case plan. The Department shall report this information to the court as part of the Department's family finding and relative engagement efforts required under Section 2-27.3 of the Juvenile Court Act of 1987. For the purpose of this subsection, any determination as to the child's best interests shall include consideration of the factors set out in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

(2) The Department may initially place a child in a foster family home as defined under Section 2.17 of the Child Care Act of 1969 or a certified relative caregiver home as defined under Section 4d of this Act. Initial placement may also be made with a relative who is not yet a certified relative caregiver if all of the following conditions are met:

(A) The prospective relative caregiver and all other adults in the home must authorize and submit to a background screening that includes the components set forth in subsection (c) of Section 3.4 of the Child Care Act of 1969. If the results of a check of the Law

Enforcement Agencies Data System (LEADS) identifies a prior criminal conviction of (i) the prospective relative caregiver for an offense not prohibited under subsection (c) of Section 3.4 of the Child Care Act of 1969 or (ii) any other adult in the home for a felony offense, the Department shall thoroughly investigate and evaluate the criminal history, including an assessment of the person's character and the impact that the criminal history has on the prospective relative caregiver's ability to parent the child. The investigation must consider the type of crime, the number of crimes, the nature of the offense, the age of the person at the time of the crime, the length of time that has elapsed since the last conviction, the relationship of the crime to the ability to care for children, the role that the person will have with the child, and any evidence of rehabilitation. Initial placement may not be made if the results of a check of the Law Enforcement Agencies Data System (LEADS) identifies a prior criminal conviction of the prospective relative caregiver for an offense prohibited under subsection (c) of Section 3.4 of the Child Care Act of 1969; however, a waiver may be granted for placement of the child in accordance with subsection (v-4) of Section 5.

(B) The home safety and needs assessment requirements set forth in paragraph (1) of subsection (b) of Section 3.4 of the Child Care Act of 1969 are satisfied.

(C) The prospective relative caregiver is able to meet the physical, emotional, medical, and educational needs of the specific child or children being placed by the Department.

The ~~No later than July 1, 2025, the~~ Department shall adopt rules or amend existing rules to implement the provisions of this subsection (b-5). The rules shall outline the essential elements of each form used in the implementation and enforcement of the provisions of this amendatory Act of the 103rd General Assembly.

Relative ~~No later than July 1, 2025, relative~~ caregiver payments shall be made to relative caregiver homes as provided under Section 5 of this Act. A relative with whom a child is placed pursuant to this subsection may, but is not required to, apply for licensure as a foster family home pursuant to the Child Care Act of 1969; provided, however, that as of July 1, 1995, foster care payments shall be made only to licensed foster family homes pursuant to the terms of Section 5 of this Act.

The provisions added to this subsection (b) by Public Act 98-846 shall become operative on and after June 1, 2015.

(c) In placing a child under this Act, the Department shall ensure that the child's health, safety, and best interests are met. In rejecting placement of a child with an identified relative, the Department shall (i) ensure that the child's health, safety, and best interests are met, (ii) inform the identified relative of the relative's right to reconsideration of the decision and provide the identified relative with a description of the reconsideration process established in accordance with subsection (o) of Section 5 of this Act, (iii) report that the Department rejected the relative placement to the court in accordance with the requirements of Section 2-27.3 of the Juvenile Court Act of 1987, and (iv) report the reason for denial in accordance with Section 46 of this Act. In evaluating the best interests of the child, the Department shall take into consideration the factors set forth in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

The Department shall consider the individual needs of the child and the capacity of the prospective caregivers or prospective adoptive parents to meet the needs of the child. When a child must be placed outside the child's home and cannot be immediately returned to the child's parents or guardian, a comprehensive, individualized assessment shall be performed of that child at which time the needs of the child shall be determined. <u>The Department shall assess the prospective caregivers' or prospective adoptive parents' ability to meet the child's specific needs for safety, well-being, and supportive care, as defined in subsection (b) of Section 7.29 and the Department shall document the basis of its determination in the child's case file. The prospective caregivers or prospective adoptive parents shall expressly</u>

commit that they will comply with Sections 6a, 7, 7.29, and 7.30 and the Department shall document this in the child's case file. Subject to subsection (f) of Section 7.29, the Department shall not place a child without determining, as part of the Department's placement suitability analysis, that the prospective caregivers or prospective adoptive parents have the capacity to meet the child's specific needs for safety, well-being, and supportive care. Only if race, color, gender identity, sexual orientation, or national origin is identified as a legitimate factor in advancing the child's best interests shall it be considered when placing a child. ~~Race, color, or national origin shall not be routinely considered in making a placement decision.~~ The Department shall make special efforts for the diligent recruitment of potential foster and adoptive families that reflect the ~~ethnic and racial~~ diversity of the children for whom foster and adoptive homes are needed. "Special efforts" shall include contacting and working with community organizations and religious organizations and may include contracting with those organizations, utilizing local media and other local resources, and conducting outreach activities.

Nothing in this subsection shall be construed to limit or diminish: (i) the rights of a child to be free from discrimination or to receive care consistent with the protections guaranteed under State and federal law, (ii) the Department's obligation to act in the best interests of a child, or (iii) the Department's obligation to pursue reunification with a parent when the permanency goal is return home.

(c-1) At the time of placement, the Department shall consider concurrent planning, as described in subsection (l-1) of Section 5, so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child. To the extent that doing so is in the child's best interests as set forth in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987, the Department should consider placements that will permit the child to maintain a meaningful relationship with the child's parents.

(d) The Department may accept gifts, grants, offers of services, and other contributions to use in making special recruitment efforts.

(e) The Department in placing children in relative caregiver, certified relative caregiver, adoptive, or foster care homes may not, in any policy or practice relating to the placement of children for adoption or foster care, discriminate against any child or prospective caregiver or adoptive parent on the basis of race.

(f) The changes made to this Section by this amendatory Act of the 104th General Assembly apply on and after January 1, 2028.

(Source: P.A. 103-22, eff. 8-8-23; 103-1061, eff. 7-1-25.)

(20 ILCS 505/7.29 new)

Sec. 7.29. Department, service provider, and caregiver conduct to prevent harmful treatment of youth.

(a) Legislative findings and intent. The General Assembly finds and declares:

(1) When the State of Illinois, through the Department of Children and Family Services, removes a youth from the care of a parent or guardian and assumes legal custody of that youth, the State undertakes a duty and affirmative obligation to safeguard the youth's safety, well-being, dignity, developmental interests, and fundamental rights, and that ultimate duty and obligation cannot be delegated to other states.

(2) The State has a compelling interest in ensuring the safety, well-being, and development of all youth in the Department's care. The State's duty to protect youth in its care is continuous and is not extinguished by placement with foster parents, relative caregivers, or service providers. Out-of-state placement of a youth in the Department's care does not diminish the State's ultimate responsibility for ensuring lawful, safe, supportive care, and equitable treatment.

(3) Youth under the Department's care are entitled to supportive care, services, and treatment free from

discrimination, arbitrary decision-making, and unequal protection. The vulnerability inherent in State custody requires heightened attention to fairness, neutrality, and the protection of these youth's rights.

(4) It is expressly recognized that Department, service provider, and caregiver conduct, as well as placement conditions, directly affect youth permanency, well-being, and fair and equitable treatment.

(5) It is the purpose of this Section to clarify and reinforce the obligations of the State and those acting under its authority to ensure that youth receive nondiscriminatory and supportive care consistent with principles of safety, dignity, stability, and equal treatment, and to provide clear mechanisms for accountability where those obligations are violated.

(b) Definitions. As used in this Section:

"Placement provider" means a type of service provider that provides the youth's residence and daily care, including, but not limited to, a residential treatment center, group home, or child care institution under the Child Care Act of 1969 or a similar setting licensed in accordance with the laws of another state in which that youth is placed. "Placement provider" does not mean a "caregiver" as defined in this Act.

"Protected characteristic" means any characteristic included in the definition of unlawful discrimination as defined in Section 1-103 of the Illinois Human Rights Act, including, but not limited to, actual or perceived race, color, religion, sex, sexual orientation, gender identity, national origin, ancestry, disability, pregnancy, reproductive health decisions, or marital status.

"Service provider" means a person, governmental unit, agency, organization, or body providing services or care for youth on behalf of the Department under a contract, grant agreement, or any other agreement or any other person, governmental unit, agency, organization, or body subcontracted or otherwise engaged in the furtherance of those services. A service provider does not include an attorney representing a child.

"Supportive care" means Department, service provider, and caregiver practices that are supportive of and responsive to a youth's lived experience, needs, and protected characteristics and do not subject the youth to rejection or hostility based on, or coercive efforts to change, a protected characteristic.

"Youth" has the meaning ascribed to that term in subsection (b) of Section 4e.

(c) Applicability. This Section applies to the Department, service providers, and caregivers for youth.

(d) Department, service provider, and caregiver conduct requirements to protect youth rights. The Department, service providers, and caregivers shall:

(1) cooperate and support services, care planning, and placements that are consistent with the youth's health,

safety, well-being, and best interests;

(2) adhere to privacy-protective documentation practices regarding the youth, consistent with Department policy regarding documentation of sensitive identity information; and

(3) provide supportive care consistent with the youth's case plan and best interests.

(e) Prohibited conduct.

(1) The Department, service providers, and caregivers are prohibited from engaging in conduct that:

(A) demeans, harasses, rejects, intentionally disregards, discriminates against, or retaliates against a youth based on a youth's protected characteristic or characteristics;

(B) intentionally interferes with services, supports, or treatment identified in the youth's case plan;

(C) discloses or compels disclosure of a youth's sensitive identity information, without the youth's expressed consent, consistent with Department policy regarding documentation of sensitive identity information, and contrary to the terms of Section 5g.

(2) The Department and service providers shall not:

(A) exclude a youth from participation in, deny a youth the benefits of, or subject a youth to discrimination under any program or activity based on that youth's protected characteristic or characteristics;

(B) utilize criteria or methods of administration that have the effect of subjecting youth to discrimination because of the youth's protected characteristic or characteristics; or

(C) discourage, interfere with, or retaliate against a person who seeks to report a suspected or known statutory violation of this Section to an enforcement entity.

(f) Scope and limitations.

(1) Unless the youth affirmatively expresses support for a placement and that placement otherwise meets the placement requirements of Section 7 and the applicable licensing or approval standards, the Department shall not determine it is in a youth's best interest to be placed or remain placed with a placement provider or caregiver that: (i) will not expressly commit to comply with the conduct obligations of this Section; or (ii) violates the conduct requirements of subsection (d) or commits conduct that is prohibited under subsection (e). The Department shall provide youth in these circumstances the opportunity to express or withhold their support for the placement. If the youth does not affirmatively express support, as required for placement under this paragraph, the Department shall decline to place or maintain placement

for the youth based on the placement provider's or caregiver's inability to meet the required conduct obligations under this Section. The Department shall not disclose a youth's lack of affirmative expressed support to the prospective or current placement provider or caregiver.

(2) If a youth is placed or remains placed with a placement provider or caregiver in such circumstances as permitted under paragraph (1), the Department shall document the youth's affirmative expression of support for placement with this placement provider or caregiver using age-appropriate and developmentally appropriate methods, including, but not limited to: interviews, written statements, structured surveys, clinical evaluations or consultations, drawings, or guided play. After affirmatively expressing such support for this placement, the youth has the right to withdraw this support at any time and the Department has an ongoing obligation to monitor whether the youth maintains or withdraws such support. The Department shall inform the youth of that right and provide the youth simple options for the youth to communicate withdrawal of support to the Department.

(g) Clinical judgment and safety exception. Actions taken in accordance with the good-faith exercise of clinical judgment by a licensed professional, or actions necessary to address immediate risk of serious harm to youth or others, shall not constitute a violation of this Section, provided that such actions are not based on bias against a protected characteristic, are narrowly tailored to address the identified risk, and are documented in the youth-specific record, consistent with Department policy regarding documentation of sensitive identity information.

(h) Compliance as a requirement for caregivers and service providers. Compliance with this Section is a condition of serving as a caregiver or service provider for a particular youth as required by that youth's best interest. This Section shall not be construed to establish independent licensure criteria under the Child Care Act of 1969.

(i) Enforcement.

(1) When a caregiver or service provider fails to comply with the requirements of this Section to care for a specific youth, the Department may take appropriate action authorized by law, including, but not limited to, placement changes and enhanced monitoring. No enforcement action under this paragraph shall be construed as a decision regarding licensure under the Child Care Act of 1969.

(2) Any known, alleged, or suspected violation of a statutory requirement of this Section shall immediately be reported to the Department's Office of the Inspector General, the court presiding over the youth's case in accordance with the Juvenile Court Act of 1987, and the

youth's attorney and guardian ad litem. A known, alleged, or suspected violation of a statutory requirement of this Section constitutes a significant event and requires a significant event report by the Department as defined in Section 35.1 of this Act and paragraph (14.2) of Section 1-3 of the Juvenile Court Act of 1987.

(3) Any youth aggrieved by conduct that violates subparagraph (A) or (B) of paragraph (2) of subsection (e) or paragraph (1) of subsection (f) may seek review under subsection (1.3) of Section 2-28 of the Juvenile Court Act of 1987.

(4) This subsection is in addition to and does not limit any enforcement authority of the Department or diminish any other remedies available to the youth under the law or equity.

(j) Mandatory disclosure of rights and enforcement options. Upon a youth's entry into the Department's care, and every 6 months thereafter, the Department shall provide youth with written notice:

(1) in plain language in the youth's primary language;

(2) in an age and developmentally appropriate format;

(3) in a manner accessible to individuals with disabilities;

(4) describing the youth's rights under this Section and the types of violations and conduct that may be reported; and

(5) the contact information for and procedures by which the youth can report alleged violations described in accordance with paragraph (4) to the Department's Inspector General, the Department's licensing division, and the court presiding over the youth's case in accordance with the Juvenile Court Act of 1987. The caseworker shall document in the youth's case file that the required disclosure of rights and enforcement options was provided to the youth in a format that is age appropriate, developmentally appropriate, and tailored to the youth's individual needs.

(k)(1) This Section shall be construed broadly to promote the safety, well-being, best interest, and equitable treatment of youth, consistent with the State's compelling interest in protecting youth.

(2) Nothing in this Section shall be construed to:

(A) compel an individual's beliefs or religious practices;

(B) require the Department, service providers, or caregivers to provide medical treatment beyond that authorized by law, court order, parental or guardian consent, or Department policy; or

(C) prohibit reasonable and developmentally appropriate limits necessary to protect the safety of the youth or others.

(3) Nothing in this Section shall be construed to limit or

diminish: (i) the rights of a youth to be free from discrimination or to receive care consistent with the protections guaranteed under State and federal law; (ii) the Department's obligation to comply with subsection (o) of Section 5 and rules and procedures developed in accordance with that subsection (o); (iii) the Department's obligation to act in the youth's best interests; or (iv) a youth's right to seek any other enforcement or legal remedies for violations available under law or equity.

(l) No later than July 1, 2027, the Department shall propose rules for adoption to implement the statutory protections under this Section. Rules shall address standards and criteria for conduct required or prohibited under subsections (d) and (e), including, but not limited to, the application of the terms used in this Section. No later than January 1, 2028, the Department shall adopt such rules.

(m) If any provision of this Section or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Section that can be given effect without the invalid provision or application.

(n) The provisions of subsections (a), (b), (c), and (l) apply on and after July 1, 2027 and the provisions of subsections (d), (e), (f), (g), (h), (i), (j), (k), and (m) apply on and after January 1, 2028.

(20 ILCS 505/7.30 new)

Sec. 7.30. Protecting access to lawful health care for youth placed outside the State of Illinois.

(a) Findings. The General Assembly finds and declares that:

(1) Youth in the care of the Department remain subject to the jurisdiction of Illinois courts regardless of placement location.

(2) Access to medically appropriate health care is essential to youth safety and well-being. Denial or delay of medically appropriate health care may result in serious physical and mental health consequences.

(3) The Department has a continuing obligation to act in the best interests of youth, including ensuring access to lawful, medically appropriate health care permitted under Illinois law, and protection from being forced to receive care that has been prohibited under Illinois law.

(4) It is the policy of this State to ensure that all youth in the care of the Department receive the full measure of protections, rights, and services guaranteed under Illinois law, regardless of where the youth is placed by the Department.

(5) The General Assembly intends to protect the rights of youth placed by the Department outside the State of Illinois and require the Department to take affirmative steps to protect these youth when they are the subjects of

a pending case under the Juvenile Court Act of 1987.

(b) Definitions. As used in this Section:

"Coordination of lawful health care" means activities related to arranging, referring, facilitating access to, monitoring, or advocating for health care services, including mental health care, that is lawful in the State of Illinois. This includes communications necessary to effectuate such services, for youth placed outside the State of Illinois.

"Interstate placement" means the placement of a youth in a relative home, foster home, residential facility, or other placement located outside this State, including placements made in accordance with the Interstate Compact on the Placement of Children. It does not include living arrangements involving youth returning to, or remaining in, the custody of a parent out-of-state.

"Protected characteristic" has the meaning ascribed to that term in subsection (b) of Section 7.29.

"Risk of adverse action" means a loss of a protection available under Illinois law that would otherwise be available to a youth if not for the placement of a youth outside the physical boundaries of the State of Illinois that can be reasonably predicted to have the effect of one or more of the following: exposing a youth or a youth's caregiver to criminal prosecution under the laws of another state related to the youth procuring or receiving health care, including mental health care, that is lawful in the State of Illinois;

depriving a youth of access to health care, including mental health care, that is lawful in the State of Illinois; subjecting a youth to mental health care in another state that involves "sexual orientation change efforts"; denying a youth the authority to consent to health care that the youth would otherwise be permitted to consent to if the youth were in the State of Illinois; or depriving a youth of the ability to maintain the privacy of the youth's health care records that the youth would otherwise be permitted to deny a parent's or guardian's access to if the youth were participating in health care services in Illinois.

"Sexual orientation change efforts" means any mental health practices or treatments that seek to change an individual's sexual orientation, as defined by subsection (O-1) of Section 1-103 of the Illinois Human Rights Act, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex. "Sexual orientation change efforts" does not include counseling or mental health services that provide acceptance, support, and understanding of a person without seeking to change sexual orientation or mental health services that facilitate a person's coping, social support, and gender identity exploration and development, including sexual orientation neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change sexual orientation.

"Youth" has the meaning ascribed to that term in subsection (b) of Section 4e.

(c) The Department shall not determine that an interstate placement of youth age 8 and older is in a youth's best interests if:

(1) the interstate placement exposes a youth to risk of adverse action, in light of the youth's specific circumstances;

(2) the risk of adverse action cannot be sufficiently and effectively mitigated, as determined by the Department; and

(3) the youth does not affirmatively express support for being placed or remaining placed in that interstate placement.

The Department shall document the youth's preference regarding being placed in or remaining in an interstate placement using age-appropriate and developmentally appropriate methods, including, but not limited to: interviews, written statements, structured surveys, clinical evaluations and consultations, drawings, or guided play.

After affirmatively expressing the youth's preference for being placed or remaining placed in the interstate placement, the youth maintains the right to withdraw support or opposition at any time and the Department has an ongoing obligation to monitor whether the youth continues or withdraws support. The Department shall inform the youth of that right and provide the youth simple options for the youth to communicate withdrawal of support or opposition to the Department. If a youth does not affirmatively express support for being placed in or remaining placed in an interstate placement that would expose the youth to unmitigated risk of adverse action, as determined by the Department, the Department shall not determine it is in a youth's best interest to be placed or remain placed in the interstate placement and the Department shall decline to place or maintain placement based on unmitigated risk of adverse action, as determined by the Department. The Department shall not disclose a youth's lack of support for a placement that exposes the youth to unmitigated risk of adverse action to the prospective or current interstate placement.

(d) Individualized placement assessment for interstate placements.

(1) Prior to interstate placement of a youth age 8 or older outside the State of Illinois, the Department shall conduct an individualized assessment of the suitability and risks of adverse action posed by the proposed placement for the specific youth. If the interstate placement of a youth age 8 or older on and after January 1, 2028, occurred before January 1, 2028 and that youth remains in the Department's care on and after February 1, 2028, the Department shall complete this initial

assessment on or before February 1, 2028 and begin monitoring and reassessment of suitability and risk of adverse action as provided under this Section while the youth remains in an interstate placement. If a youth is placed in an interstate placement before turning age 8 and the youth remains in the custody of the Department, the Department shall commence this initial assessment within 30 days of the youth reaching age 8 and begin monitoring and reassessment of suitability and risk of adverse action as provided under this Section while the youth remains in that placement. Assessments required under this Section shall consider, as appropriate:

(A) the youth's age, development, and expressed preferences;

(B) the youth's physical, mental, reproductive, and sexual health needs, including reasonably foreseeable needs that may arise during the placement;

(C) whether the laws and regulations in the placement jurisdiction may limit or interfere with access to care or services that would be lawful under Illinois law, including, but not limited to, reproductive health care as defined in Section 1-10 of the Reproductive Health Act, lawful health care as defined in Section 28-10 of the Lawful Health Care Activity Act, a youth's authority to consent to care under Sections 1, 3, 4, and 5 of the Consent by Minors to Health Care Services Act, the privacy protections afforded to youth under the Mental Health and Developmental Disabilities Confidentiality Act, birth control services and information available to youth under the Birth Control Services to Minors Act, and the ability of youth to request and receive outpatient counseling services and psychotherapy under the Mental Health and Developmental Disabilities Code;

(D) the youth's vulnerability to discrimination, retaliation, or harm based on the youth's protected characteristics or other individualized factors;

(E) whether the Department's plan to mitigate any risk of adverse action is sufficient to meet the youth's needs, which may include plans to arrange equivalent protections or access to relevant health care through contractual obligations and supplemental services or by ensuring the youth's safe return to the State of Illinois to access care; and

(F) the youth's best interest, taking into account the factors listed in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

The Department shall document the assessment in the youth-specific record, including the basis for the placement, the Department's determination that the placement is or is not in the youth's best interest, the assessment of protections available, risk of adverse action, and the specific actions taken or to be taken, if any, including protective measures to mitigate against any risk of adverse action, as determined by the Department, and report this information to the court as required under Sections 2-27.2, 2-27.4, and 2-28 of the Juvenile Court Act of 1987, in a manner consistent with Department policy regarding documentation of sensitive identity information. If the Department places the youth age 8 or older out-of-state, the Department shall continue to report this information to the court at permanency hearings as part of the Department's required efforts under Section 2-28 of the Juvenile Court Act of 1987, in a manner consistent with Department policy regarding documentation of sensitive identity information. If the Department places a youth under age 8 out-of-state, the Department shall begin to report this information to the court as part of the Department's required efforts under Sections 2-27.2 and 2-27.4 and at permanency hearings under Section 2-28 of the Juvenile Court Act of 1987, in a manner consistent with Department policy regarding documentation of sensitive identity information, when the youth reaches the age of 8.

The Department shall provide the youth's attorney or guardian ad litem appointed under the Juvenile Court Act of 1987 with a copy of the assessment within 10 days of the assessment being finalized. If the Department plans to move the youth to the interstate placement within 10 days after the finalization of the assessment, the Department shall provide the copy of the assessment to the youth's attorney or guardian ad litem immediately upon completion.

(2) If the initial placement assessment for a youth age 8 or older finds that the placement poses risk of adverse action relevant to the youth's specific circumstances and that risk cannot be sufficiently and effectively mitigated for this youth's circumstances, as determined by the Department, the Department shall not place a youth age 8 or older in an interstate placement unless the Department: (i) determines that the placement is in the youth's best interest, (ii) documents that the youth affirmatively expresses support for the placement, as required by this Section, (iii) the youth has been advised of the diminished protections available and the risk of action these diminished protections pose in light of the youth's specific circumstances, and (iv) the youth has been provided the opportunity to consult with the attorney appointed to represent the youth under the Juvenile Court Act of 1987. The Department shall inform the youth that the youth has the right to express or withhold support for placement in these circumstances. If a youth who is affirmatively expressing support for placement despite the unmitigated risk of adverse action is not already represented by an attorney, the Department

shall notify the court hearing the youth's case in accordance with the Juvenile Court Act of 1987 that an attorney for the youth should be appointed in accordance with subsection (a-5) of Section 2-27.2 or subsection (c) of Section 2-27.4 of the Juvenile Court Act of 1987. The Department shall provide notice to the court in a manner consistent with Department policy regarding documentation of sensitive identity information.

(3) If a youth was under age 8 at the time of interstate placement and the initial placement assessment required under this subsection for youth reaching the age 8 after interstate placement finds that the jurisdiction in which the youth is placed poses a risk of adverse action relevant to the youth's specific circumstances and that risk of adverse action cannot be sufficiently and effectively mitigated for the youth's circumstances, as determined by the Department, the Department must confirm whether the youth affirmatively expresses support for remaining in the interstate placement. The Department shall inform the youth that the youth has the right to express or withhold support for the placement in these circumstances.

If the youth indicates that the youth does not support remaining in the interstate placement because there is unmitigated risk of adverse action in light of the youth's specific circumstances, the Department shall intervene by returning the youth to Illinois or identifying alternative placement options that comport with the requirements of this Section, consistent with the youth's best interests.

If, in responding to the Department's inquiry, the youth affirmatively expresses support for remaining in the interstate placement despite the unmitigated risk of adverse action the diminished protections pose in light of the youth's specific circumstances, the Department shall not maintain this interstate placement unless: (i) the Department determines that the placement is in the youth's best interest, (ii) the Department documents that the youth affirmatively expresses support for the placement, as required by this Section, (iii) the youth has been advised of the diminished protections available and the risk of adverse action these diminished protections pose in light of the youth's specific circumstances, and (iv) the youth has been provided the opportunity to consult with the attorney appointed to represent the youth under the Juvenile Court Act of 1987. If that youth is not already represented by an attorney, the Department shall notify the court hearing the youth's case in accordance with the Juvenile Court Act of 1987 that an attorney for the youth should be appointed in accordance with subsection (a-5) of Section 2-27.2 or subsection (c) of Section 2-27.4 of the Juvenile Court Act of 1987. The Department shall provide notice to the court in a manner consistent with Department policy regarding documentation of sensitive identity information.

Following the Department's determination that the risk of adverse action cannot be sufficiently and effectively mitigated, the Department shall immediately notify the attorney appointed to represent the youth under the Juvenile Court Act of 1987 when the Department is considering action under this paragraph to allow the youth's attorney to consult with the youth.

(4) Nothing in this subsection requires court approval prior to interstate placement unless otherwise required by law.

(e) Ongoing duty for Illinois-based caseworker contact to monitor risk of adverse action.

(1) For any youth age 8 or older placed outside the State of Illinois, the Department shall ensure that an Illinois-based caseworker maintains regular and meaningful contact with the youth for the purpose of monitoring and reassessing safety, well-being, access to medically appropriate care, and risk of adverse action in light of the youth's specific circumstances. At a minimum, such contact shall include:

(A) direct communication, in person or via videoconferencing, with the youth at intervals consistent with Department policy, but not less frequently than once per month in a manner that permits the youth to speak freely, without the undue influence of others and outside the presence of the caregiver, about the youth's needs and concerns related to health, safety, and well-being;

(B) in person visits at intervals consistent with Department policy based on the youth's placement type and level of need but not less than twice a year for approved foster placements and relative caregivers and not less than quarterly for residential or qualified residential treatment program placements, completed by Department-designated qualified staff;

(C) monitoring whether the youth's placement is complying with the Department's plan to ensure the youth is receiving care that meets or exceeds Illinois standards for safety, well-being, permanency planning, and the provision of, and access to, health care;

(D) identifying emerging or reasonably foreseeable health care needs, including reproductive and sexual health needs, in light of the youth's age, development, and specific circumstances; and

(E) reassessing whether the placement continues to meet the youth's needs, in light of any changes in the youth's circumstances, and revising efforts to mitigate risk of adverse action, as necessary, to ensure the youth's interests are protected and needs are being met. Caseworker contact required under this subsection shall be documented in the case record and reported to the court at permanency hearings as required under Section 2-28 of the Juvenile Court Act of 1987, in a manner consistent with Department policy regarding documentation of sensitive identity information.

(2) The ongoing monitoring and reassessment required under this subsection shall recognize that a youth's health care needs may change over time and shall not be limited to conditions or needs identified at the time of placement. The Department shall document such reassessments in the youth-specific record and include the reassessments in the youth's service plan, in a manner consistent with Department policy regarding documentation of sensitive identity information.

(3) The Department shall also confirm whether a youth affirmatively supports remaining in the interstate placement if either the:

(A) Department's ongoing monitoring and reassessment required under this subsection finds that the interstate placement poses risk of adverse action relevant to the youth's specific circumstances and that risk of adverse action cannot be sufficiently and effectively mitigated for the youth's specific circumstances, as determined by the Department, while the youth remains in the interstate placement, as required under this Section; or

(B) Department learns of a denial, delay, or material interference with health care approved by the Department, ordered by an Illinois court, or consented to by the youth as permitted by Illinois law providing youth the authority to consent.

The Department shall inform the youth that the youth has the right to express or withhold support for the placement in these circumstances. If the youth does not affirmatively express support for remaining in the interstate placement, the Department shall intervene by returning the youth to Illinois or identifying alternative placement options that comport with the requirements of this Section, consistent with the youth's best interests.

If, in responding to the Department's inquiry, the youth affirmatively expresses support for remaining in that interstate placement despite unmitigated risk of adverse action the diminished protections pose in light of the youth's specific circumstances, the Department shall not maintain this interstate placement unless: (i) the Department determines it is in the youth's best interest, (ii) the Department documents that the youth affirmatively expresses support for the placement, as required by this Section, (iii) the youth has been advised of the diminished protections available and the risk of adverse action these diminished protections pose in light of the youth's specific circumstances, and (iv) the youth has been provided the opportunity to consult with the attorney appointed to represent the youth under the Juvenile Court Act of 1987.

If this youth is not already represented by an attorney, the Department shall notify the court hearing the youth's case in accordance with the Juvenile Court Act of 1987 that an attorney for the youth should be appointed in accordance with subsection (a-5) of Section 2-27.2 or subsection (c) of Section 2-27.4 of the Juvenile Court Act of 1987. The Department shall provide notice to the court in a manner consistent with Department policy regarding documentation of sensitive identity information.

Following the Department's determination that risk of adverse action cannot be sufficiently and effectively mitigated, the Department shall immediately notify the attorney appointed to represent the youth under the Juvenile Court Act of 1987 with sufficient notice to allow the youth's attorney to consult with the youth.

(4) Ongoing reassessment under this subsection does not require the completion of an assessment form; instead, the Department's analysis and any revisions to the initial assessment may be documented in the format of a case note.

(f) Protection of Department employees and service providers. No employee of the Department or a service provider responsible for coordination of lawful health care shall be subject to discipline, retaliation, adverse employment action, civil liability, or criminal liability solely for the coordination of lawful health care for a youth in an interstate placement, when such coordination is undertaken in good faith and within the scope of the employee's or service provider's official duties in accordance with Sections 7.29 and 7.30.

To the fullest extent State and federal law permit, the Department shall not cooperate with or provide assistance to any out-of-state investigation, enforcement action, subpoena, or request that seeks to impose civil, criminal, or professional penalties on an employee or service provider based solely on the coordination of lawful health care.

(g) Enforcement. Failure to comply with this Section constitutes grounds for the Department to deny or terminate placement or take licensing action, corrective action, or other remedial action authorized by law. A known, alleged, or suspected violation of a statutory requirement in this Section constitutes a significant event and requires a significant event report by the Department as defined in Section 35.1 of this Act and paragraph (14.2) of Section 1-3 of the Juvenile Court Act of 1987.

(h) The Department retains authority, as guardian, to consent to and authorize health care for youth in accordance with Illinois law and applicable court orders. This authority applies regardless of the youth's physical location, including when a youth is placed in a residential, hospital, or other interstate placement setting, unless a court of competent jurisdiction grants such authority to another guardian or parent.

(i) The requirements of this Section apply to all interstate placements of youth age 8 and older.

(j) Construction.

(1) Nothing in this Section shall be construed to:

(A) provide immunity for any act or omission unrelated to the coordination of lawful health care;

(B) require any person or entity to violate the laws of another state;

(C) authorize conduct that is not otherwise lawful under Illinois law;

(D) regulate the practice of medicine in another state;

(E) limit the authority of Illinois courts over youth for whom the Department retains legal custody;

(F) require another state to permit or provide health care services; or

(G) protect conduct that constitutes willful misconduct or gross negligence under Illinois law.

(2) Nothing in this Section shall be construed to limit or diminish: (i) the rights of a youth to be free from discrimination or to receive care consistent with the protections guaranteed under State and federal law; (ii)

the Department's obligation to comply with subsection (o) of Section 5 of this Act or rules and procedures developed in accordance with that subsection (o), Section 2-27.2 and subsection (2.5) of Section 2-28 of the Juvenile Court Act of 1987, and applicable provisions of the Interstate Compact on the Placement of Children; or (iii) the Department's obligation to act in the youth's best interests.

(3) This Section shall be construed broadly to promote the safety, well-being, best interest, and equitable treatment of youth, consistent with the State's compelling interest in protecting youth.

(k) If any provision of this Section or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Section that can be given effect without the invalid provision or application.

(l) The provisions of this Section apply on and after January 1, 2028.

(20 ILCS 505/7.31 new)

Sec. 7.31. Public transparency and accountability reporting.

(a) Beginning January 1, 2028, and annually every January 1 thereafter, the Department shall post the following data on its website:

(1) The following information for each youth placed out-of-state during the preceding fiscal year: age, gender, type of placement (relative, foster home, adoptive home, institution, detention, residential treatment center, or any other type of placement), and the name of the state in which the youth is placed.

(2) A list of the out-of-state residential treatment centers that the Department approved for use during the last fiscal year or makes placement referrals to, including the name of the center, the state in which the center is located, and whether the center is a secure facility.

(b) Beginning January 1, 2029, and annually every January 1 thereafter, the Department shall post on its website data from the preceding State fiscal year regarding:

(1) A list of the significant event reports the Department received reporting alleged, suspected, or known statutory violations of Section 7.29 with a brief description of the nature of each significant event, summarized in a manner that protects the youth's identity from being revealed, and whether the significant event involved the conduct of the Department or a service provider.

(2) A list of the significant event reports the Department received reporting alleged, suspected, or known statutory violations of Section 7.30 with a brief

description of the nature of each significant event, summarized in a manner that protects the youth's identity from being revealed, and whether the significant event involved the conduct of the Department or a service provider.

(3) A list of the enforcement actions taken by the Department under Section 8.1b of the Child Care Act of 1969 with a brief description of the type of conduct addressed, summarized in a manner that protects the youth's identity from being revealed, and the type of enforcement action taken by the Department.

The Department shall include a description of the methodology the Department used to collect the data for subsections (a) and (b), indicate whether the Department had any difficulties collecting the data, and indicate whether there are concerns about the validity of the data. If any of the data elements required to be disclosed under this Section could reasonably be linked to an identified or identifiable youth in combination with the other information due to small sample size, the Department shall exclude the data elements that could be used to identify the youth or compromise the youth's safety and report that the specific data element was excluded for this reason.

(c) Performance audits. On or after January 1, 2031, the Auditor General shall commence a performance audit of the Department to determine whether the Department is meeting the requirements established by this amendatory Act of the 104th General Assembly in Sections 5g, 6a, 7, 7.29, 7.30, and 35.5 of this Act, Section 8.1b of the Child Care Act of 1969, and Sections 2-27.2, 2-27.4, 2-28, and 5-745 of the Juvenile Court Act of 1987. Within 3 years after the audit's release, the Auditor General shall commence a follow-up performance audit to determine whether the Department has implemented the recommendations contained in the initial performance audit.

Upon completion of each audit, the Auditor General shall report its findings to the General Assembly. The Auditor General's reports shall include any issues or deficiencies and recommendations. The audits required by this Section shall be in accordance with and subject to the Illinois State Auditing Act. The Department shall post both audits required under this subsection on the Department's website within 30 days after the Auditor General's finalization of the respective audit.

(d) The provisions of this Section apply on and after January 1, 2028.

(20 ILCS 505/35.5)

Sec. 35.5. Inspector General.

(a) The Governor shall appoint, and the Senate shall confirm, an Inspector General who shall have the authority to conduct investigations into allegations of or incidents of possible misconduct, misfeasance, malfeasance, or violations of rules, procedures, or laws by any employee, foster parent, service provider, or contractor of the Department of Children and Family Services, except for allegations of violations of the State Officials and Employees Ethics Act which shall be referred to the Office of the Governor's Executive Inspector General for investigation.

The Inspector General shall make recommendations to the Director of Children and Family Services concerning sanctions or disciplinary actions against Department employees or providers of service under contract to the Department. The Inspector General shall also make recommendations to the Director concerning measures to be taken to remediate harm caused to a youth who experienced harm due to conduct violating a requirement in Section 7.29 or 7.30, including, but not limited to, the provision of remedial services or other remedies available under law or equity. The Inspector General shall investigate reports involving conduct alleged to violate a minor's rights under Section 7.29 or 7.30 and make findings as to whether the violation can be substantiated.

The Director of Children and Family Services shall provide the Inspector General with an implementation report on the status of any corrective actions taken on recommendations under review and shall continue sending updated reports until the corrective action is completed. The Director shall provide a written response to the Inspector General indicating the status of (i) any sanctions or disciplinary actions against employees or providers of service involving any investigation subject to review and (ii) any service provision or remedial measures recommended by the Inspector General to address harm to a youth impacted by a violation of Section 7.29 or 7.30. In any case, information included in the reports to the Inspector General and Department responses shall be subject to the public disclosure requirements of the Abused and Neglected Child Reporting Act; however, any public disclosure pertaining to violations of Sections 7.29 or 7.30 shall be limited to information that cannot reasonably be linked to an identified or identifiable child in combination with other information, data sets, or sources. Any investigation conducted by the Inspector General shall be independent and separate from the investigation mandated by the Abused and Neglected Child Reporting Act. The Inspector General shall be appointed for a term of 4 years. The Inspector General shall function independently within the Department of Children and Family Services with respect to the operations of the Office of Inspector General, including the performance of investigations and issuance of findings and recommendations, and shall report to the Director of Children and Family Services and the Governor and perform other duties the Director may designate. The Inspector General shall adopt rules as necessary to carry out the functions, purposes, and duties of the office of Inspector General in the Department of Children and Family Services, in accordance with the Illinois Administrative Procedure Act and any other applicable law.

(b) The Inspector General shall have access to all information and personnel necessary to perform the duties of the office. To minimize duplication of efforts, and to assure consistency and conformance with the requirements and procedures established in the B.H. v. Suter consent decree and to share resources when appropriate, the Inspector General shall coordinate the Inspector General's activities with the Bureau of Quality Assurance within the Department.

(c) The Inspector General shall be the primary liaison between the Department and the Illinois State Police with regard to investigations conducted under the Inspector General's auspices. If the Inspector General determines that a possible criminal act has been committed, or that special expertise is required in the investigation, the Inspector General shall immediately notify the Illinois State Police. All investigations conducted by the Inspector General shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

(d) The Inspector General may recommend to the Department of Children and Family Services, the Department of Public Health, or any other appropriate agency, sanctions to be imposed against service providers under the jurisdiction of or under contract with the Department for the protection of children in the custody or under the guardianship of the Department who received services from those providers. The Inspector General may seek the assistance of the Attorney

General or any of the several State's Attorneys in imposing sanctions.

(e) The Inspector General shall at all times be granted access to any foster home, facility, or program operated for or licensed or funded by the Department.

(f) Nothing in this Section shall limit investigations by the Department of Children and Family Services that may otherwise be required by law or that may be necessary in that Department's capacity as the central administrative authority for child welfare.

(g) The Inspector General shall have the power to subpoena witnesses and compel the production of books and papers pertinent to an investigation authorized by this Act. The power to subpoena or to compel the production of books and papers, however, shall not extend to the person or documents of a labor organization or its representatives insofar as the person or documents of a labor organization relate to the function of representing an employee subject to investigation under this Act. Any person who fails to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to an investigation under this Act, except as otherwise provided in this Section, or who knowingly gives false testimony in relation to an investigation under this Act is guilty of a Class A misdemeanor.

(h)(1) The Inspector General shall provide to the General Assembly and the Governor, no later than January 1 of each year, a summary of reports and investigations made under this Section for the prior fiscal year. The summaries shall detail the imposition of sanctions and the final disposition of those recommendations. The summaries shall not contain any confidential or identifying information concerning the subjects of the reports and investigations. The summaries also shall include detailed recommended administrative actions and matters for consideration by the General Assembly.

(2) As it pertains to the annual summary of reports and investigations required under paragraph (1), for reports received on or after January 1, 2028, the Inspector General shall:

(A) disclose the number of investigations commenced involving allegations that conduct occurred that violated a minor's rights under Section 7.29 or 7.30;

(B) disclose the number of those investigations that resulted in the Inspector General substantiating a finding that such conduct occurred; and

(C) for those investigations resulting in a substantiated finding by the Inspector General, the summaries provided shall detail: (i) the type of alleged violation; (ii) the type of entity alleged to have committed the conduct violation; (iii) whether any remedial services or interventions were provided to the youth to remedy harm related to the violation, if any; (iv) the final disposition of investigative recommendations the Inspector General provided to the Director and any reason provided to the Inspector General for declining to follow a recommendation, if any; and (v) any recommendations for systemic improvement to prevent future violations, including any enforcement mechanisms needed to ensure accountability for violations.

(i) The changes made to this Section by this amendatory Act of the 104th General Assembly apply on and after January 1, 2028.

(Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23.)

Section 10. The Child Care Act of 1969 is amended by adding Section 8.1b as follows:

(225 ILCS 10/8.1b new)

Sec. 8.1b. Supportive care for youth placed; licensure and contractual compliance.

(a) Any child care institution, group home, residential treatment center, foster home, or child placing agency licensed under this Act that serves a child in the care of the Department of Children and Family Services shall comply with Sections 5g, 6a, 7, 7.29, and 7.30 of the Children and Family Services Act. As a condition of licensure under this Act and of eligibility to contract with or receive placement referrals from the Department, an entity licensed under this Act that provides care to a child in the care of the Department shall comply with Sections 5g, 6a, 7, 7.29, and 7.30 of the Children and Family Services Act and agree, by contract or written agreement, to comply with those Sections.

(b) Enforcement. Failure to comply with this Section 8.1b may constitute grounds for the Department to deny or terminate placement or take licensing action, corrective action, or other remedial action authorized by law. Nothing in this subsection relieves the Department of its obligations to comply with the requirements of subsection (o) of Section 5 of the Children and Family Services Act or rules and procedures developed in accordance with that subsection (o).

(c) If any provision of this Section or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Section that can be given effect without the invalid provision or application.

(d) The provisions of this Section apply on and after January 1, 2028.

Section 15. The Juvenile Court Act of 1987 is amended by changing Sections 2-27.2, 2-28, and 5-745 and by adding Section 2-27.4 as follows:

(705 ILCS 405/2-27.2)

Sec. 2-27.2. Placement; out-of-state residential treatment center.

(a) In addition to the provisions of subsection (3) of Section 2-27 of this Act, no placement by any probation officer or agency whose representative is an appointed guardian of the person or legal custodian of the minor may be made in an out-of-state residential treatment center unless the court has determined that the out-of-state residential placement is in the best interest and is the least restrictive, most family-like setting for the minor. The Department's application to the court to place a minor in an out-of-state residential treatment center shall include:

(1) an explanation of what in State resources, if any, were considered for the minor and why the minor cannot be placed in a residential treatment center or other placement in this State;

(2) an explanation as to how the out-of-state residential treatment center will impact the minor's relationships with family and other individuals important to the minor in and what steps the Department will take to preserve those relationships;

(3) an explanation as to how the Department will ensure the safety and well-being of the minor in the out-of-state residential treatment center; ~~and~~

(4) an explanation as to why it is in the minor's best interest to be placed in an out-of-state residential treatment center, including a description of the minor's treatment needs and how those needs will be met in the

proposed placement; ~~.~~

(5) an explanation as to the manner by which the Department assessed the out-of-state residential treatment center to determine the center's capacity to provide supportive care, as defined in Section 7.29 of the Children and Family Services Act, including, but not limited to, whether the Department has visited the placement and whether the Department has requested and, if legally accessible, reviewed any history of licensing violations or maltreatment reports for that placement;

(6) if the minor is 8 years of age or older, consistent with Department policy regarding documentation of sensitive identity information, as that term is defined in the Children and Family Services Act, an overview of the individualized placement assessment required under subsection (d) of Section 7.30 of the Children and Family Services Act, including any risk of adverse action identified, as determined by the Department, the Department's plan to mitigate such risk of adverse action; and

(7) an affirmative statement of the minor's preferences regarding placement, and if the minor does not agree to this placement, the minor's explanation; and

(8) if the minor age 8 or older will not be participating in the hearing under this Section, an explanation as to how the Department offered the minor the

opportunity to participate, including offering transportation assistance and remote participation opportunities.

(a-5) In addition to any rights the minor may have under Section 1-5 of this Act, if the minor is not already represented by an attorney, the court shall appoint an attorney for the minor upon notification from the Department that the minor requires appointment of an attorney in accordance with subsection (d) or (e) of Section 7.30 of the Children and Family Services Act.

(b) If the out-of-state residential treatment center is a secure facility as defined in paragraph (18) of Section 1-3 of this Act, the requirements of Section 27.1 of this Act shall also be met prior to the minor's placement in the out-of-state residential treatment center.

(c) This Section does not apply to an out-of-state placement of a minor in a family foster home, relative foster home, a home of a parent, or a dormitory or independent living setting of a minor attending a post-secondary educational institution.

(d) The changes made to this Section by this amendatory Act of the 104th General Assembly apply on and after January 1, 2028.

(Source: P.A. 100-136, eff. 8-18-17.)

(705 ILCS 405/2-27.4 new)

Sec. 2-27.4. Risk of adverse action assessment and monitoring for minors 8 or older in out-of-state placements.

(a) Applicability. This Section applies to minors age 8 or older who are placed in out-of-state placements other than residential treatment centers, including youth in college. This does not apply to minors returned to, or remaining in, the custody of their parents.

(b) Court notification. The Department shall submit a written report to the court as required under this subsection, and consistent with Department policy regarding documentation of sensitive identity information, as the term is defined in the Children and Family Services Act no later than: (i) 5 days prior to the Department of Children and Family Services' submission of an Interstate Compact on the Placement of Children request to place a minor; or (ii) 60 days after a minor who is placed out-of-state reaches age 8; or (iii) 10 days prior to the minor moving out-of-state to a placement that does not require an interstate compact; or (iv) within 15 days of the Department approving an out-of-state placement not subject to the Interstate Compact on the Placement of Children, whichever is earlier. The written report to the court shall explain:

(1) the findings of the assessment required under subsection (d) of Section 7.30 of the Children and Family Services Act;

(2) the necessity and justification for the

out-of-state placement;

(3) the efforts of the Department of Children and Family Services to identify an appropriate in-state placement;

(4) the anticipated duration of the placement;

(5) the Department's plan for maintaining regular and meaningful contact between the Illinois-based assigned caseworker and the minor as required under subsections (d) and (e) of Section 7.30 of the Children and Family Services Act;

(6) why the Department determined it to be in the minor's best interest to be placed in the identified placement and an affirmative statement of the minor's preferences regarding the placement; and

(7) whether the minor is in need of an attorney in accordance with subsection (d) or (e) of Section 7.30 of the Children and Family Services Act.

(c) In addition to any rights the minor may have under Section 1-5 of this Act, if the minor is not already represented by an attorney, the court shall appoint an attorney for the minor upon notification from the Department that the minor requires appointment of an attorney in accordance with subsection (d) or (e) of Section 7.30 of the Children and Family Services Act.

(d) The provisions of this Section apply on and after January 1, 2028; however, the provisions of subsection (b) apply on and after March 1, 2028 to interstate placements of a youth age 8 or older if the placement occurred before January 1, 2028 and the youth remains in the Department's care on or after January 1, 2028.

(705 ILCS 405/2-28)

(Text of Section before amendment by P.A. 104-107)

Sec. 2-28. Court review.

(1) The court may require any legal custodian or guardian of the person appointed under this Act to report periodically to the court or may cite the legal custodian or guardian into court and require the legal custodian, guardian, or the legal custodian's or guardian's agency to make a full and accurate report of the doings of the legal custodian, guardian, or agency on behalf of the minor. The custodian or guardian, within 10 days after such citation, or earlier if the court determines it to be necessary to protect the health, safety, or welfare of the minor, shall make the report, either in writing verified by affidavit or orally under oath in open court, or otherwise as the court directs. Upon the hearing of the report the court may remove the custodian or guardian and appoint another in the custodian's or guardian's stead or restore the minor to the custody of the minor's parents or former guardian or custodian. However, custody of the minor shall not be restored to any parent, guardian, or legal custodian in any case in which the minor is found to be

neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering the minor's health or safety and it is in the best interests of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian, or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the fitness of such parent, guardian, or legal custodian to care for the minor and the court enters an order that such parent, guardian, or legal custodian is fit to care for the minor.

(1.3)(A) As used in this subsection:

"Direct case management, care, or placement" means work or services of individual workers or caregivers employed, contracted, or licensed by the Department or its service providers for child welfare services provided directly to individual minors, including, but not limited to, case management, clinical services, foster or relative caregiver services, and other placement services.

"Service provider" has the meaning ascribed to that term in subsection (b) of Section 7.29 of the Children and Family Services Act.

(B) Upon motion by any party or sua sponte, the court shall conduct a hearing to determine whether the minor has been subjected to conduct by an individual employee, contractor, licensee, or caregiver providing the minor's direct case management, care, or placement that violates the minor's rights under subparagraph (A) or (B) of paragraph (2) of subsection (e) of Section 7.29 of the Children and Family Services Act or paragraph (1) of subsection (f) of Section 7.29 of the Children and Family Services Act. The hearing shall be conducted within 10 days of notice to the parties.

(C) The Department shall facilitate the minor's presence for any proceedings regarding the alleged violation if the minor wants to be present.

(D) If the minor does not have an attorney, the court shall appoint one for the purposes of the hearing initiated under this subsection.

(E) If, after reviewing evidence, including evidence from the Department, the court determines that the minor has been subjected to conduct by an individual employee, contractor, licensee, or caregiver providing the minor's direct case management, care, or placement that violates the minor's rights under subparagraph (A) or (B) of paragraph (2) of subsection (e) of Section 7.29 of the Children and Family Services Act or under paragraph (1) of subsection (f) of Section 7.29 of the Children and Family Services Act, the court shall put in writing the factual basis supporting its findings, including specific factual findings regarding the nature of the violation and the involved employee, contractor, licensee, or caregiver providing direct case management, care, or placement. Consistent with its findings, the court shall:

(i) order the Department to monitor and ensure reasonable conditions of conduct to be demonstrated by the involved employee, contractor, licensee, or caregiver providing direct case management, care, or placement for a specified period of time and may require the Department to make periodic reports to the court containing such information as the court in its discretion may prescribe;

(ii) require the Department to report to the court why the Department's oversight may have failed to prevent conduct that violated subparagraph (A) or (B) of paragraph (2) of subsection (e) of Section 7.29 of the Children and Family Services Act or paragraph (1) of subsection (f) of Section 7.29 of the Children and Family Services Act;

(iii) require the Department to refer the allegation of conduct in violation of subparagraph (A) or (B) of paragraph (2) of subsection (e) of Section 7.29 of the Children and Family Services Act or paragraph (1) of subsection (f) of Section 7.29 of the Children and Family Services Act to the Department's Inspector General for investigation under Section 35.5 of the Children and Family Services Act, if the Department has not done so already; and

(iv) if the court determines that the Department violated its obligations under paragraph (1) of subsection

(f) of Section 7.29 of the Children and Family Services Act, require the Department to take immediate action to remedy the violation in accordance with this subsection.

(F) In addition to the required actions under paragraph (E), within the scope of the existing expressly permitted relief under the Juvenile Court Act of 1987, the court may enter any and all reasonable orders to remediate harm and prevent future harm to the minor, including, but not limited to:

(i) requiring the provision of specific services to address the harm caused to the minor;

(ii) requiring the Department to amend the minor's service plan consistent with the court's findings under this subsection;

(iii) making a finding that the minor's placement is not necessary or appropriate for the minor;

(iv) requiring the Department to locate an appropriate placement, as determined by the Department, for the minor within a specified timeframe;

(v) requiring the Department to submit a plan to remedy the harm that resulted from the violation;

(vi) requiring the Department to investigate the conduct of the individual employee, contractor, licensee, or caregiver providing direct case management, care, or placement responsible or contributing to the conditions that resulted in the violation; and

(vii) requiring the Department to implement a recommendation by the minor's treating clinician, a clinician contracted by the Department to evaluate the minor, a recommendation made by the Department, or a reasonable and relevant request for specific support made by the minor.

(G) If the Department places a minor in a placement under an order entered under this subsection, the Department has the authority to remove the minor from that placement when a change in circumstances necessitates the removal to protect the minor's health, safety, and best interest. If the Department determines removal is necessary, the Department shall notify the parties of the planned placement change in writing no later than 10 days prior to the implementation of its determination unless remaining in the placement poses an imminent risk of harm to the minor, in which case the Department shall notify the parties of the placement change in writing immediately following the implementation of its decision. The Department shall notify others of the decision to change the minor's placement as required by Department rule.

(H) Any order entered under this subsection shall be directly related to remedying harm to a minor or preventing future harm to a minor caused by the conduct of an individual employee, contractor, licensee, or caregiver providing direct case management, care, or placement involved in the violation of the minor's rights under subparagraph (A) or (B) of paragraph (2) of subsection (e) of Section 7.29 of the Children and Family Services Act or paragraph (1) of subsection (f) of Section 7.29 of the Children and Family Services Act. Nothing in this subsection diminishes a minor's right to seek any other remedy and relief available to the minor at law or equity.

(1.5) 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.

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.

(1.6) Within 30 days after placing a minor ~~child~~ in its care in a qualified residential treatment program, as defined by the federal Social Security Act, the Department of Children and Family Services shall prepare a written report for filing with the court and send copies of the report to all parties. Within 20 days of the filing of the report, or as soon thereafter as the court's schedule allows but not more than 60 days from the date of placement, the court shall hold a hearing to consider the Department's report and determine whether placement of the minor ~~child~~ in a qualified residential treatment program provides the most effective and appropriate level of care for the minor ~~child~~ in the least restrictive environment and if the placement is consistent with the short-term and long-term goals for the minor ~~child~~, as specified in the permanency plan for the minor ~~child~~. The court shall approve or disapprove the placement. If applicable, the requirements of Sections 2-27.1 and 2-27.2 of this Act and Section 7.30 of the Children and Family Services Act must also be met. The Department's written report and the court's written determination shall be included in and made part of the case plan for the minor ~~child~~. If the minor ~~child~~ remains placed in a qualified residential treatment program, the Department shall submit evidence at each status and permanency hearing:

(A) demonstrating that ongoing ~~on-going~~ assessment of the strengths and needs of the minor ~~child~~ continues to support the determination that the minor's ~~child's~~ needs cannot be met through placement in a foster family home, that the placement provides the most effective and appropriate level of care for the minor ~~child~~ in the least restrictive, appropriate environment, and that the placement is consistent with the short-term and long-term permanency goal for the minor ~~child~~, as specified in the permanency plan for the minor ~~child~~;

(B) documenting the specific treatment or service needs that should be met for the minor ~~child~~ in the placement and the length of time the minor ~~child~~ is expected to need the treatment or services;

(C) the efforts made by the agency to prepare the minor ~~child~~ to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home; ~~and~~

(D) ~~beginning July 1, 2025,~~ documenting the Department's efforts regarding ongoing family finding and relative engagement required under Section 2-27.3; and~~.~~

(E) if applicable, consistent with the Department policy regarding documentation of sensitive identity information, as that term is defined in Section 4d of the Children and Family Services Act, the efforts made by the Department to monitor and mitigate the risk of adverse action, as defined in subsection (b) of Section 7.30 of the Children and Family Services Act, relevant to the minor's circumstances in an out-of-state placement.

(2) The first permanency hearing shall be conducted by the judge. Subsequent permanency hearings may be heard by a judge

or by hearing officers appointed or approved by the court in the manner set forth in Section 2-28.1 of this Act. The initial hearing shall be held (a) within 12 months from the date temporary custody was taken, regardless of whether an adjudication or dispositional hearing has been completed within that time frame, (b) if the parental rights of both parents have been terminated in accordance with the procedure described in subsection (5) of Section 2-21, within 30 days of the order for termination of parental rights and appointment of a guardian with power to consent to adoption, or (c) in accordance with subsection (2) of Section 2-13.1. Subsequent permanency hearings shall be held every 6 months or more frequently if necessary in the court's determination following the initial permanency hearing, in accordance with the standards set forth in this Section, until the court determines that the plan and goal have been achieved. Once the plan and goal have been achieved, if the minor remains in substitute care, the case shall be reviewed at least every 6 months thereafter, subject to the provisions of this Section, unless the minor is placed in the guardianship of a suitable relative or other person and the court determines that further monitoring by the court does not further the health, safety, or best interest of the minor ~~child~~ and that this is a stable permanent placement. The permanency hearings must occur within the time frames set forth in this subsection and may not be delayed in anticipation of a report from any source or due to the agency's failure to timely file its written report (this written report means the one required under the next paragraph and does not mean the service plan also referred to in that paragraph).

The public agency that is the custodian or guardian of the minor, or another agency responsible for the minor's care, shall ensure that all parties to the permanency hearings are provided a copy of the most recent service plan prepared within the prior 6 months at least 14 days in advance of the hearing. If not contained in the agency's service plan, the agency shall also include a report setting forth the following:

(A) any special physical, psychological, educational, medical, emotional, or other needs of the minor or the minor's family that are relevant to a permanency or placement determination, and for any minor age 16 or over, a written description of the programs and services that will enable the minor to prepare for independent living;

(B) ~~beginning July 1, 2025,~~ a written description of ongoing family finding and relative engagement efforts in accordance with the requirements under Section 2-27.3 the agency has undertaken since the most recent report to the court to plan for the emotional and legal permanency of the minor;

(C) whether 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. 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;

(C-1) if the minor, age 8 or older, is placed outside the State of Illinois, an explanation of any risk of adverse action and efforts made by the Department to meet its obligations under Section 7.30 of the Children and Family Services Act, stated in a manner consistent with Department policy regarding documentation of sensitive identity information;

(C-2) an explanation of the minor's preferences regarding placement; and

(D) detail regarding what progress or lack of progress the parent has made in correcting the conditions requiring the minor ~~child~~ to be in care; whether the minor ~~child~~ can be returned home without jeopardizing the minor's ~~child's~~ health, safety, and welfare, what permanency goal is recommended to be in the best interests of the minor ~~child~~, and the reasons for the recommendation. If a permanency goal under paragraph (A), (B), or (B-1) of subsection (2.3) have been deemed inappropriate and not in the minor's best interest, the report must include the following information:

(i) confirmation that the caseworker has discussed the permanency options and subsidies available for guardianship and adoption with the minor's caregivers, the minor's parents, as appropriate, and has discussed the available permanency options with the minor in an age-appropriate manner;

(ii) confirmation that the caseworker has discussed with the minor's caregivers, the minor's parents, as appropriate, and the minor as age-appropriate, the distinctions between guardianship and adoption, including, but not limited to, that guardianship does not require termination of the parent's rights or the consent of the parent;

(iii) a description of the stated preferences and concerns, if any, the minor, the parent as appropriate, and the caregiver expressed relating to the options of guardianship and adoption, and the reasons for the preferences;

(iv) if the minor is not currently in a placement that will provide permanency, identification of all persons presently willing and able to provide permanency to the minor through either guardianship or adoption, and ~~beginning July 1, 2025,~~ if none are available, a description of the efforts made in accordance with Section 2-27.3; and

(v) state the recommended permanency goal, why that goal is recommended, and why the other potential goals were not recommended.

The caseworker must appear and testify at the permanency hearing. If a permanency hearing has not previously been scheduled by the court, the moving party shall move for the setting of a permanency hearing and the entry of an order within the time frames set forth in this subsection.

(2.3) At the permanency hearing, the court shall determine the permanency goal of the minor ~~child~~. The court shall set one of the following permanency goals:

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

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

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

If the court has determined that goals (A), (B), and (B-1) are not appropriate and not in the minor's best interest, the court may select one of the following goals: (C), (D), (E), (F), (G), or (H) for the minor as appropriate and based on the best interests of the minor. The court shall determine the appropriate goal for the minor based on best interest factors and any considerations outlined in that goal.

(C) The guardianship of the minor shall be transferred to an individual or couple on a permanent basis. Prior to changing the goal to guardianship, the court shall consider the following:

(i) whether the agency has discussed adoption and guardianship with the caregiver and what preference, if any, the caregiver has as to the permanency goal;

(ii) whether the agency has discussed adoption and guardianship with the minor, as age-appropriate, and what preference, if any, the minor has as to the permanency goal;

(iii) whether the minor is of sufficient age to remember the minor's parents and if the minor ~~child~~ values this familial identity;

(iv) whether the minor is placed with a relative~~,~~ and ~~beginning July 1, 2025,~~ whether the minor is placed in a relative home as defined in Section 4d of the Children and Family Services Act or in a certified relative caregiver home as defined in Section 2.36 of the Child Care Act of 1969; and

(v) whether the parent or parents have been informed about guardianship and adoption, and, if appropriate, what preferences, if any, the parent or parents have as to the permanency goal.

(D) The minor will be in substitute care pending court determination on termination of parental rights. Prior to changing the goal to substitute care pending court determination on termination of parental rights, the court shall consider the following:

(i) whether the agency has discussed adoption and guardianship with the caregiver and what preference, if any, the caregiver has as to the permanency goal;

(ii) whether the agency has discussed adoption and guardianship with the minor, as age-appropriate, and what preference, if any, the minor has as to the permanency goal;

(iii) whether the minor is of sufficient age to remember the minor's parents and if the minor ~~child~~ values this familial identity;

(iv) whether the minor is placed with a relative~~,~~ and ~~beginning July 1, 2025, whether~~ the minor is placed in a relative home as defined in Section 4d of the Children and Family Services Act, in a certified relative caregiver home as defined in Section 2.36 of the Child Care Act of 1969;

(v) whether the minor is already placed in a pre-adoptive home, and if not, whether such a home has been identified; and

(vi) whether the parent or parents have been informed about guardianship and adoption, and, if appropriate, what preferences, if any, the parent or parents have as to the permanency goal.

(E) Adoption, provided that parental rights have been terminated or relinquished.

(F) Provided that permanency goals (A) through (E) have been deemed inappropriate and not in the minor's best interests, the minor over age 15 will be in substitute care pending independence. In selecting this permanency goal, the Department of Children and Family Services may provide services to enable reunification and to strengthen the minor's connections with family, fictive kin, and other responsible adults, provided the services are in the minor's best interest. The services shall be documented in the service plan.

(G) The minor will be in substitute care because the minor cannot be provided for in a home environment due to developmental disabilities or mental illness or because the minor is a danger to self or others, provided that goals (A) through (E) have been deemed inappropriate and not in the minor's ~~child's~~ best interests.

In selecting any permanency goal, the court shall indicate in writing the reasons the goal was selected and why the preceding goals were deemed inappropriate and not in the minor's ~~child's~~ best interest. Where the court has selected a permanency goal other than (A), (B), or (B-1), the Department of Children and Family Services shall not provide further reunification services, except as provided in paragraph (F) of this subsection (2.3), but shall provide services consistent with the goal selected.

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

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

(2) The court has deemed all other permanency goals inappropriate based on the minor's ~~child's~~ best interest;

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

(a) the minor ~~child~~ does not wish to be adopted or to be placed in the guardianship of the minor's relative, certified relative caregiver, or foster care placement;

(b) the minor ~~child~~ exhibits an extreme level of need such that the removal of the minor ~~child~~ from the minor's placement would be detrimental to the minor ~~child~~; or

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

(4) The minor ~~child~~ has lived with the relative, certified relative caregiver, or foster parent for at least one year; and

(5) The relative, certified relative caregiver, or foster parent currently caring for the minor ~~child~~ is willing and capable of providing the minor ~~child~~ with a stable and permanent environment.

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

(A) Age of the minor ~~child~~.

(B) Options available for permanence, including both out-of-state and in-state placement options.

(C) Current placement of the minor ~~child~~ and the intent of the family regarding subsidized guardianship and adoption.

(D) Emotional, physical, and mental status or condition of the minor ~~child~~.

(E) Types of services previously offered and whether or not the services were successful and, if not successful, the reasons the services failed.

(F) Availability of services currently needed and whether the services exist.

(G) Status of siblings of the minor.

(H) If the minor is not currently in a placement likely to achieve permanency, whether there is an identified and willing potential permanent caregiver for the minor, and if so, that potential permanent caregiver's intent regarding guardianship and adoption.

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

The court shall make findings as to whether, in violation of Section 8.2 of the Abused and Neglected Child Reporting Act, any portion of the service plan compels a minor ~~child~~ or parent to engage in any activity or refrain from any activity that is not reasonably related to remedying a condition or conditions that gave rise or which could give rise to any finding of child abuse or neglect. The services contained in the service plan shall include services reasonably related to remedy the conditions that gave rise to removal of the minor ~~child~~ from the home of the minor's ~~child's~~ parents, guardian, or legal custodian or that the court has found must be remedied prior to returning the minor ~~child~~ home. Any tasks the court requires of the parents, guardian, or legal custodian or minor ~~child~~ prior to returning the minor ~~child~~ home must be reasonably related to remedying a condition or conditions that gave rise to or which could give rise to any finding of child abuse or neglect.

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

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

The ~~Beginning July 1, 2025, the~~ court shall review the Ongoing Family Finding and Relative Engagement Plan required under Section 2-27.3. If the court finds that the plan is not in the minor's best interest, the court shall enter specific factual findings and order the Department to modify the plan consistent with the court's findings.

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

If, after receiving evidence, the court determines that the services contained in the plan are not reasonably calculated to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the evidence. The court also shall enter an order for the

Department to develop and implement a new service plan or to implement changes to the current service plan consistent with the court's findings. The new service plan shall be filed with the court and served on all parties within 45 days of the date of the order. The court shall continue the matter until the new service plan is filed. Except as authorized by subsection (2.5) of this Section and as otherwise specifically authorized by law, the court is not empowered under this Section to order specific placements, specific services, or specific service providers to be included in the service plan.

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

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

(2.5) If, after reviewing the evidence, including evidence from the Department, the court determines that the minor's current or planned placement is not necessary or appropriate to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting its determination and enter specific findings based on the evidence. If the court finds that the minor's current or planned placement is not necessary or appropriate, the court may enter an order directing the Department to implement a recommendation by the minor's treating clinician or a clinician contracted by the Department to evaluate the minor or a recommendation made by the Department. If the Department places a minor in a placement under an order entered under this subsection (2.5), the Department has the authority to remove the minor from that placement when a change in circumstances necessitates the removal to protect the minor's health, safety, and best interest. If the Department determines removal is necessary, the Department shall notify the parties of the planned placement change in writing no later than 10 days prior to the implementation of its determination unless remaining in the placement poses an imminent risk of harm to the minor, in which case the Department shall notify the parties of the placement change in writing immediately following the implementation of its decision. The Department shall notify others of the decision to change the minor's placement as required by Department rule.

(3) Following the permanency hearing, the court shall enter a written order that includes the determinations required under subsections (2) and (2.3) of this Section and sets forth the following:

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

(b) If the permanency goal of the minor cannot be achieved immediately, the specific reasons for continuing the minor in the care of the Department of Children and

Family Services or other agency for short-term placement, and the following determinations:

(i) (Blank).

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

(iii) Whether the minor's current or planned placement is necessary, and appropriate to the plan and goal, recognizing the right of minors to the least restrictive (most family-like) setting available and in close proximity to the parents' home consistent with the health, safety, best interest, and special needs of the minor and, if the minor is placed out-of-state, whether the out-of-state placement continues to be appropriate and consistent with the health, safety, and best interest of the minor with Department compliance with the obligations of Section 7.30 of the Children and Family Services Act.

(iv) (Blank).

(v) (Blank).

(4) The minor or any person interested in the minor may apply to the court for a change in custody of the minor and the appointment of a new custodian or guardian of the person or for

the restoration of the minor to the custody of the minor's parents or former guardian or custodian.

When return home is not selected as the permanency goal:

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

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

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

Custody of the minor shall not be restored to any parent, guardian, or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering the minor's health or safety and it is in the best interest of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian, or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the health, safety, and best interest of the minor and the fitness of such parent, guardian, or legal custodian to care for the minor and the court enters an order that such parent, guardian, or legal custodian is fit to care for the minor. If a motion is filed to modify or vacate a private guardianship order and return the minor ~~child~~ to a parent, guardian, or legal custodian, the court may order the

Department of Children and Family Services to assess the minor's current and proposed living arrangements and to provide ongoing monitoring of the health, safety, and best interest of the minor during the pendency of the motion to assist the court in making that determination. In the event that the minor has attained 18 years of age and the guardian or custodian petitions the court for an order terminating the minor's guardianship or custody, guardianship or custody shall terminate automatically 30 days after the receipt of the petition unless the court orders otherwise. No legal custodian or guardian of the person may be removed without the legal custodian's or guardian's consent until given notice and an opportunity to be heard by the court.

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

If the minor is being restored to the custody of a parent, legal custodian, or guardian who lives outside of Illinois, and an Interstate Compact has been requested and refused, the court may order the Department of Children and Family Services to arrange for an assessment of the minor's proposed living arrangement and for ongoing monitoring of the health, safety, and best interest of the minor and compliance with any order of protective supervision entered in accordance with Section 2-24.

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

(a) Any agency of this State or any subdivision thereof shall cooperate with the agent of the court in providing any information sought in the investigation.

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

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

(6) The changes made to this Section by this amendatory Act of the 104th General Assembly apply on and after January 1, 2028.

(Source: P.A. 103-22, eff. 8-8-23; 103-154, eff. 6-30-23; 103-171, eff. 1-1-24; 103-605, eff. 7-1-24; 103-1061, eff. 2-5-25; 104-2, eff. 6-16-25; revised 8-20-25.)

(Text of Section after amendment by P.A. 104-107)

Sec. 2-28. Court review.

(1) The court may require any legal custodian or guardian of the person appointed under this Act to report periodically to the court or may cite the legal custodian or guardian into court and require the legal custodian, guardian, or the legal custodian's or guardian's agency to make a full and accurate report of the doings of the legal custodian, guardian, or agency on behalf of the minor. The custodian or guardian, within 10 days after such citation, or earlier if the court determines it to be necessary to protect the health, safety, or welfare of the minor, shall make the report, either in writing verified by affidavit or orally under oath in open court, or otherwise as the court directs. Upon the hearing of the report the court may remove the custodian or guardian and appoint another in the custodian's or guardian's stead or restore the minor to the custody of the minor's parents or

former guardian or custodian. However, custody of the minor shall not be restored to any parent, guardian, or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering the minor's health or safety and it is in the best interests of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian, or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the fitness of such parent, guardian, or legal custodian to care for the minor and the court enters an order that such parent, guardian, or legal custodian is fit to care for the minor.

(1.3)(A) As used in this subsection:

"Direct case management, care, or placement" means work or services of individual workers or caregivers employed, contracted, or licensed by the Department or its service providers for child welfare services provided directly to individual minors, including, but not limited to, case management, clinical services, foster or relative caregiver services, and other placement services.

"Service provider" has the meaning ascribed to that term in subsection (b) of Section 7.29 of the Children and Family

Services Act.

(B) Upon motion by any party or sua sponte, the court shall schedule a hearing to determine whether the minor has been subjected to conduct by an individual employee, contractor, licensee, or caregiver providing the minor's direct case management, care, or placement that violates the minor's rights under subparagraph (A) or (B) of paragraph (2) of subsection (e) of Section 7.29 of the Children and Family Services Act or paragraph (1) of subsection (f) of Section 7.29 of the Children and Family Services Act. The hearing shall be conducted within 10 days of notice to the parties.

(C) The Department shall facilitate the minor's presence for any proceedings regarding the alleged violation if the minor wants to be present.

(D) If the minor does not have an attorney, the court shall appoint one for the purposes of the hearing initiated under this subsection.

(E) If, after reviewing evidence, including evidence from the Department, the court determines that the minor has been subjected to conduct by an individual employee, contractor, licensee, or caregiver providing the minor's direct case management, care, or placement that violates the minor's rights under subparagraph (A) or (B) of paragraph (2) of subsection (e) of Section 7.29 of the Children and Family Services Act or paragraph (1) of subsection (f) of Section 7.29 of the Children and Family Services Act, the court shall put in writing the factual basis supporting its findings, including specific factual findings regarding the nature of the violation and the involved employee, contractor, licensee, or caregiver providing direct case management, care, or placement. Consistent with its findings, the court shall:

(i) order the Department to monitor and ensure reasonable conditions of conduct to be demonstrated by the involved employee, contractor, licensee, or caregiver providing the minor's direct case management, care, or placement for a specified period of time and may require the Department to make periodic reports to the court containing such information as the court in its discretion may prescribe;

(ii) require the Department to report to the court why the Department's oversight may have failed to prevent conduct that violated subparagraph (A) or (B) of paragraph (2) of subsection (e) of Section 7.29 of the Children and Family Services Act or paragraph (1) of subsection (f) of Section 7.29 of the Children and Family Services Act;

(iii) require the Department to refer the allegation of conduct in violation of subparagraph (A) or (B) of paragraph (2) of subsection (e) of Section 7.29 of the Children and Family Services Act or paragraph (1) of subsection (f) of Section 7.29 of the Children and Family Services Act to the Department's inspector general for investigation under Section 35.5 of the Children and

Family Services Act, if the Department has not done so already; and

(iv) if the court determines that the Department violated its obligations under paragraph (1) of subsection (f) of Section 7.29 of the Children and Family Services Act, make a finding that the minor's placement is not necessary or appropriate for the minor and require the Department to take immediate action to remedy the violation in accordance with this subsection.

(F) In addition to the required actions under paragraph (E), within the scope of the existing expressly permitted relief under the Juvenile Court Act of 1987, the court may enter any and all reasonable orders to remediate harm and prevent future harm to the minor, including, but not limited to:

(i) requiring the provision of specific services to address the harm caused to the minor;

(ii) requiring the Department to amend the minor's service plan consistent with the court's findings under this subsection;

(iii) making a finding that the minor's placement is not necessary or appropriate for the minor;

(iv) requiring the Department to locate an appropriate placement, as determined by the Department, for the minor within a specified timeframe;

(v) requiring the Department to submit a plan to remedy the harm that resulted from the violation;

(vi) requiring the Department to investigate the conduct of the individual employee, contractor, licensee, or caregiver providing the direct case management, care, or placement responsible or contributing to the conditions that resulted in the violation; and

(vii) requiring the Department to implement a recommendation by the minor's treating clinician, a clinician contracted by the Department to evaluate the minor, a recommendation made by the Department, or a reasonable and relevant request for specific support made by the minor.

(G) If the Department places a minor in a placement under an order entered under this subsection, the Department has the authority to remove the minor from that placement when a change in circumstances necessitates the removal to protect the minor's health, safety, and best interest. If the Department determines removal is necessary, the Department shall notify the parties of the planned placement change in writing no later than 10 days prior to the implementation of its determination unless remaining in the placement poses an imminent risk of harm to the minor, in which case the Department shall notify the parties of the placement change in writing immediately following the implementation of its decision. The Department shall notify others of the decision to change the minor's placement as required by Department rule.

(H) Any order entered under this subsection shall be directly related to remedying harm to a minor or preventing future harm to a minor caused by the conduct of the individual employee, contractor, licensee, or caregiver providing direct case management, care, or placement involved in the violation of the minor's rights under subparagraph (A) or (B) of paragraph (2) of subsection (e) of Section 7.29 of the Children and Family Services Act or paragraph (1) of subsection (f) of Section 7.29 of the Children and Family Services Act. Nothing in this subsection diminishes a minor's right to seek any other remedy and relief available to the minor at law or equity.

(1.5) 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.

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.

(1.6) Within 30 days after placing a minor ~~child~~ in its care in a qualified residential treatment program, as defined by the federal Social Security Act, the Department of Children and Family Services shall prepare a written report for filing with the court and send copies of the report to all parties. Within 20 days of the filing of the report, or as soon thereafter as the court's schedule allows but not more than 60 days from the date of placement, the court shall hold a hearing to consider the Department's report and determine whether placement of the minor ~~child~~ in a qualified residential treatment program provides the most effective and appropriate level of care for the minor ~~child~~ in the least restrictive environment and if the placement is consistent with the short-term and long-term goals for the minor ~~child~~, as specified in the permanency plan for the minor ~~child~~. The court shall approve or disapprove the placement. If applicable, the requirements of Sections 2-27.1 and 2-27.2 of this Act and Sections 7.30 and 7.31 of the Children and Family Services Act must also be met. The Department's written report and the court's written determination shall be included in and made part of the case plan for the minor ~~child~~. If the minor ~~child~~ remains placed in a qualified residential treatment program, the Department shall submit evidence at each status and permanency hearing:

(A) demonstrating that ongoing ~~on-going~~ assessment of the strengths and needs of the minor ~~child~~ continues to support the determination that the minor's ~~child's~~ needs cannot be met through placement in a foster family home, that the placement provides the most effective and appropriate level of care for the minor ~~child~~ in the least restrictive, appropriate environment, and that the placement is consistent with the short-term and long-term permanency goal for the minor ~~child~~, as specified in the permanency plan for the minor ~~child~~;

(B) documenting the specific treatment or service needs that should be met for the minor ~~child~~ in the placement and the length of time the minor ~~child~~ is expected to need the treatment or services;

(C) detailing the efforts made by the agency to prepare the minor ~~child~~ to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home;

(D) ~~beginning July 1, 2025,~~ documenting the Department's efforts regarding ongoing family finding and relative engagement required under Section 2-27.3; ~~and~~

(E) detailing efforts to ensure the minor is engaged in age and developmentally appropriate activities to develop life skills, which may include extracurricular activities, coaching by caregivers, or instruction in individual or group settings. For minors who have participated in life skills assessments, the results of such assessments and how the minor's identified needs are being addressed; and ~~.~~

(F) if applicable, consistent with Department policy regarding documentation of sensitive identity information, as defined in Section 4d of the Children and Family Services Act, the efforts made by the Department to monitor and mitigate the risk of adverse action, as defined in subsection (b) of Section 7.30 of the Children and Family Services Act, relevant to the minor's circumstances in an out-of-state placement.

(2) The first permanency hearing shall be conducted by the judge. Subsequent permanency hearings may be heard by a judge or by hearing officers appointed or approved by the court in the manner set forth in Section 2-28.1 of this Act. The initial hearing shall be held (a) within 12 months from the date temporary custody was taken, regardless of whether an adjudication or dispositional hearing has been completed within that time frame, (b) if the parental rights of both parents have been terminated in accordance with the procedure described in subsection (5) of Section 2-21, within 30 days of the order for termination of parental rights and appointment of a guardian with power to consent to adoption, or (c) in accordance with subsection (2) of Section 2-13.1. Subsequent permanency hearings shall be held every 6 months or more

frequently if necessary in the court's determination following the initial permanency hearing, in accordance with the standards set forth in this Section, until the court determines that the plan and goal have been achieved. Once the plan and goal have been achieved, if the minor remains in substitute care, the case shall be reviewed at least every 6 months thereafter, subject to the provisions of this Section, unless the minor is placed in the guardianship of a suitable relative or other person and the court determines that further monitoring by the court does not further the health, safety, or best interest of the minor ~~child~~ and that this is a stable permanent placement. The permanency hearings must occur within the time frames set forth in this subsection and may not be delayed in anticipation of a report from any source or due to the agency's failure to timely file its written report (this written report means the one required under the next paragraph and does not mean the service plan also referred to in that paragraph).

The public agency that is the custodian or guardian of the minor, or another agency responsible for the minor's care, shall ensure that all parties to the permanency hearings are provided a copy of the most recent service plan prepared within the prior 6 months at least 14 days in advance of the hearing. If not contained in the agency's service plan, the agency shall also include a report setting forth the following:

(A) any special physical, psychological, educational, medical, emotional, or other needs of the minor or the minor's family that are relevant to a permanency or placement determination, and for any minor age 16 or over, a written description of the programs and services that will enable the minor to prepare for independent living;

(B) ~~beginning July 1, 2025,~~ a written description of ongoing family finding and relative engagement efforts in accordance with the requirements under Section 2-27.3 the agency has undertaken since the most recent report to the court to plan for the emotional and legal permanency of the minor;

(C) whether 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. 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;

(C-1) if the minor, age 8 or older, is placed outside the State of Illinois, an explanation of risk of adverse action, an explanation of the adverse action and the efforts made by the Department to meet its obligations under Section 7.30 of the Children and Family Services Act, stated in a manner consistent with Department policy regarding documentation of sensitive identity information as that term is defined in the Children and Family

Services Act;

(C-2) an explanation of the minor's preferences regarding placement; and

(D) detail regarding what progress or lack of progress the parent has made in correcting the conditions requiring the minor ~~child~~ to be in care; whether the minor ~~child~~ can be returned home without jeopardizing the minor's ~~child's~~ health, safety, and welfare, what permanency goal is recommended to be in the best interests of the minor ~~child~~, and the reasons for the recommendation. If a permanency goal under paragraph (A), (B), or (B-1) of subsection (2.3) have been deemed inappropriate and not in the minor's best interest, the report must include the following information:

(i) confirmation that the caseworker has discussed the permanency options and subsidies available for guardianship and adoption with the minor's caregivers, the minor's parents, as appropriate, and has discussed the available permanency options with the minor in an age-appropriate manner;

(ii) confirmation that the caseworker has discussed with the minor's caregivers, the minor's parents, as appropriate, and the minor as age-appropriate, the distinctions between guardianship and adoption, including, but not limited to, that guardianship does not require termination of the parent's rights or the consent of the parent;

(iii) a description of the stated preferences and concerns, if any, the minor, the parent as appropriate, and the caregiver expressed relating to the options of guardianship and adoption, and the reasons for the preferences;

(iv) if the minor is not currently in a placement that will provide permanency, identification of all persons presently willing and able to provide permanency to the minor through either guardianship or adoption, and ~~beginning July 1, 2025,~~ if none are available, a description of the efforts made in accordance with Section 2-27.3; and

(v) state the recommended permanency goal, why that goal is recommended, and why the other potential goals were not recommended.

The caseworker must appear and testify at the permanency hearing. If a permanency hearing has not previously been scheduled by the court, the moving party shall move for the setting of a permanency hearing and the entry of an order within the time frames set forth in this subsection.

(2.3) At the permanency hearing, the court shall determine the permanency goal of the minor ~~child~~. The court shall set one of the following permanency goals:

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

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

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

If the court has determined that goals (A), (B), and (B-1) are not appropriate and not in the minor's best interest, the court may select one of the following goals: (C), (D), (E), (F), (G), or (H) for the minor as appropriate and based on the best interests of the minor. The court shall determine the appropriate goal for the minor based on best interest factors and any considerations outlined in that goal.

(C) The guardianship of the minor shall be transferred to an individual or couple on a permanent basis. Prior to changing the goal to guardianship, the court shall consider the following:

(i) whether the agency has discussed adoption and guardianship with the caregiver and what preference, if any, the caregiver has as to the permanency goal;

(ii) whether the agency has discussed adoption and guardianship with the minor, as age-appropriate, and what preference, if any, the minor has as to the permanency goal;

(iii) whether the minor is of sufficient age to remember the minor's parents and if the minor ~~child~~ values this familial identity;

(iv) whether the minor is placed with a relative, and ~~beginning July 1, 2025,~~ whether the minor is placed in a relative home as defined in Section 4d of the Children and Family Services Act or in a certified relative caregiver home as defined in Section 2.36 of the Child Care Act of 1969; and

(v) whether the parent or parents have been informed about guardianship and adoption, and, if appropriate, what preferences, if any, the parent or parents have as to the permanency goal.

(D) The minor will be in substitute care pending court determination on termination of parental rights. Prior to changing the goal to substitute care pending court determination on termination of parental rights, the court shall consider the following:

(i) whether the agency has discussed adoption and guardianship with the caregiver and what preference, if any, the caregiver has as to the permanency goal;

(ii) whether the agency has discussed adoption and guardianship with the minor, as age-appropriate, and what preference, if any, the minor has as to the permanency goal;

(iii) whether the minor is of sufficient age to remember the minor's parents and if the minor ~~child~~ values this familial identity;

(iv) whether the minor is placed with a relative, and ~~beginning July 1, 2025,~~ whether the minor is placed in a relative home as defined in Section 4d of the Children and Family Services Act, in a certified relative caregiver home as defined in Section 2.36 of the Child Care Act of 1969;

(v) whether the minor is already placed in a pre-adoptive home, and if not, whether such a home has been identified; and

(vi) whether the parent or parents have been informed about guardianship and adoption, and, if appropriate, what preferences, if any, the parent or parents have as to the permanency goal.

(E) Adoption, provided that parental rights have been terminated or relinquished.

(F) Provided that permanency goals (A) through (E) have been deemed inappropriate and not in the minor's best interests, the minor over age 15 will be in substitute care pending independence. In selecting this permanency goal, the Department of Children and Family Services may provide services to enable reunification and to strengthen the minor's connections with family, fictive kin, and other responsible adults, provided the services are in the minor's best interest. The services shall be documented in the service plan.

(G) The minor will be in substitute care because the minor cannot be provided for in a home environment due to developmental disabilities or mental illness or because the minor is a danger to self or others, provided that goals (A) through (E) have been deemed inappropriate and not in the minor's ~~child's~~ best interests.

In selecting any permanency goal, the court shall indicate in writing the reasons the goal was selected and why the preceding goals were deemed inappropriate and not in the minor's ~~child's~~ best interest. Where the court has selected a permanency goal other than (A), (B), or (B-1), the Department of Children and Family Services shall not provide further reunification services, except as provided in paragraph (F) of this subsection (2.3), but shall provide services consistent with the goal selected.

(H) Notwithstanding any other provision in this

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

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

(2) The court has deemed all other permanency goals inappropriate based on the minor's ~~child's~~ best interest;

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

(a) the minor ~~child~~ does not wish to be adopted or to be placed in the guardianship of the minor's relative, certified relative caregiver, or foster care placement;

(b) the minor ~~child~~ exhibits an extreme level of need such that the removal of the minor ~~child~~ from the minor's placement would be detrimental to the minor ~~child~~; or

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

(4) The minor ~~child~~ has lived with the relative, certified relative caregiver, or foster parent for at least one year; and

(5) The relative, certified relative caregiver, or foster parent currently caring for the minor ~~child~~ is willing and capable of providing the minor ~~child~~ with a stable and permanent environment.

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

(A) Age of the minor ~~child~~.

(B) Options available for permanence, including both out-of-state and in-state placement options.

(C) Current placement of the minor ~~child~~ and the intent of the family regarding subsidized guardianship and adoption.

(D) Emotional, physical, and mental status or condition of the minor ~~child~~.

(E) Types of services previously offered and whether or not the services were successful and, if not successful, the reasons the services failed.

(F) Availability of services currently needed and whether the services exist.

(G) Status of siblings of the minor.

(H) If the minor is not currently in a placement likely to achieve permanency, whether there is an identified and willing potential permanent caregiver for the minor, and if so, that potential permanent caregiver's intent regarding guardianship and adoption.

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

The court shall make findings as to whether, in violation of Section 8.2 of the Abused and Neglected Child Reporting Act, any portion of the service plan compels a minor ~~child~~ or parent to engage in any activity or refrain from any activity that is not reasonably related to remedying a condition or conditions that gave rise or which could give rise to any finding of child abuse or neglect. The services contained in the service plan shall include services reasonably related to remedy the conditions that gave rise to removal of the minor ~~child~~ from the home of the minor's ~~child's~~ parents, guardian, or legal custodian or that the court has found must be remedied prior to returning the minor ~~child~~ home. Any tasks the court requires of the parents, guardian, or legal custodian or minor ~~child~~ prior to returning the minor ~~child~~ home must be reasonably related to remedying a condition or conditions that gave rise to or which could give rise to any finding of child abuse or neglect.

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

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

The court shall review the Department's efforts to provide the minor with age and developmentally appropriate life skills. If the court finds the Department's efforts are not in the minor's best interest, the court may enter an order requiring the Department to develop, modify, or implement the service plan to develop the minor's life skills in an age and developmentally appropriate manner.

The ~~Beginning July 1, 2025, the~~ court shall review the Ongoing Family Finding and Relative Engagement Plan required under Section 2-27.3. If the court finds that the plan is not in the minor's best interest, the court shall enter specific factual findings and order the Department to modify the plan consistent with the court's findings.

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

If, after receiving evidence, the court determines that the services contained in the plan are not reasonably calculated to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the evidence. The court also shall enter an order for the Department to develop and implement a new service plan or to implement changes to the current service plan consistent with the court's findings. The new service plan shall be filed with the court and served on all parties within 45 days of the date of the order. The court shall continue the matter until the new service plan is filed. Except as authorized by subsection (2.5) of this Section and as otherwise specifically authorized by law, the court is not empowered under this Section to order specific placements, specific services, or specific service providers to be included in the service plan.

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

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

(2.5) If, after reviewing the evidence, including evidence from the Department, the court determines that the minor's current or planned placement is not necessary or appropriate to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting its determination and enter specific findings based on the evidence. If the court finds that the minor's current or planned placement is not necessary or appropriate, the court may enter an order directing the Department to implement a recommendation by the minor's treating clinician or a clinician contracted by the Department to evaluate the minor or a recommendation made by the Department. If the Department places a minor in a placement under an order entered under this subsection (2.5), the Department has the authority to remove the minor from that placement when a change in circumstances necessitates the removal to protect the minor's health, safety, and best interest. If the Department determines removal is necessary, the Department shall notify the parties of the planned placement change in writing no later than 10 days prior to the implementation of its determination unless remaining in the placement poses an imminent risk of harm to the minor, in which case the Department shall notify the parties of the placement change in writing immediately following the implementation of its decision. The Department shall notify others of the decision to change the minor's placement as required by Department rule.

(3) Following the permanency hearing, the court shall enter a written order that includes the determinations required under subsections (2) and (2.3) of this Section and sets forth the following:

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

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

(i) (Blank).

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

(iii) Whether the minor's current or planned placement is necessary, and appropriate to the plan and goal, recognizing the right of minors to the least restrictive (most family-like) setting available and in close proximity to the parents' home consistent with the health, safety, best interest, and special needs of the minor and, if the minor is placed out-of-state, whether the out-of-state placement continues to be appropriate and consistent with the health, safety, and best interest of the minor with Department compliance with the obligations of Section 7.30 of the Children and Family Services Act, if such circumstances are applicable.

(iv) (Blank).

(v) (Blank).

If the court sets a permanency goal of independence or if the minor is 17 years of age or older, the court shall schedule a Successful Transition to Adulthood Review hearing in accordance with Section 2-28.2.

(4) The minor or any person interested in the minor may

apply to the court for a change in custody of the minor and the appointment of a new custodian or guardian of the person or for the restoration of the minor to the custody of the minor's parents or former guardian or custodian.

When return home is not selected as the permanency goal:

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

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

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

Custody of the minor shall not be restored to any parent, guardian, or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering the minor's health or safety and it is in the best interest of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian, or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the health, safety, and best interest of the minor and the fitness of such parent, guardian, or legal custodian to care for the minor and the court enters an order that such parent, guardian, or legal custodian is fit to care for the minor. If a motion is filed to modify or vacate a private guardianship order and return the minor ~~child~~ to a parent, guardian, or legal custodian, the court may order the Department of Children and Family Services to assess the minor's current and proposed living arrangements and to provide ongoing monitoring of the health, safety, and best interest of the minor during the pendency of the motion to assist the court in making that determination. In the event that the minor has attained 18 years of age and the guardian or custodian petitions the court for an order terminating the minor's guardianship or custody, guardianship or custody shall terminate automatically 30 days after the receipt of the petition unless the court orders otherwise. No legal custodian or guardian of the person may be removed without the legal custodian's or guardian's consent until given notice and an opportunity to be heard by the court.

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

If the minor is being restored to the custody of a parent, legal custodian, or guardian who lives outside of Illinois, and an Interstate Compact has been requested and refused, the court may order the Department of Children and Family Services to arrange for an assessment of the minor's proposed living arrangement and for ongoing monitoring of the health, safety, and best interest of the minor and compliance with any order of protective supervision entered in accordance with Section 2-24.

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

(a) Any agency of this State or any subdivision thereof shall cooperate with the agent of the court in providing any information sought in the investigation.

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

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

(6) The changes made to this Section by this amendatory Act of the 104th General Assembly apply on and after January 1, 2028.

(Source: P.A. 103-22, eff. 8-8-23; 103-154, eff. 6-30-23; 103-171, eff. 1-1-24; 103-605, eff. 7-1-24; 103-1061, eff. 2-5-25; 104-2, eff. 6-16-25; 104-107, eff. 7-1-26; revised 8-20-25.)

(705 ILCS 405/5-745)

(Text of Section before amendment by P.A. 104-107)

Sec. 5-745. Court review.

(1) The court may require any legal custodian or guardian of the person appointed under this Act, including the Department of Juvenile Justice for youth committed under Section 5-750 of this Act, to report periodically to the court or may cite the legal custodian or guardian into court and require the legal custodian or guardian, or the legal custodian's or guardian's agency, to make a full and accurate report of the doings of the legal custodian, guardian, or agency on behalf of the minor, including efforts to secure post-release placement of the youth after release from the Department's facilities. The legal custodian or guardian,

within 10 days after the citation, shall make the report, either in writing verified by affidavit or orally under oath in open court, or otherwise as the court directs. Upon the hearing of the report, the court may remove the legal custodian or guardian and appoint another in the legal custodian's or guardian's stead or restore the minor to the custody of the minor's parents or former guardian or legal custodian.

(2) If the Department of Children and Family Services is appointed legal custodian or guardian of a minor under Section 5-740 of this Act, the Department of Children and Family Services shall file updated case plans with the court every 6 months. Every agency which has guardianship of a child shall file a supplemental petition for court review, or review by an administrative body appointed or approved by the court and further order within 18 months of the sentencing order and each 18 months thereafter. The petition shall state facts relative to the child's present condition of physical, mental, and emotional health as well as facts relative to the minor's present custodial or foster care. The petition shall be set for hearing and the clerk shall mail 10 days' ~~days~~ notice of the hearing by certified mail, return receipt requested, to the person or agency having the physical custody of the child, the minor and other interested parties unless a written waiver of notice is filed with the petition.

If the minor is in the custody of the Illinois Department of Children and Family Services, pursuant to an order entered under this Article, the court shall conduct permanency hearings as set out in subsections (1), (1.3), (1.5), (1.6), (2), (2.3), (2.4), (2.5), and (3) of Section 2-28 of Article II of this Act.

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

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

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

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

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

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

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

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

(5) With respect to any report required to be filed with the court under this Section, the Independent Juvenile Ombudsperson shall provide a copy to the minor's court appointed guardian ad litem, if the Department has received written notice of the appointment, and to the minor's attorney, if the Department has received written notice of representation from the attorney. If the Department has a record that a guardian has been appointed for the minor and a record of the last known address of the minor's court appointed guardian, the Independent Juvenile Ombudsperson shall send a notice to the guardian that the report is available and will be provided by the Independent Juvenile Ombudsperson upon request. If the Department has no record regarding the appointment of a guardian for the minor, and the Department's records include the last known addresses of the minor's parents, the Independent Juvenile Ombudsperson shall send a notice to the parents that the report is available and will be provided by the Independent Juvenile Ombudsperson upon request.

(6) The changes made to this Section by this amendatory Act of the 104th General Assembly apply on and after January 1, 2028.

(Source: P.A. 103-22, eff. 8-8-23; 103-1061, eff. 2-5-25; 104-66, eff. 1-1-26; revised 11-21-25.)

(Text of Section after amendment by P.A. 104-107)

Sec. 5-745. Court review.

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

(2) If the Department of Children and Family Services is appointed legal custodian or guardian of a minor under Section 5-740 of this Act, the Department of Children and Family Services shall file updated case plans with the court every 6

months. Every agency which has guardianship of a child shall file a supplemental petition for court review, or review by an administrative body appointed or approved by the court and further order within 18 months of the sentencing order and each 18 months thereafter. The petition shall state facts relative to the child's present condition of physical, mental, and emotional health as well as facts relative to the minor's present custodial or foster care. The petition shall be set for hearing and the clerk shall mail 10 days' ~~days~~ notice of the hearing by certified mail, return receipt requested, to the person or agency having the physical custody of the child, the minor and other interested parties unless a written waiver of notice is filed with the petition.

If the minor is in the custody of the Illinois Department of Children and Family Services, pursuant to an order entered under this Article, the court shall conduct permanency hearings as set out in subsections (1), (1.3), (1.5), (1.6), (2), (2.3), (2.4), (2.5), and (3) of Section 2-28 of Article II of this Act and Successful Transition to Adulthood Review hearings as set out in Section 2-28.2 of Article II of this Act.

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

(3) The minor or any person interested in the minor may apply to the court for a change in custody of the minor and the

appointment of a new custodian or guardian of the person or for the restoration of the minor to the custody of the minor's parents or former guardian or custodian. In the event that the minor has attained 18 years of age and the guardian or custodian petitions the court for an order terminating the minor's guardianship or custody, guardianship or legal custody shall terminate automatically 30 days after the receipt of the petition unless the court orders otherwise. No legal custodian or guardian of the person may be removed without the legal custodian's or guardian's consent until given notice and an opportunity to be heard by the court.

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

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

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

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

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

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

(5) With respect to any report required to be filed with the court under this Section, the Independent Juvenile Ombudsperson shall provide a copy to the minor's court appointed guardian ad litem, if the Department has received written notice of the appointment, and to the minor's attorney, if the Department has received written notice of representation from the attorney. If the Department has a record that a guardian has been appointed for the minor and a

record of the last known address of the minor's court appointed guardian, the Independent Juvenile Ombudsperson shall send a notice to the guardian that the report is available and will be provided by the Independent Juvenile Ombudsperson upon request. If the Department has no record regarding the appointment of a guardian for the minor, and the Department's records include the last known addresses of the minor's parents, the Independent Juvenile Ombudsperson shall send a notice to the parents that the report is available and will be provided by the Independent Juvenile Ombudsperson upon request.

(6) The changes made to this Section by this amendatory Act of the 104th General Assembly apply on and after January 1, 2028.

(Source: P.A. 103-22, eff. 8-8-23; 103-1061, eff. 2-5-25; 104-66, eff. 1-1-26; 104-107, eff. 7-1-26; revised 11-21-25.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect upon becoming law.