



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1823

Introduced 1/28/2025, by Rep. Margaret Croke

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-745

Amends the Juvenile Court Act of 1987. Makes technical changes in a provision that states if the minor is in the custody of the Illinois Department of Children and Family Services, pursuant to an order entered under the Delinquent Minors Article of the Act, the court shall conduct permanency hearings as set out in the court review provisions of the Abused, Neglected, or Dependent Minors Article of the Act.

LRB104 09302 RLC 19360 b

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-745 as follows:

6 (705 ILCS 405/5-745)

7 Sec. 5-745. Court review.

8 (1) The court may require any legal custodian or guardian
9 of the person appointed under this Act, including the
10 Department of Juvenile Justice for youth committed under
11 Section 5-750 of this Act, to report periodically to the court
12 or may cite the legal custodian or guardian into court and
13 require the legal custodian or guardian, or the legal
14 custodian's or guardian's agency, to make a full and accurate
15 report of the doings of the legal custodian, guardian, or
16 agency on behalf of the minor, including efforts to secure
17 post-release placement of the youth after release from the
18 Department's facilities. The legal custodian or guardian,
19 within 10 days after the citation, shall make the report,
20 either in writing verified by affidavit or orally under oath
21 in open court, or otherwise as the court directs. Upon the
22 hearing of the report the court may remove the legal custodian
23 or guardian and appoint another in the legal custodian's or

1 guardian's stead or restore the minor to the custody of the
2 minor's parents or former guardian or legal custodian.

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

20 If the minor is in the custody of the Illinois Department
21 of Children and Family Services, pursuant to an order entered
22 under this Article, the court shall conduct permanency
23 hearings as set out in subsections (1), (1.5), (1.6), (2),
24 (2.5), and (3) of Section 2-28 of Article II of this Act.

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

1 by mandamus filed in any proceedings brought under this Act.

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

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

19 (a) a critical incident involving a youth committed to
20 the Department; as used in this paragraph (a), "critical
21 incident" means any incident that involves a serious risk
22 to the life, health, or well-being of the youth and
23 includes, but is not limited to, an accident or suicide
24 attempt resulting in serious bodily harm or
25 hospitalization, psychiatric hospitalization, alleged or
26 suspected abuse, or escape or attempted escape from

1 custody, filed within 10 days of the occurrence;

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

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

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

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

22 (5) With respect to any report required to be filed with
23 the court under this Section, the Independent Juvenile
24 Ombudsperson shall provide a copy to the minor's court
25 appointed guardian ad litem, if the Department has received
26 written notice of the appointment, and to the minor's

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

15 (Source: P.A. 103-22, eff. 8-8-23.)