

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 Abused and Neglected Child Reporting Act is
5 amended by changing Section 3 as follows:

6 (325 ILCS 5/3) (from Ch. 23, par. 2053)

7 Sec. 3. As used in this Act unless the context otherwise
8 requires:

9 "Adult resident" means any person between 18 and 22 years
10 of age who resides in any facility licensed by the Department
11 under the Child Care Act of 1969. For purposes of this Act, the
12 criteria set forth in the definitions of "abused child" and
13 "neglected child" shall be used in determining whether an
14 adult resident is abused or neglected.

15 "Agency" means a child care facility licensed under
16 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and
17 includes a transitional living program that accepts children
18 and adult residents for placement who are in the guardianship
19 of the Department.

20 "Blatant disregard" means an incident where the real,
21 significant, and imminent likelihood ~~risk~~ of serious harm
22 would be so obvious to a reasonable parent or caretaker that it
23 is unlikely that a reasonable parent or caretaker would have

1 exposed the child to the danger without exercising
2 precautionary measures to protect the child from harm. With
3 respect to a person working at an agency in the person's
4 professional capacity with a child or adult resident, "blatant
5 disregard" includes a failure by the person to perform job
6 responsibilities intended to protect the child's or adult
7 resident's health, physical well-being, or welfare, and, when
8 viewed in light of the surrounding circumstances, evidence
9 exists that would cause a reasonable person to believe that
10 the child was neglected. With respect to an agency, "blatant
11 disregard" includes a failure to implement practices that
12 ensure the health, physical well-being, or welfare of the
13 children and adult residents residing in the facility.

14 "Child" means any person under the age of 18 years, unless
15 legally emancipated by reason of marriage or entry into a
16 branch of the United States armed services.

17 "Department" means Department of Children and Family
18 Services.

19 "Local law enforcement agency" means the police of a city,
20 town, village or other incorporated area or the sheriff of an
21 unincorporated area or any sworn officer of the Illinois State
22 Police.

23 "Abused child" means a child whose parent or immediate
24 family member, or any person responsible for the child's
25 welfare, or any individual residing in the same home as the
26 child, or a paramour of the child's parent:

1 (a) inflicts, causes to be inflicted, or allows to be
2 inflicted upon such child physical injury, by other than
3 accidental means, which causes death, disfigurement,
4 impairment of physical or emotional health, or loss or
5 impairment of any bodily function;

6 (b) creates a substantial risk of physical injury to
7 such child by other than accidental means which would be
8 likely to cause death, disfigurement, impairment of
9 physical or emotional health, or loss or impairment of any
10 bodily function;

11 (c) commits or allows to be committed any sex offense
12 against such child, as such sex offenses are defined in
13 the Criminal Code of 2012 or in the Wrongs to Children Act,
14 and extending those definitions of sex offenses to include
15 children under 18 years of age;

16 (d) commits or allows to be committed an act or acts of
17 torture upon such child;

18 (e) inflicts excessive corporal punishment or, in the
19 case of a person working for an agency who is prohibited
20 from using corporal punishment, inflicts corporal
21 punishment upon a child or adult resident with whom the
22 person is working in the person's professional capacity;

23 (f) commits or allows to be committed the offense of
24 female genital mutilation, as defined in Section 12-34 of
25 the Criminal Code of 2012, against the child;

26 (g) causes to be sold, transferred, distributed, or

1 given to such child under 18 years of age, a controlled
2 substance as defined in Section 102 of the Illinois
3 Controlled Substances Act in violation of Article IV of
4 the Illinois Controlled Substances Act or in violation of
5 the Methamphetamine Control and Community Protection Act,
6 except for controlled substances that are prescribed in
7 accordance with Article III of the Illinois Controlled
8 Substances Act and are dispensed to such child in a manner
9 that substantially complies with the prescription;

10 (h) commits or allows to be committed the offense of
11 involuntary servitude, involuntary sexual servitude of a
12 minor, or trafficking in persons as defined in Section
13 10-9 of the Criminal Code of 2012 against the child; or

14 (i) commits the offense of grooming, as defined in
15 Section 11-25 of the Criminal Code of 2012, against the
16 child.

17 A child shall not be considered abused for the sole reason
18 that the child has been relinquished in accordance with the
19 Abandoned Newborn Infant Protection Act.

20 "Neglected child" means (a) any child who, due to the
21 blatant disregard of the child's parent or other person
22 responsible for the child's welfare, or agency
23 responsibilities, is: (1) not receiving care necessary for the
24 child's well being, including adequate food, clothing and
25 shelter; (2) not receiving ~~the proper or necessary nourishment~~
26 ~~or~~ medically indicated treatment including food or care not

1 provided solely on the basis of the present or anticipated
2 mental or physical impairment as determined by a physician
3 acting alone or in consultation with other physicians or
4 otherwise is not receiving the proper or necessary support or
5 medical or other remedial care recognized under State law as
6 necessary for a child's well-being; (3), ~~or other care~~
7 ~~necessary for the child's well-being, including adequate food,~~
8 ~~clothing and shelter; or who is~~ subjected to an environment
9 which is injurious insofar as ~~(i)~~ the child's environment
10 creates a real, significant, and imminent likelihood of
11 serious harm to the child's health, physical well-being, or
12 welfare; (4) and ~~(ii) the likely harm to the child is the~~
13 ~~result of a blatant disregard of parent, caretaker, person~~
14 ~~responsible for the child's welfare, or agency~~
15 ~~responsibilities; or who is~~ abandoned by the child's parents
16 or other person responsible for the child's welfare without a
17 proper plan of care; or who has been provided with interim
18 crisis intervention services under Section 3-5 of the Juvenile
19 Court Act of 1987 and whose parent, guardian, or custodian
20 refuses to permit the child to return home and no other living
21 arrangement agreeable to the parent, guardian, or custodian
22 can be made, and the parent, guardian, or custodian has not
23 made any other appropriate living arrangement for the child;
24 (5) ~~or who is~~ a newborn infant whose blood, urine, or meconium
25 contains any amount of a controlled substance as defined in
26 subsection (f) of Section 102 of the Illinois Controlled

1 Substances Act or a metabolite thereof, with the exception of
2 a controlled substance or metabolite thereof whose presence in
3 the newborn infant is the result of medical treatment
4 administered to the person who gave birth or the newborn
5 infant.

6 (b) A child is not considered neglected by a parent or
7 other person responsible for the child's welfare due to
8 exposure to domestic violence itself when perpetrated against
9 someone other than the child, if that parent or other person
10 responsible for the child's welfare did not perpetrate the
11 domestic violence.

12 (c) A child shall not be considered neglected for the sole
13 reason that the child's parent or other person responsible for
14 the child's welfare has left the child in the care of an adult
15 relative for any period of time. A child shall not be
16 considered neglected for the sole reason that the child has
17 been relinquished in accordance with the Abandoned Newborn
18 Infant Protection Act. A child shall not be considered
19 neglected or abused for the sole reason that such child's
20 parent or other person responsible for the child's welfare
21 depends upon spiritual means through prayer alone for the
22 treatment or cure of disease or remedial care as provided
23 under Section 4 of this Act. A child shall not be considered
24 neglected or abused solely because the child is not attending
25 school in accordance with the requirements of Article 26 of
26 The School Code, as amended.

1 "Child Protective Service Unit" means certain specialized
2 State employees of the Department assigned by the Director to
3 perform the duties and responsibilities as provided under
4 Section 7.2 of this Act.

5 "Near fatality" means an act that, as certified by a
6 physician, places the child in serious or critical condition,
7 including acts of great bodily harm inflicted upon children
8 under 13 years of age, and as otherwise defined by Department
9 rule.

10 "Great bodily harm" includes bodily injury which creates a
11 high probability of death, or which causes serious permanent
12 disfigurement, or which causes a permanent or protracted loss
13 or impairment of the function of any bodily member or organ, or
14 other serious bodily harm.

15 "Person responsible for the child's welfare" means the
16 child's parent; guardian; foster parent; relative caregiver;
17 any person responsible for the child's welfare in a public or
18 private residential agency or institution; any person
19 responsible for the child's welfare within a public or private
20 profit or not for profit child care facility; or any other
21 person responsible for the child's welfare at the time of the
22 alleged abuse or neglect, including any person who commits or
23 allows to be committed, against the child, the offense of
24 involuntary servitude, involuntary sexual servitude of a
25 minor, or trafficking in persons for forced labor or services,
26 as provided in Section 10-9 of the Criminal Code of 2012,

1 including, but not limited to, the custodian of the minor, or
2 any person who came to know the child through an official
3 capacity or position of trust, including, but not limited to,
4 health care professionals, educational personnel, recreational
5 supervisors, members of the clergy, and volunteers or support
6 personnel in any setting where children may be subject to
7 abuse or neglect.

8 "Temporary protective custody" means custody within a
9 hospital or other medical facility or a place previously
10 designated for such custody by the Department, subject to
11 review by the Court, including a licensed foster home, group
12 home, or other institution; but such place shall not be a jail
13 or other place for the detention of criminal or juvenile
14 offenders.

15 "An unfounded report" means any report made under this Act
16 for which it is determined after an investigation that no
17 credible evidence of abuse or neglect exists.

18 "An indicated report" means a report made under this Act
19 if an investigation determines that credible evidence of the
20 alleged abuse or neglect exists.

21 "An undetermined report" means any report made under this
22 Act in which it was not possible to initiate or complete an
23 investigation on the basis of information provided to the
24 Department.

25 "Subject of report" means any child reported to the
26 central register of child abuse and neglect established under

1 Section 7.7 of this Act as an alleged victim of child abuse or
2 neglect and the parent or guardian of the alleged victim or
3 other person responsible for the alleged victim's welfare who
4 is named in the report or added to the report as an alleged
5 perpetrator of child abuse or neglect.

6 "Perpetrator" means a person who, as a result of
7 investigation, has been determined by the Department to have
8 caused child abuse or neglect.

9 "Member of the clergy" means a clergyperson or
10 practitioner of any religious denomination accredited by the
11 religious body to which the clergyperson or practitioner
12 belongs.

13 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;
14 102-813, eff. 5-13-22; 103-22, eff. 8-8-23.)

15 Section 10. The Juvenile Court Act of 1987 is amended by
16 changing Sections 1-3, 2-3, 2-10, 2-21, and 2-27 as follows:

17 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

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

21 (1) "Adjudicatory hearing" means a hearing to determine
22 whether the allegations of a petition under Section 2-13,
23 3-15, or 4-12 that a minor under 18 years of age is abused,
24 neglected, or dependent, or requires authoritative

1 intervention, or addicted, respectively, are supported by a
2 preponderance of the evidence or whether the allegations of a
3 petition under Section 5-520 that a minor is delinquent are
4 proved beyond a reasonable doubt.

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

6 (3) "Agency" means a public or private child care facility
7 legally authorized or licensed by this State for placement or
8 institutional care or for both placement and institutional
9 care.

10 (4) "Association" means any organization, public or
11 private, engaged in welfare functions which include services
12 to or on behalf of children but does not include "agency" as
13 herein defined.

14 (4.05) Whenever a "best interest" determination is
15 required, the following factors shall be considered in the
16 context of the child's age and developmental needs:

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

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

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

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

23 (i) where the child actually feels love,
24 attachment, and a sense of being valued (as opposed to
25 where adults believe the child should feel such love,
26 attachment, and a sense of being valued);

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

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

3 (iv) continuity of affection for the child;

4 (v) the least disruptive placement alternative for
5 the child;

6 (e) the child's wishes and long-term goals, including
7 the child's wishes regarding available permanency options
8 and the child's wishes regarding maintaining connections
9 with parents, siblings, and other relatives;

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

12 (g) the child's need for permanence which includes the
13 child's need for stability and continuity of relationships
14 with parent figures, siblings, and other relatives;

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

16 (i) the risks attendant to entering and being in
17 substitute care; and

18 (j) the preferences of the persons available to care
19 for the child, including willingness to provide permanency
20 to the child, either through subsidized guardianship or
21 through adoption.

22 (4.08) "Caregiver" includes a foster parent. Beginning
23 July 1, 2025, "caregiver" includes a foster parent as defined
24 in Section 2.17 of the Child Care Act of 1969, certified
25 relative caregiver, as defined in Section 2.36 of the Child
26 Care Act of 1969, and relative caregiver as defined in Section

1 4d of the Children and Family Services Act.

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

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

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

10 (6.5) "Dissemination" or "disseminate" means to publish,
11 produce, print, manufacture, distribute, sell, lease, exhibit,
12 broadcast, display, transmit, or otherwise share information
13 in any format so as to make the information accessible to
14 others.

15 (6.6) "Domestic violence" has the meaning ascribed to it
16 in paragraphs (1) and (3) of Section 103 of the Illinois
17 Domestic Violence Act of 1986 and includes a violation of
18 Section 12-4.4a of the Criminal Code of 2012.

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

22 (7.03) "Expunge" means to physically destroy the records
23 and to obliterate the minor's name from any official index,
24 public record, or electronic database.

25 (7.05) "Foster parent" includes a relative caregiver
26 selected by the Department of Children and Family Services to

1 provide care for the minor.

2 (8) "Guardianship of the person" of a minor means the duty
3 and authority to act in the best interests of the minor,
4 subject to residual parental rights and responsibilities, to
5 make important decisions in matters having a permanent effect
6 on the life and development of the minor and to be concerned
7 with the minor's general welfare. It includes but is not
8 necessarily limited to:

9 (a) the authority to consent to marriage, to
10 enlistment in the armed forces of the United States, or to
11 a major medical, psychiatric, and surgical treatment; to
12 represent the minor in legal actions; and to make other
13 decisions of substantial legal significance concerning the
14 minor;

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

18 (c) the rights and responsibilities of legal custody
19 except where legal custody has been vested in another
20 person or agency; and

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

24 (8.1) "Juvenile court record" includes, but is not limited
25 to:

26 (a) all documents filed in or maintained by the

1 juvenile court pertaining to a specific incident,
2 proceeding, or individual;

3 (b) all documents relating to a specific incident,
4 proceeding, or individual made available to or maintained
5 by probation officers;

6 (c) all documents, video or audio tapes, photographs,
7 and exhibits admitted into evidence at juvenile court
8 hearings; or

9 (d) all documents, transcripts, records, reports, or
10 other evidence prepared by, maintained by, or released by
11 any municipal, county, or State agency or department, in
12 any format, if indicating involvement with the juvenile
13 court relating to a specific incident, proceeding, or
14 individual.

15 (8.2) "Juvenile law enforcement record" includes records
16 of arrest, station adjustments, fingerprints, probation
17 adjustments, the issuance of a notice to appear, or any other
18 records or documents maintained by any law enforcement agency
19 relating to a minor suspected of committing an offense, and
20 records maintained by a law enforcement agency that identifies
21 a juvenile as a suspect in committing an offense, but does not
22 include records identifying a juvenile as a victim, witness,
23 or missing juvenile and any records created, maintained, or
24 used for purposes of referral to programs relating to
25 diversion as defined in subsection (6) of Section 5-105.

26 (9) "Legal custody" means the relationship created by an

1 order of court in the best interests of the minor which imposes
2 on the custodian the responsibility of physical possession of
3 a minor and the duty to protect, train and discipline the minor
4 and to provide the minor with food, shelter, education, and
5 ordinary medical care, except as these are limited by residual
6 parental rights and responsibilities and the rights and
7 responsibilities of the guardian of the person, if any.

8 (9.1) "Mentally capable adult relative" means a person 21
9 years of age or older who is not suffering from a mental
10 illness that prevents the person from providing the care
11 necessary to safeguard the physical safety and welfare of a
12 minor who is left in that person's care by the parent or
13 parents or other person responsible for the minor's welfare.

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

16 (11) "Parent" means a father or mother of a child and
17 includes any adoptive parent. It also includes a person (i)
18 whose parentage is presumed or has been established under the
19 law of this or another jurisdiction or (ii) who has registered
20 with the Putative Father Registry in accordance with Section
21 12.1 of the Adoption Act and whose paternity has not been ruled
22 out under the law of this or another jurisdiction. It does not
23 include a parent whose rights in respect to the minor have been
24 terminated in any manner provided by law. It does not include a
25 person who has been or could be determined to be a parent under
26 the Illinois Parentage Act of 1984 or the Illinois Parentage

1 Act of 2015, or similar parentage law in any other state, if
2 that person has been convicted of or pled nolo contendere to a
3 crime that resulted in the conception of the child under
4 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
5 12-14.1, subsection (a) or (b) (but not subsection (c)) of
6 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
7 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
8 Criminal Code of 1961 or the Criminal Code of 2012, or similar
9 statute in another jurisdiction unless upon motion of any
10 party, other than the offender, to the juvenile court
11 proceedings the court finds it is in the child's best interest
12 to deem the offender a parent for purposes of the juvenile
13 court proceedings.

14 (11.1) "Permanency goal" means a goal set by the court as
15 defined in subsection (2.3) of Section 2-28.

16 (11.2) "Permanency hearing" means a hearing to set the
17 permanency goal and to review and determine (i) the
18 appropriateness of the services contained in the plan and
19 whether those services have been provided, (ii) whether
20 reasonable efforts have been made by all the parties to the
21 service plan to achieve the goal, and (iii) whether the plan
22 and goal have been achieved.

23 (12) "Petition" means the petition provided for in Section
24 2-13, 3-15, 4-12, or 5-520, including any supplemental
25 petitions thereunder in Section 3-15, 4-12, or 5-520.

26 (12.1) "Physically capable adult relative" means a person

1 21 years of age or older who does not have a severe physical
2 disability or medical condition, or is not suffering from
3 alcoholism or drug addiction, that prevents the person from
4 providing the care necessary to safeguard the physical safety
5 and welfare of a minor who is left in that person's care by the
6 parent or parents or other person responsible for the minor's
7 welfare.

8 (12.2) "Post Permanency Sibling Contact Agreement" has the
9 meaning ascribed to the term in Section 7.4 of the Children and
10 Family Services Act.

11 (12.3) "Residential treatment center" means a licensed
12 setting that provides 24-hour care to children in a group home
13 or institution, including a facility licensed as a child care
14 institution under Section 2.06 of the Child Care Act of 1969, a
15 licensed group home under Section 2.16 of the Child Care Act of
16 1969, a qualified residential treatment program under Section
17 2.35 of the Child Care Act of 1969, a secure child care
18 facility as defined in paragraph (18) of this Section, or any
19 similar facility in another state. "Residential treatment
20 center" does not include a relative foster home or a licensed
21 foster family home.

22 (13) "Residual parental rights and responsibilities" means
23 those rights and responsibilities remaining with the parent
24 after the transfer of legal custody or guardianship of the
25 person, including, but not necessarily limited to, the right
26 to reasonable visitation (which may be limited by the court in

1 the best interests of the minor as provided in subsection
2 (8)(b) of this Section), the right to consent to adoption, the
3 right to determine the minor's religious affiliation, and the
4 responsibility for the minor's support.

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

8 (14.05) "Shelter placement" means a temporary or emergency
9 placement for a minor, including an emergency foster home
10 placement.

11 (14.1) "Sibling Contact Support Plan" has the meaning
12 ascribed to the term in Section 7.4 of the Children and Family
13 Services Act.

14 (14.2) "Significant event report" means a written document
15 describing an occurrence or event beyond the customary
16 operations, routines, or relationships in the Department of
17 Children of Family Services, a child care facility, or other
18 entity that is licensed or regulated by the Department of
19 Children of Family Services or that provides services for the
20 Department of Children of Family Services under a grant,
21 contract, or purchase of service agreement; involving children
22 or youth, employees, foster parents, or relative caregivers;
23 allegations of abuse or neglect or any other incident raising
24 a concern about the well-being of a minor under the
25 jurisdiction of the court under Article II of the Juvenile
26 Court Act of 1987; incidents involving damage to property,

1 allegations of criminal activity, misconduct, or other
2 occurrences affecting the operations of the Department of
3 Children of Family Services or a child care facility; any
4 incident that could have media impact; and unusual incidents
5 as defined by Department of Children and Family Services rule.

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

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

12 (17) "Juvenile police officer" means a sworn police
13 officer who has completed a Basic Recruit Training Course, has
14 been assigned to the position of juvenile police officer by
15 the officer's chief law enforcement officer and has completed
16 the necessary juvenile officers training as prescribed by the
17 Illinois Law Enforcement Training Standards Board, or in the
18 case of a State police officer, juvenile officer training
19 approved by the Director of the Illinois State Police.

20 (18) "Secure child care facility" means any child care
21 facility licensed by the Department of Children and Family
22 Services to provide secure living arrangements for children
23 under 18 years of age who are subject to placement in
24 facilities under the Children and Family Services Act and who
25 are not subject to placement in facilities for whom standards
26 are established by the Department of Corrections under Section

1 3-15-2 of the Unified Code of Corrections. "Secure child care
2 facility" also means a facility that is designed and operated
3 to ensure that all entrances and exits from the facility, a
4 building, or a distinct part of the building are under the
5 exclusive control of the staff of the facility, whether or not
6 the child has the freedom of movement within the perimeter of
7 the facility, building, or distinct part of the building.

8 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;
9 103-564, eff. 11-17-23; 103-1061, eff. 2-5-25.)

10 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

11 Sec. 2-3. Neglected or abused minor.

12 (1) Those who are neglected include any minor under 18
13 years of age or a minor 18 years of age or older for whom the
14 court has made a finding of probable cause to believe that the
15 minor is abused, neglected, or dependent under subsection (1)
16 of Section 2-10 prior to the minor's 18th birthday:

17 (a) who, due to the blatant disregard of the minor's
18 parent or other person responsible for the minor's
19 welfare, or agency responsibilities, is not receiving the
20 proper or necessary support, education as required by law,
21 or medical or other remedial care recognized under State
22 law as necessary for a minor's well-being, or other care
23 necessary for the minor's well-being, including adequate
24 food, clothing, and shelter, or who is abandoned by the
25 minor's parent or parents or other person or persons

1 responsible for the minor's welfare, except that a minor
2 shall not be considered neglected for the sole reason that
3 the minor's parent or parents or other person or persons
4 responsible for the minor's welfare have left the minor in
5 the care of an adult relative for any period of time, who
6 the parent or parents or other person responsible for the
7 minor's welfare know is both a mentally capable adult
8 relative and physically capable adult relative, as defined
9 by this Act; or

10 (b) whose environment is injurious to the minor's
11 welfare. An environment is injurious if conditions in the
12 minor's environment create a real, significant and
13 imminent likelihood of serious harm to the minor's health,
14 physical well-being, or welfare and the parent or
15 caretaker blatantly disregarded his or her parental
16 responsibility to prevent or mitigate such harm as defined
17 in Section 3 of the Abused and Neglected Child Reporting
18 Act; or

19 (c) who is a newborn infant whose blood, urine, or
20 meconium contains any amount of a controlled substance as
21 defined in subsection (f) of Section 102 of the Illinois
22 Controlled Substances Act or a metabolite of a controlled
23 substance, with the exception of controlled substances or
24 metabolites of such substances, the presence of which in
25 the newborn infant is the result of medical treatment
26 administered to the person who gave birth or the newborn

1 infant; or

2 (d) whose parent or other person responsible for the
3 minor's welfare leaves the minor without supervision for
4 an unreasonable period of time without regard for the
5 mental or physical health, safety, or welfare of that
6 minor. Whether the minor was left without regard for the
7 mental or physical health, safety, or welfare of that
8 minor or the period of time was unreasonable shall be
9 determined by considering factors including, but not
10 limited to, the following:

11 (1) the age of the minor;

12 (2) the number of minors left at the location;

13 (3) the special needs of the minor, including
14 whether the minor is a person with a physical or mental
15 disability or is otherwise in need of ongoing
16 prescribed medical treatment, such as periodic doses
17 of insulin or other medications;

18 (4) the duration of time in which the minor was
19 left without supervision;

20 (5) the condition and location of the place where
21 the minor was left without supervision;

22 (6) the time of day or night when the minor was
23 left without supervision;

24 (7) the weather conditions, including whether the
25 minor was left in a location with adequate protection
26 from the natural elements, such as adequate heat or

1 light;

2 (8) the location of the parent or guardian at the
3 time the minor was left without supervision and the
4 physical distance the minor was from the parent or
5 guardian at the time the minor was without
6 supervision;

7 (9) whether the minor's movement was restricted or
8 the minor was otherwise locked within a room or other
9 structure;

10 (10) whether the minor was given a phone number of
11 a person or location to call in the event of an
12 emergency and whether the minor was capable of making
13 an emergency call;

14 (11) whether there was food and other provision
15 left for the minor;

16 (12) whether any of the conduct is attributable to
17 economic hardship or illness and the parent, guardian,
18 or other person having physical custody or control of
19 the child made a good faith effort to provide for the
20 health and safety of the minor;

21 (13) the age and physical and mental capabilities
22 of the person or persons who provided supervision for
23 the minor;

24 (14) whether the minor was left under the
25 supervision of another person;

26 (15) any other factor that would endanger the

1 health and safety of that particular minor; or

2 (e) who has been provided with interim crisis
3 intervention services under Section 3-5 of this Act and
4 whose parent, guardian, or custodian refuses to permit the
5 minor to return home unless the minor is an immediate
6 physical danger to the minor or others living in the home.

7 A minor shall not be considered neglected for the sole
8 reason that the minor has been relinquished in accordance with
9 the Abandoned Newborn Infant Protection Act.

10 (1.5) A minor shall not be considered neglected for the
11 sole reason that the minor's parent or other person
12 responsible for the minor's welfare permits the minor to
13 engage in independent activities unless the minor was
14 permitted to engage in independent activities under
15 circumstances presenting unreasonable risk of harm to the
16 minor's mental or physical health, safety, or well-being.
17 "Independent activities" includes, but is not limited to:

18 (a) traveling to and from school, including by
19 walking, running, or bicycling;

20 (b) traveling to and from nearby commercial or
21 recreational facilities;

22 (c) engaging in outdoor play;

23 (d) remaining in a vehicle unattended, except as
24 otherwise provided by law;

25 (e) remaining at home or at a similarly appropriate
26 location unattended; or

1 (f) engaging in a similar independent activity alone
2 or with other children.

3 In determining whether an independent activity presented
4 unreasonable risk of harm, the court shall consider:

5 (1) whether the activity is accepted as suitable for
6 minors of the same age, maturity level, and developmental
7 capacity as the involved minor;

8 (2) the factors listed in items (1) through (15) of
9 paragraph (d) of subsection (1); and

10 (3) any other factor the court deems relevant.

11 (2) Those who are abused include any minor under 18 years
12 of age or a minor 18 years of age or older for whom the court
13 has made a finding of probable cause to believe that the minor
14 is abused, neglected, or dependent under subsection (1) of
15 Section 2-10 prior to the minor's 18th birthday whose parent
16 or immediate family member, or any person responsible for the
17 minor's welfare, or any person who is in the same family or
18 household as the minor, or any individual residing in the same
19 home as the minor, or a paramour of the minor's parent:

20 (i) inflicts, causes to be inflicted, or allows to be
21 inflicted upon such minor physical injury, by other than
22 accidental means, which causes death, disfigurement,
23 impairment of physical or emotional health, or loss or
24 impairment of any bodily function;

25 (ii) creates a substantial risk of physical injury to
26 such minor by other than accidental means which would be

1 likely to cause death, disfigurement, impairment of
2 emotional health, or loss or impairment of any bodily
3 function;

4 (iii) commits or allows to be committed any sex
5 offense against such minor, as such sex offenses are
6 defined in the Criminal Code of 1961 or the Criminal Code
7 of 2012, or in the Wrongs to Children Act, and extending
8 those definitions of sex offenses to include minors under
9 18 years of age;

10 (iv) commits or allows to be committed an act or acts
11 of torture upon such minor;

12 (v) inflicts excessive corporal punishment;

13 (vi) commits or allows to be committed the offense of
14 involuntary servitude, involuntary sexual servitude of a
15 minor, or trafficking in persons as defined in Section
16 10-9 of the Criminal Code of 1961 or the Criminal Code of
17 2012, upon such minor; or

18 (vii) allows, encourages, or requires a minor to
19 commit any act of prostitution, as defined in the Criminal
20 Code of 1961 or the Criminal Code of 2012, and extending
21 those definitions to include minors under 18 years of age.

22 A minor shall not be considered abused for the sole reason
23 that the minor has been relinquished in accordance with the
24 Abandoned Newborn Infant Protection Act.

25 (3) This Section does not apply to a minor who would be
26 included herein solely for the purpose of qualifying for

1 financial assistance for the minor or the minor's parents,
2 guardian, or custodian.

3 (4) The changes made by Public Act 101-79 apply to a case
4 that is pending on or after July 12, 2019 (the effective date
5 of Public Act 101-79).

6 (Source: P.A. 103-22, eff. 8-8-23; 103-233, eff. 6-30-23;
7 103-605, eff. 7-1-24.)

8 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

9 (Text of Section before amendment by P.A. 103-1061)

10 Sec. 2-10. Temporary custody hearing. At the appearance of
11 the minor before the court at the temporary custody hearing,
12 all witnesses present shall be examined before the court in
13 relation to any matter connected with the allegations made in
14 the petition.

15 (1) If the court finds that there is not probable cause to
16 believe that the minor is abused, neglected, or dependent it
17 shall release the minor and dismiss the petition.

18 (2) If the court finds that there is probable cause to
19 believe that the minor is abused, neglected, or dependent, the
20 court shall state in writing the factual basis supporting its
21 finding and the minor, the minor's parent, guardian, or
22 custodian, and other persons able to give relevant testimony
23 shall be examined before the court. The Department of Children
24 and Family Services shall give testimony concerning indicated
25 reports of abuse and neglect, of which they are aware through

1 the central registry, involving the minor's parent, guardian,
2 or custodian. After such testimony, the court may, consistent
3 with the health, safety, and best interests of the minor,
4 enter an order that the minor shall be released upon the
5 request of parent, guardian, or custodian if the parent,
6 guardian, or custodian appears to take custody. If it is
7 determined that a parent's, guardian's, or custodian's
8 compliance with critical services mitigates the necessity for
9 removal of the minor from the minor's home, the court may enter
10 an Order of Protection setting forth reasonable conditions of
11 behavior that a parent, guardian, or custodian must observe
12 for a specified period of time, not to exceed 12 months,
13 without a violation; provided, however, that the 12-month
14 period shall begin anew after any violation. "Custodian"
15 includes the Department of Children and Family Services, if it
16 has been given custody of the child, or any other agency of the
17 State which has been given custody or wardship of the child. If
18 it is consistent with the health, safety, and best interests
19 of the minor, the court may also prescribe shelter care and
20 order that the minor be kept in a suitable place designated by
21 the court or in a shelter care facility designated by the
22 Department of Children and Family Services or a licensed child
23 welfare agency; however, on and after January 1, 2015 (the
24 effective date of Public Act 98-803) and before January 1,
25 2017, a minor charged with a criminal offense under the
26 Criminal Code of 1961 or the Criminal Code of 2012 or

1 adjudicated delinquent shall not be placed in the custody of
2 or committed to the Department of Children and Family Services
3 by any court, except a minor less than 16 years of age and
4 committed to the Department of Children and Family Services
5 under Section 5-710 of this Act or a minor for whom an
6 independent basis of abuse, neglect, or dependency exists; and
7 on and after January 1, 2017, a minor charged with a criminal
8 offense under the Criminal Code of 1961 or the Criminal Code of
9 2012 or adjudicated delinquent shall not be placed in the
10 custody of or committed to the Department of Children and
11 Family Services by any court, except a minor less than 15 years
12 of age and committed to the Department of Children and Family
13 Services under Section 5-710 of this Act or a minor for whom an
14 independent basis of abuse, neglect, or dependency exists. An
15 independent basis exists when the allegations or adjudication
16 of abuse, neglect, or dependency do not arise from the same
17 facts, incident, or circumstances which give rise to a charge
18 or adjudication of delinquency.

19 In placing the minor, the Department or other agency
20 shall, to the extent compatible with the court's order, comply
21 with Section 7 of the Children and Family Services Act. In
22 determining the health, safety, and best interests of the
23 minor to prescribe shelter care, the court must find that it is
24 a matter of immediate and urgent necessity for the safety, and
25 protection of the minor or of the person or property of another
26 that the minor be placed in a shelter care facility or that the

1 minor is likely to flee the jurisdiction of the court, and must
2 further find that reasonable efforts have been made or that,
3 consistent with the health, safety and best interests of the
4 minor, no efforts reasonably can be made to prevent or
5 eliminate the necessity of removal of the minor from the
6 minor's home. The court shall require documentation from the
7 Department of Children and Family Services as to the
8 reasonable efforts that were made to prevent or eliminate the
9 necessity of removal of the minor from the minor's home or the
10 reasons why no efforts reasonably could be made to prevent or
11 eliminate the necessity of removal. When a minor is placed in
12 the home of a relative, the Department of Children and Family
13 Services shall complete a preliminary background review of the
14 members of the minor's custodian's household in accordance
15 with Section 4.3 of the Child Care Act of 1969 within 90 days
16 of that placement. If the minor is ordered placed in a shelter
17 care facility of the Department of Children and Family
18 Services or a licensed child welfare agency, the court shall,
19 upon request of the appropriate Department or other agency,
20 appoint the Department of Children and Family Services
21 Guardianship Administrator or other appropriate agency
22 executive temporary custodian of the minor and the court may
23 enter such other orders related to the temporary custody as it
24 deems fit and proper, including the provision of services to
25 the minor or the minor's family to ameliorate the causes
26 contributing to the finding of probable cause or to the

1 finding of the existence of immediate and urgent necessity.

2 Where the Department of Children and Family Services
3 Guardianship Administrator is appointed as the executive
4 temporary custodian, the Department of Children and Family
5 Services shall file with the court and serve on the parties a
6 parent-child visiting plan, within 10 days, excluding weekends
7 and holidays, after the appointment. The parent-child visiting
8 plan shall set out the time and place of visits, the frequency
9 of visits, the length of visits, who shall be present at the
10 visits, and where appropriate, the minor's opportunities to
11 have telephone and mail communication with the parents.

12 Where the Department of Children and Family Services
13 Guardianship Administrator is appointed as the executive
14 temporary custodian, and when the child has siblings in care,
15 the Department of Children and Family Services shall file with
16 the court and serve on the parties a sibling placement and
17 contact plan within 10 days, excluding weekends and holidays,
18 after the appointment. The sibling placement and contact plan
19 shall set forth whether the siblings are placed together, and
20 if they are not placed together, what, if any, efforts are
21 being made to place them together. If the Department has
22 determined that it is not in a child's best interest to be
23 placed with a sibling, the Department shall document in the
24 sibling placement and contact plan the basis for its
25 determination. For siblings placed separately, the sibling
26 placement and contact plan shall set the time and place for

1 visits, the frequency of the visits, the length of visits, who
2 shall be present for the visits, and where appropriate, the
3 child's opportunities to have contact with their siblings in
4 addition to in person contact. If the Department determines it
5 is not in the best interest of a sibling to have contact with a
6 sibling, the Department shall document in the sibling
7 placement and contact plan the basis for its determination.
8 The sibling placement and contact plan shall specify a date
9 for development of the Sibling Contact Support Plan, under
10 subsection (f) of Section 7.4 of the Children and Family
11 Services Act, and shall remain in effect until the Sibling
12 Contact Support Plan is developed.

13 For good cause, the court may waive the requirement to
14 file the parent-child visiting plan or the sibling placement
15 and contact plan, or extend the time for filing either plan.
16 Any party may, by motion, request the court to review the
17 parent-child visiting plan to determine whether it is
18 reasonably calculated to expeditiously facilitate the
19 achievement of the permanency goal. A party may, by motion,
20 request the court to review the parent-child visiting plan or
21 the sibling placement and contact plan to determine whether it
22 is consistent with the minor's best interest. The court may
23 refer the parties to mediation where available. The frequency,
24 duration, and locations of visitation shall be measured by the
25 needs of the child and family, and not by the convenience of
26 Department personnel. Child development principles shall be

1 considered by the court in its analysis of how frequent
2 visitation should be, how long it should last, where it should
3 take place, and who should be present. If upon motion of the
4 party to review either plan and after receiving evidence, the
5 court determines that the parent-child visiting plan is not
6 reasonably calculated to expeditiously facilitate the
7 achievement of the permanency goal or that the restrictions
8 placed on parent-child contact or sibling placement or contact
9 are contrary to the child's best interests, the court shall
10 put in writing the factual basis supporting the determination
11 and enter specific findings based on the evidence. The court
12 shall enter an order for the Department to implement changes
13 to the parent-child visiting plan or sibling placement or
14 contact plan, consistent with the court's findings. At any
15 stage of proceeding, any party may by motion request the court
16 to enter any orders necessary to implement the parent-child
17 visiting plan, sibling placement or contact plan, or
18 subsequently developed Sibling Contact Support Plan. Nothing
19 under this subsection (2) shall restrict the court from
20 granting discretionary authority to the Department to increase
21 opportunities for additional parent-child contacts or sibling
22 contacts, without further court orders. Nothing in this
23 subsection (2) shall restrict the Department from immediately
24 restricting or terminating parent-child contact or sibling
25 contacts, without either amending the parent-child visiting
26 plan or the sibling contact plan or obtaining a court order,

1 where the Department or its assigns reasonably believe there
2 is an immediate need to protect the child's health, safety,
3 and welfare. Such restrictions or terminations must be based
4 on available facts to the Department and its assigns when
5 viewed in light of the surrounding circumstances and shall
6 only occur on an individual case-by-case basis. The Department
7 shall file with the court and serve on the parties any
8 amendments to the plan within 10 days, excluding weekends and
9 holidays, of the change of the visitation.

10 Acceptance of services shall not be considered an
11 admission of any allegation in a petition made pursuant to
12 this Act, nor may a referral of services be considered as
13 evidence in any proceeding pursuant to this Act, except where
14 the issue is whether the Department has made reasonable
15 efforts to reunite the family. In making its findings that it
16 is consistent with the health, safety, and best interests of
17 the minor to prescribe shelter care, the court shall state in
18 writing (i) the factual basis supporting its findings
19 concerning the immediate and urgent necessity for the
20 protection of the minor or of the person or property of another
21 and (ii) the factual basis supporting its findings that
22 reasonable efforts were made to prevent or eliminate the
23 removal of the minor from the minor's home or that no efforts
24 reasonably could be made to prevent or eliminate the removal
25 of the minor from the minor's home. The parents, guardian,
26 custodian, temporary custodian, and minor shall each be

1 furnished a copy of such written findings. The temporary
2 custodian shall maintain a copy of the court order and written
3 findings in the case record for the child. The order together
4 with the court's findings of fact in support thereof shall be
5 entered of record in the court.

6 Once the court finds that it is a matter of immediate and
7 urgent necessity for the protection of the minor that the
8 minor be placed in a shelter care facility, the minor shall not
9 be returned to the parent, custodian, or guardian until the
10 court finds that such placement is no longer necessary for the
11 protection of the minor.

12 If the child is placed in the temporary custody of the
13 Department of Children and Family Services for the minor's
14 protection, the court shall admonish the parents, guardian,
15 custodian, or responsible relative that the parents must
16 cooperate with the Department of Children and Family Services,
17 comply with the terms of the service plans, and correct the
18 conditions which require the child to be in care, or risk
19 termination of their parental rights. The court shall ensure,
20 by inquiring in open court of each parent, guardian,
21 custodian, or responsible relative, that the parent, guardian,
22 custodian, or responsible relative has had the opportunity to
23 provide the Department with all known names, addresses, and
24 telephone numbers of each of the minor's living adult
25 relatives, including, but not limited to, grandparents,
26 siblings of the minor's parents, and siblings. The court shall

1 advise the parents, guardian, custodian, or responsible
2 relative to inform the Department if additional information
3 regarding the minor's adult relatives becomes available.

4 (3) If prior to the shelter care hearing for a minor
5 described in Sections 2-3, 2-4, 3-3, and 4-3 the moving party
6 is unable to serve notice on the party respondent, the shelter
7 care hearing may proceed ex parte. A shelter care order from an
8 ex parte hearing shall be endorsed with the date and hour of
9 issuance and shall be filed with the clerk's office and
10 entered of record. The order shall expire after 10 days from
11 the time it is issued unless before its expiration it is
12 renewed, at a hearing upon appearance of the party respondent,
13 or upon an affidavit of the moving party as to all diligent
14 efforts to notify the party respondent by notice as herein
15 prescribed. The notice prescribed shall be in writing and
16 shall be personally delivered to the minor or the minor's
17 attorney and to the last known address of the other person or
18 persons entitled to notice. The notice shall also state the
19 nature of the allegations, the nature of the order sought by
20 the State, including whether temporary custody is sought, and
21 the consequences of failure to appear and shall contain a
22 notice that the parties will not be entitled to further
23 written notices or publication notices of proceedings in this
24 case, including the filing of an amended petition or a motion
25 to terminate parental rights, except as required by Supreme
26 Court Rule 11; and shall explain the right of the parties and

1 the procedures to vacate or modify a shelter care order as
2 provided in this Section. The notice for a shelter care
3 hearing shall be substantially as follows:

4 NOTICE TO PARENTS AND CHILDREN

5 OF SHELTER CARE HEARING

6 On at, before the Honorable
7, (address:), the State
8 of Illinois will present evidence (1) that (name of child
9 or children) are abused,
10 neglected, or dependent for the following reasons:

11 and (2)
12 whether there is "immediate and urgent necessity" to
13 remove the child or children from the responsible
14 relative.

15 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
16 PLACEMENT of the child or children in foster care until a
17 trial can be held. A trial may not be held for up to 90
18 days. You will not be entitled to further notices of
19 proceedings in this case, including the filing of an
20 amended petition or a motion to terminate parental rights.

21 At the shelter care hearing, parents have the
22 following rights:

23 1. To ask the court to appoint a lawyer if they
24 cannot afford one.

25 2. To ask the court to continue the hearing to
26 allow them time to prepare.

1 3. To present evidence concerning:

2 a. Whether or not the child or children were
3 abused, neglected or dependent.

4 b. Whether or not there is "immediate and
5 urgent necessity" to remove the child from home
6 (including: their ability to care for the child,
7 conditions in the home, alternative means of
8 protecting the child other than removal).

9 c. The best interests of the child.

10 4. To cross examine the State's witnesses.

11 The Notice for rehearings shall be substantially as
12 follows:

13 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

14 TO REHEARING ON TEMPORARY CUSTODY

15 If you were not present at and did not have adequate
16 notice of the Shelter Care Hearing at which temporary
17 custody of was awarded to
18 , you have the right to request a full
19 rehearing on whether the State should have temporary
20 custody of To request this rehearing,
21 you must file with the Clerk of the Juvenile Court
22 (address):, in person or by
23 mailing a statement (affidavit) setting forth the
24 following:

25 1. That you were not present at the shelter care

1 hearing.

2 2. That you did not get adequate notice
3 (explaining how the notice was inadequate).

4 3. Your signature.

5 4. Signature must be notarized.

6 The rehearing should be scheduled within 48 hours of
7 your filing this affidavit.

8 At the rehearing, your rights are the same as at the
9 initial shelter care hearing. The enclosed notice explains
10 those rights.

11 At the Shelter Care Hearing, children have the
12 following rights:

13 1. To have a guardian ad litem appointed.

14 2. To be declared competent as a witness and to
15 present testimony concerning:

16 a. Whether they are abused, neglected or
17 dependent.

18 b. Whether there is "immediate and urgent
19 necessity" to be removed from home.

20 c. Their best interests.

21 3. To cross examine witnesses for other parties.

22 4. To obtain an explanation of any proceedings and
23 orders of the court.

24 (4) If the parent, guardian, legal custodian, responsible
25 relative, minor age 8 or over, or counsel of the minor did not
26 have actual notice of or was not present at the shelter care

1 hearing, the parent, guardian, legal custodian, responsible
2 relative, minor age 8 or over, or counsel of the minor may file
3 an affidavit setting forth these facts, and the clerk shall
4 set the matter for rehearing not later than 48 hours,
5 excluding Sundays and legal holidays, after the filing of the
6 affidavit. At the rehearing, the court shall proceed in the
7 same manner as upon the original hearing.

8 (5) Only when there is reasonable cause to believe that
9 the minor taken into custody is a person described in
10 subsection (3) of Section 5-105 may the minor be kept or
11 detained in a detention home or county or municipal jail. This
12 Section shall in no way be construed to limit subsection (6).

13 (6) No minor under 16 years of age may be confined in a
14 jail or place ordinarily used for the confinement of prisoners
15 in a police station. Minors under 18 years of age must be kept
16 separate from confined adults and may not at any time be kept
17 in the same cell, room, or yard with adults confined pursuant
18 to the criminal law.

19 (7) If the minor is not brought before a judicial officer
20 within the time period as specified in Section 2-9, the minor
21 must immediately be released from custody.

22 (8) If neither the parent, guardian, or custodian appears
23 within 24 hours to take custody of a minor released upon
24 request pursuant to subsection (2) of this Section, then the
25 clerk of the court shall set the matter for rehearing not later
26 than 7 days after the original order and shall issue a summons

1 directed to the parent, guardian, or custodian to appear. At
2 the same time the probation department shall prepare a report
3 on the minor. If a parent, guardian, or custodian does not
4 appear at such rehearing, the judge may enter an order
5 prescribing that the minor be kept in a suitable place
6 designated by the Department of Children and Family Services
7 or a licensed child welfare agency.

8 (9) Notwithstanding any other provision of this Section
9 any interested party, including the State, the temporary
10 custodian, an agency providing services to the minor or family
11 under a service plan pursuant to Section 8.2 of the Abused and
12 Neglected Child Reporting Act, foster parent, or any of their
13 representatives, on notice to all parties entitled to notice,
14 may file a motion that it is in the best interests of the minor
15 to modify or vacate a temporary custody order on any of the
16 following grounds:

17 (a) It is no longer a matter of immediate and urgent
18 necessity that the minor remain in shelter care; or

19 (b) There is a material change in the circumstances of
20 the natural family from which the minor was removed and
21 the child can be cared for at home without endangering the
22 child's health or safety; or

23 (c) A person not a party to the alleged abuse, neglect
24 or dependency, including a parent, relative, or legal
25 guardian, is capable of assuming temporary custody of the
26 minor; or

1 (d) Services provided by the Department of Children
2 and Family Services or a child welfare agency or other
3 service provider have been successful in eliminating the
4 need for temporary custody and the child can be cared for
5 at home without endangering the child's health or safety.

6 In ruling on the motion, the court shall determine whether
7 it is consistent with the health, safety, and best interests
8 of the minor to modify or vacate a temporary custody order. If
9 the minor is being restored to the custody of a parent, legal
10 custodian, or guardian who lives outside of Illinois, and an
11 Interstate Compact has been requested and refused, the court
12 may order the Department of Children and Family Services to
13 arrange for an assessment of the minor's proposed living
14 arrangement and for ongoing monitoring of the health, safety,
15 and best interest of the minor and compliance with any order of
16 protective supervision entered in accordance with Section 2-20
17 or 2-25.

18 The clerk shall set the matter for hearing not later than
19 14 days after such motion is filed. In the event that the court
20 modifies or vacates a temporary custody order but does not
21 vacate its finding of probable cause, the court may order that
22 appropriate services be continued or initiated in behalf of
23 the minor and the minor's family.

24 (10) When the court finds or has found that there is
25 probable cause to believe a minor is an abused minor as
26 described in subsection (2) of Section 2-3 and that there is an

1 immediate and urgent necessity for the abused minor to be
2 placed in shelter care, immediate and urgent necessity shall
3 be presumed for any other minor residing in the same household
4 as the abused minor provided:

5 (a) Such other minor is the subject of an abuse or
6 neglect petition pending before the court; and

7 (b) A party to the petition is seeking shelter care
8 for such other minor.

9 Once the presumption of immediate and urgent necessity has
10 been raised, the burden of demonstrating the lack of immediate
11 and urgent necessity shall be on any party that is opposing
12 shelter care for the other minor.

13 (11) The changes made to this Section by Public Act 98-61
14 apply to a minor who has been arrested or taken into custody on
15 or after January 1, 2014 (the effective date of Public Act
16 98-61).

17 (12) After the court has placed a minor in the care of a
18 temporary custodian pursuant to this Section, any party may
19 file a motion requesting the court to grant the temporary
20 custodian the authority to serve as a surrogate decision maker
21 for the minor under the Health Care Surrogate Act for purposes
22 of making decisions pursuant to paragraph (1) of subsection
23 (b) of Section 20 of the Health Care Surrogate Act. The court
24 may grant the motion if it determines by clear and convincing
25 evidence that it is in the best interests of the minor to grant
26 the temporary custodian such authority. In making its

1 determination, the court shall weigh the following factors in
2 addition to considering the best interests factors listed in
3 subsection (4.05) of Section 1-3 of this Act:

4 (a) the efforts to identify and locate the respondents
5 and adult family members of the minor and the results of
6 those efforts;

7 (b) the efforts to engage the respondents and adult
8 family members of the minor in decision making on behalf
9 of the minor;

10 (c) the length of time the efforts in paragraphs (a)
11 and (b) have been ongoing;

12 (d) the relationship between the respondents and adult
13 family members and the minor;

14 (e) medical testimony regarding the extent to which
15 the minor is suffering and the impact of a delay in
16 decision-making on the minor; and

17 (f) any other factor the court deems relevant.

18 If the Department of Children and Family Services is the
19 temporary custodian of the minor, in addition to the
20 requirements of paragraph (1) of subsection (b) of Section 20
21 of the Health Care Surrogate Act, the Department shall follow
22 its rules and procedures in exercising authority granted under
23 this subsection.

24 (Source: P.A. 102-489, eff. 8-20-21; 102-502, eff. 1-1-22;
25 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-605, eff.
26 7-1-24.)

1 (Text of Section after amendment by P.A. 103-1061)

2 Sec. 2-10. Temporary custody hearing. At the appearance of
3 the minor before the court at the temporary custody hearing,
4 all witnesses present shall be examined before the court in
5 relation to any matter connected with the allegations made in
6 the petition.

7 (1) If the court finds that there is not probable cause to
8 believe that the minor is abused, neglected, or dependent it
9 shall release the minor and dismiss the petition.

10 (2) If the court finds that there is probable cause to
11 believe that the minor is abused, neglected, or dependent, the
12 court shall state in writing the factual basis supporting its
13 finding and the minor, the minor's parent, guardian, or
14 custodian, and other persons able to give relevant testimony
15 shall be examined before the court. Findings of probable cause
16 must be based on reasons sufficient and independent from
17 exposure to domestic violence that is perpetrated against
18 someone other than the minor where there is no demonstrated
19 likelihood of imminent bodily harm to the minor. The
20 Department of Children and Family Services shall give
21 testimony concerning indicated reports of abuse and neglect,
22 of which they are aware through the central registry,
23 involving the minor's parent, guardian, or custodian. After
24 such testimony, the court may, consistent with the health,
25 safety, and best interests of the minor, enter an order that

1 the minor shall be released upon the request of parent,
2 guardian, or custodian if the parent, guardian, or custodian
3 appears to take custody. If it is determined that a parent's,
4 guardian's, or custodian's compliance with critical services
5 mitigates the necessity for removal of the minor from the
6 minor's home, the court may enter an Order of Protection
7 setting forth reasonable conditions of behavior that a parent,
8 guardian, or custodian must observe for a specified period of
9 time, not to exceed 12 months, without a violation; provided,
10 however, that the 12-month period shall begin anew after any
11 violation. "Custodian" includes the Department of Children and
12 Family Services, if it has been given custody of the child, or
13 any other agency of the State which has been given custody or
14 wardship of the child. If it is consistent with the health,
15 safety, and best interests of the minor, the court may also
16 prescribe shelter care and order that the minor be kept in a
17 suitable place designated by the court or in a shelter care
18 facility designated by the Department of Children and Family
19 Services or a licensed child welfare agency; however, on and
20 after January 1, 2015 (the effective date of Public Act
21 98-803) and before January 1, 2017, a minor charged with a
22 criminal offense under the Criminal Code of 1961 or the
23 Criminal Code of 2012 or adjudicated delinquent shall not be
24 placed in the custody of or committed to the Department of
25 Children and Family Services by any court, except a minor less
26 than 16 years of age and committed to the Department of

1 Children and Family Services under Section 5-710 of this Act
2 or a minor for whom an independent basis of abuse, neglect, or
3 dependency exists; and on and after January 1, 2017, a minor
4 charged with a criminal offense under the Criminal Code of
5 1961 or the Criminal Code of 2012 or adjudicated delinquent
6 shall not be placed in the custody of or committed to the
7 Department of Children and Family Services by any court,
8 except a minor less than 15 years of age and committed to the
9 Department of Children and Family Services under Section 5-710
10 of this Act or a minor for whom an independent basis of abuse,
11 neglect, or dependency exists. An independent basis exists
12 when the allegations or adjudication of abuse, neglect, or
13 dependency do not arise from the same facts, incident, or
14 circumstances which give rise to a charge or adjudication of
15 delinquency.

16 In placing the minor, the Department or other agency
17 shall, to the extent compatible with the court's order, comply
18 with Section 7 of the Children and Family Services Act. In
19 determining the health, safety, and best interests of the
20 minor to prescribe shelter care, the court must find that it is
21 a matter of immediate and urgent necessity for the safety, and
22 protection of the minor or of the person or property of another
23 that the minor be placed in a shelter care facility or that the
24 minor is likely to flee the jurisdiction of the court, and must
25 further find that reasonable efforts have been made or that,
26 consistent with the health, safety and best interests of the

1 minor, no efforts reasonably can be made to prevent or
2 eliminate the necessity of removal of the minor from the
3 minor's home. Domestic violence that is perpetrated against
4 someone other than the minor where there is no demonstrated
5 likelihood of present and imminent bodily harm to the minor is
6 not sufficient to determine that an urgent and immediate
7 necessity exists to remove a minor from a parent who is not the
8 perpetrator of that domestic violence. The court shall require
9 documentation from the Department of Children and Family
10 Services as to the reasonable efforts that were made to
11 prevent or eliminate the necessity of removal of the minor
12 from the minor's home or the reasons why no efforts reasonably
13 could be made to prevent or eliminate the necessity of
14 removal. When a minor is placed in the home of a relative, the
15 Department of Children and Family Services shall complete a
16 preliminary background review of the members of the minor's
17 custodian's household in accordance with Section 3.4 or 4.3 of
18 the Child Care Act of 1969 within 90 days of that placement. If
19 the minor is not placed in the home of a relative, the court
20 shall require evidence from the Department as to the efforts
21 that were made to place the minor in the home of a relative or
22 the reasons why no efforts reasonably could be made to place
23 the minor in the home of a relative, consistent with the best
24 interests of the minor. If the minor is ordered placed in a
25 shelter care facility of the Department of Children and Family
26 Services or a licensed child welfare agency, the court shall,

1 upon request of the appropriate Department or other agency,
2 appoint the Department of Children and Family Services
3 Guardianship Administrator or other appropriate agency
4 executive temporary custodian of the minor and the court may
5 enter such other orders related to the temporary custody as it
6 deems fit and proper, including the provision of services to
7 the minor or the minor's family to ameliorate the causes
8 contributing to the finding of probable cause or to the
9 finding of the existence of immediate and urgent necessity.

10 Where the Department of Children and Family Services
11 Guardianship Administrator is appointed as the executive
12 temporary custodian, the Department of Children and Family
13 Services shall file with the court and serve on the parties a
14 parent-child visiting plan, within 10 days, excluding weekends
15 and holidays, after the appointment. The parent-child visiting
16 plan shall set out the time and place of visits, the frequency
17 of visits, the length of visits, who shall be present at the
18 visits, and where appropriate, the minor's opportunities to
19 have telephone and mail communication with the parents.

20 Where the Department of Children and Family Services
21 Guardianship Administrator is appointed as the executive
22 temporary custodian, and when the child has siblings in care,
23 the Department of Children and Family Services shall file with
24 the court and serve on the parties a sibling placement and
25 contact plan within 10 days, excluding weekends and holidays,
26 after the appointment. The sibling placement and contact plan

1 shall set forth whether the siblings are placed together, and
2 if they are not placed together, what, if any, efforts are
3 being made to place them together. If the Department has
4 determined that it is not in a child's best interest to be
5 placed with a sibling, the Department shall document in the
6 sibling placement and contact plan the basis for its
7 determination. For siblings placed separately, the sibling
8 placement and contact plan shall set the time and place for
9 visits, the frequency of the visits, the length of visits, who
10 shall be present for the visits, and where appropriate, the
11 child's opportunities to have contact with their siblings in
12 addition to in person contact. If the Department determines it
13 is not in the best interest of a sibling to have contact with a
14 sibling, the Department shall document in the sibling
15 placement and contact plan the basis for its determination.
16 The sibling placement and contact plan shall specify a date
17 for development of the Sibling Contact Support Plan, under
18 subsection (f) of Section 7.4 of the Children and Family
19 Services Act, and shall remain in effect until the Sibling
20 Contact Support Plan is developed.

21 For good cause, the court may waive the requirement to
22 file the parent-child visiting plan or the sibling placement
23 and contact plan, or extend the time for filing either plan.
24 Any party may, by motion, request the court to review the
25 parent-child visiting plan to determine whether it is
26 reasonably calculated to expeditiously facilitate the

1 achievement of the permanency goal. A party may, by motion,
2 request the court to review the parent-child visiting plan or
3 the sibling placement and contact plan to determine whether it
4 is consistent with the minor's best interest. The court may
5 refer the parties to mediation where available. The frequency,
6 duration, and locations of visitation shall be measured by the
7 needs of the child and family, and not by the convenience of
8 Department personnel. Child development principles shall be
9 considered by the court in its analysis of how frequent
10 visitation should be, how long it should last, where it should
11 take place, and who should be present. If upon motion of the
12 party to review either plan and after receiving evidence, the
13 court determines that the parent-child visiting plan is not
14 reasonably calculated to expeditiously facilitate the
15 achievement of the permanency goal or that the restrictions
16 placed on parent-child contact or sibling placement or contact
17 are contrary to the child's best interests, the court shall
18 put in writing the factual basis supporting the determination
19 and enter specific findings based on the evidence. The court
20 shall enter an order for the Department to implement changes
21 to the parent-child visiting plan or sibling placement or
22 contact plan, consistent with the court's findings. At any
23 stage of proceeding, any party may by motion request the court
24 to enter any orders necessary to implement the parent-child
25 visiting plan, sibling placement or contact plan, or
26 subsequently developed Sibling Contact Support Plan. Nothing

1 under this subsection (2) shall restrict the court from
2 granting discretionary authority to the Department to increase
3 opportunities for additional parent-child contacts or sibling
4 contacts, without further court orders. Nothing in this
5 subsection (2) shall restrict the Department from immediately
6 restricting or terminating parent-child contact or sibling
7 contacts, without either amending the parent-child visiting
8 plan or the sibling contact plan or obtaining a court order,
9 where the Department or its assigns reasonably believe there
10 is an immediate need to protect the child's health, safety,
11 and welfare. Such restrictions or terminations must be based
12 on available facts to the Department and its assigns when
13 viewed in light of the surrounding circumstances and shall
14 only occur on an individual case-by-case basis. The Department
15 shall file with the court and serve on the parties any
16 amendments to the plan within 10 days, excluding weekends and
17 holidays, of the change of the visitation.

18 Acceptance of services shall not be considered an
19 admission of any allegation in a petition made pursuant to
20 this Act, nor may a referral of services be considered as
21 evidence in any proceeding pursuant to this Act, except where
22 the issue is whether the Department has made reasonable
23 efforts to reunite the family. In making its findings that it
24 is consistent with the health, safety, and best interests of
25 the minor to prescribe shelter care, the court shall state in
26 writing (i) the factual basis supporting its findings

1 concerning the immediate and urgent necessity for the
2 protection of the minor or of the person or property of another
3 and (ii) the factual basis supporting its findings that
4 reasonable efforts were made to prevent or eliminate the
5 removal of the minor from the minor's home or that no efforts
6 reasonably could be made to prevent or eliminate the removal
7 of the minor from the minor's home. The parents, guardian,
8 custodian, temporary custodian, and minor shall each be
9 furnished a copy of such written findings. The temporary
10 custodian shall maintain a copy of the court order and written
11 findings in the case record for the child. The order together
12 with the court's findings of fact in support thereof shall be
13 entered of record in the court.

14 Once the court finds that it is a matter of immediate and
15 urgent necessity for the protection of the minor that the
16 minor be placed in a shelter care facility, the minor shall not
17 be returned to the parent, custodian, or guardian until the
18 court finds that such placement is no longer necessary for the
19 protection of the minor.

20 If the child is placed in the temporary custody of the
21 Department of Children and Family Services for the minor's
22 protection, the court shall admonish the parents, guardian,
23 custodian, or responsible relative that the parents must
24 cooperate with the Department of Children and Family Services,
25 comply with the terms of the service plans, and correct the
26 conditions which require the child to be in care, or risk

1 termination of their parental rights. The court shall ensure,
2 by inquiring in open court of each parent, guardian,
3 custodian, or responsible relative, that the parent, guardian,
4 custodian, or responsible relative has had the opportunity to
5 provide the Department with all known names, addresses, and
6 telephone numbers of each of the minor's living adult
7 relatives, including, but not limited to, grandparents,
8 siblings of the minor's parents, and siblings. The court shall
9 advise the parents, guardian, custodian, or responsible
10 relative to inform the Department if additional information
11 regarding the minor's adult relatives becomes available.

12 (2.5) When the court places the minor in the temporary
13 custody of the Department, the court shall inquire of the
14 Department's initial family finding and relative engagement
15 efforts, as described in Section 7 of the Children and Family
16 Services Act, and the Department shall complete any remaining
17 family finding and relative engagement efforts required under
18 Section 7 of the Children and Family Services Act within 30
19 days of the minor being taken into temporary custody. The
20 Department shall complete new family finding and relative
21 engagement efforts in accordance with Section 7 of the
22 Children and Family Services Act for relatives of the minor
23 within 30 days of an unknown parent's identity being
24 determined or a parent whose whereabouts were unknown being
25 located.

26 (3) If prior to the shelter care hearing for a minor

1 described in Sections 2-3, 2-4, 3-3, and 4-3 the moving party
2 is unable to serve notice on the party respondent, the shelter
3 care hearing may proceed ex parte. A shelter care order from an
4 ex parte hearing shall be endorsed with the date and hour of
5 issuance and shall be filed with the clerk's office and
6 entered of record. The order shall expire after 10 days from
7 the time it is issued unless before its expiration it is
8 renewed, at a hearing upon appearance of the party respondent,
9 or upon an affidavit of the moving party as to all diligent
10 efforts to notify the party respondent by notice as herein
11 prescribed. The notice prescribed shall be in writing and
12 shall be personally delivered to the minor or the minor's
13 attorney and to the last known address of the other person or
14 persons entitled to notice. The notice shall also state the
15 nature of the allegations, the nature of the order sought by
16 the State, including whether temporary custody is sought, and
17 the consequences of failure to appear and shall contain a
18 notice that the parties will not be entitled to further
19 written notices or publication notices of proceedings in this
20 case, including the filing of an amended petition or a motion
21 to terminate parental rights, except as required by Supreme
22 Court Rule 11; and shall explain the right of the parties and
23 the procedures to vacate or modify a shelter care order as
24 provided in this Section. The notice for a shelter care
25 hearing shall be substantially as follows:

26 NOTICE TO PARENTS AND CHILDREN

1 OF SHELTER CARE HEARING

2 On at, before the Honorable
3, (address:), the State
4 of Illinois will present evidence (1) that (name of child
5 or children) are abused,
6 neglected, or dependent for the following reasons:
7 and (2)
8 whether there is "immediate and urgent necessity" to
9 remove the child or children from the responsible
10 relative.

11 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
12 PLACEMENT of the child or children in foster care until a
13 trial can be held. A trial may not be held for up to 90
14 days. You will not be entitled to further notices of
15 proceedings in this case, including the filing of an
16 amended petition or a motion to terminate parental rights.

17 At the shelter care hearing, parents have the
18 following rights:

19 1. To ask the court to appoint a lawyer if they
20 cannot afford one.

21 2. To ask the court to continue the hearing to
22 allow them time to prepare.

23 3. To present evidence concerning:

24 a. Whether or not the child or children were
25 abused, neglected or dependent.

26 b. Whether or not there is "immediate and

1 urgent necessity" to remove the child from home
2 (including: their ability to care for the child,
3 conditions in the home, alternative means of
4 protecting the child other than removal).

5 c. The best interests of the child.

6 4. To cross examine the State's witnesses.

7 The Notice for rehearings shall be substantially as
8 follows:

9 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

10 TO REHEARING ON TEMPORARY CUSTODY

11 If you were not present at and did not have adequate
12 notice of the Shelter Care Hearing at which temporary
13 custody of was awarded to
14, you have the right to request a full
15 rehearing on whether the State should have temporary
16 custody of To request this rehearing,
17 you must file with the Clerk of the Juvenile Court
18 (address):, in person or by
19 mailing a statement (affidavit) setting forth the
20 following:

21 1. That you were not present at the shelter care
22 hearing.

23 2. That you did not get adequate notice
24 (explaining how the notice was inadequate).

25 3. Your signature.

1 4. Signature must be notarized.

2 The rehearing should be scheduled within 48 hours of
3 your filing this affidavit.

4 At the rehearing, your rights are the same as at the
5 initial shelter care hearing. The enclosed notice explains
6 those rights.

7 At the Shelter Care Hearing, children have the
8 following rights:

9 1. To have a guardian ad litem appointed.

10 2. To be declared competent as a witness and to
11 present testimony concerning:

12 a. Whether they are abused, neglected or
13 dependent.

14 b. Whether there is "immediate and urgent
15 necessity" to be removed from home.

16 c. Their best interests.

17 3. To cross examine witnesses for other parties.

18 4. To obtain an explanation of any proceedings and
19 orders of the court.

20 (4) If the parent, guardian, legal custodian, responsible
21 relative, minor age 8 or over, or counsel of the minor did not
22 have actual notice of or was not present at the shelter care
23 hearing, the parent, guardian, legal custodian, responsible
24 relative, minor age 8 or over, or counsel of the minor may file
25 an affidavit setting forth these facts, and the clerk shall
26 set the matter for rehearing not later than 48 hours,

1 excluding Sundays and legal holidays, after the filing of the
2 affidavit. At the rehearing, the court shall proceed in the
3 same manner as upon the original hearing.

4 (5) Only when there is reasonable cause to believe that
5 the minor taken into custody is a person described in
6 subsection (3) of Section 5-105 may the minor be kept or
7 detained in a detention home or county or municipal jail. This
8 Section shall in no way be construed to limit subsection (6).

9 (6) No minor under 16 years of age may be confined in a
10 jail or place ordinarily used for the confinement of prisoners
11 in a police station. Minors under 18 years of age must be kept
12 separate from confined adults and may not at any time be kept
13 in the same cell, room, or yard with adults confined pursuant
14 to the criminal law.

15 (7) If the minor is not brought before a judicial officer
16 within the time period as specified in Section 2-9, the minor
17 must immediately be released from custody.

18 (8) If neither the parent, guardian, or custodian appears
19 within 24 hours to take custody of a minor released upon
20 request pursuant to subsection (2) of this Section, then the
21 clerk of the court shall set the matter for rehearing not later
22 than 7 days after the original order and shall issue a summons
23 directed to the parent, guardian, or custodian to appear. At
24 the same time the probation department shall prepare a report
25 on the minor. If a parent, guardian, or custodian does not
26 appear at such rehearing, the judge may enter an order

1 prescribing that the minor be kept in a suitable place
2 designated by the Department of Children and Family Services
3 or a licensed child welfare agency.

4 (9) Notwithstanding any other provision of this Section
5 any interested party, including the State, the temporary
6 custodian, an agency providing services to the minor or family
7 under a service plan pursuant to Section 8.2 of the Abused and
8 Neglected Child Reporting Act, foster parent, or any of their
9 representatives, on notice to all parties entitled to notice,
10 may file a motion that it is in the best interests of the minor
11 to modify or vacate a temporary custody order on any of the
12 following grounds:

13 (a) It is no longer a matter of immediate and urgent
14 necessity that the minor remain in shelter care; or

15 (b) There is a material change in the circumstances of
16 the natural family from which the minor was removed and
17 the child can be cared for at home without endangering the
18 child's health or safety; or

19 (c) A person not a party to the alleged abuse, neglect
20 or dependency, including a parent, relative, or legal
21 guardian, is capable of assuming temporary custody of the
22 minor; or

23 (d) Services provided by the Department of Children
24 and Family Services or a child welfare agency or other
25 service provider have been successful in eliminating the
26 need for temporary custody and the child can be cared for

1 at home without endangering the child's health or safety.

2 In ruling on the motion, the court shall determine whether
3 it is consistent with the health, safety, and best interests
4 of the minor to modify or vacate a temporary custody order. If
5 the minor is being restored to the custody of a parent, legal
6 custodian, or guardian who lives outside of Illinois, and an
7 Interstate Compact has been requested and refused, the court
8 may order the Department of Children and Family Services to
9 arrange for an assessment of the minor's proposed living
10 arrangement and for ongoing monitoring of the health, safety,
11 and best interest of the minor and compliance with any order of
12 protective supervision entered in accordance with Section 2-20
13 or 2-25.

14 The clerk shall set the matter for hearing not later than
15 14 days after such motion is filed. In the event that the court
16 modifies or vacates a temporary custody order but does not
17 vacate its finding of probable cause, the court may order that
18 appropriate services be continued or initiated in behalf of
19 the minor and the minor's family.

20 (10) When the court finds or has found that there is
21 probable cause to believe a minor is an abused minor as
22 described in subsection (2) of Section 2-3 and that there is an
23 immediate and urgent necessity for the abused minor to be
24 placed in shelter care, immediate and urgent necessity shall
25 be presumed for any other minor residing in the same household
26 as the abused minor provided:

1 (a) Such other minor is the subject of an abuse or
2 neglect petition pending before the court; and

3 (b) A party to the petition is seeking shelter care
4 for such other minor.

5 Once the presumption of immediate and urgent necessity has
6 been raised, the burden of demonstrating the lack of immediate
7 and urgent necessity shall be on any party that is opposing
8 shelter care for the other minor.

9 (11) The changes made to this Section by Public Act 98-61
10 apply to a minor who has been arrested or taken into custody on
11 or after January 1, 2014 (the effective date of Public Act
12 98-61).

13 (12) After the court has placed a minor in the care of a
14 temporary custodian pursuant to this Section, any party may
15 file a motion requesting the court to grant the temporary
16 custodian the authority to serve as a surrogate decision maker
17 for the minor under the Health Care Surrogate Act for purposes
18 of making decisions pursuant to paragraph (1) of subsection
19 (b) of Section 20 of the Health Care Surrogate Act. The court
20 may grant the motion if it determines by clear and convincing
21 evidence that it is in the best interests of the minor to grant
22 the temporary custodian such authority. In making its
23 determination, the court shall weigh the following factors in
24 addition to considering the best interests factors listed in
25 subsection (4.05) of Section 1-3 of this Act:

26 (a) the efforts to identify and locate the respondents

1 and adult family members of the minor and the results of
2 those efforts;

3 (b) the efforts to engage the respondents and adult
4 family members of the minor in decision making on behalf
5 of the minor;

6 (c) the length of time the efforts in paragraphs (a)
7 and (b) have been ongoing;

8 (d) the relationship between the respondents and adult
9 family members and the minor;

10 (e) medical testimony regarding the extent to which
11 the minor is suffering and the impact of a delay in
12 decision-making on the minor; and

13 (f) any other factor the court deems relevant.

14 If the Department of Children and Family Services is the
15 temporary custodian of the minor, in addition to the
16 requirements of paragraph (1) of subsection (b) of Section 20
17 of the Health Care Surrogate Act, the Department shall follow
18 its rules and procedures in exercising authority granted under
19 this subsection.

20 (Source: P.A. 102-489, eff. 8-20-21; 102-502, eff. 1-1-22;
21 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-605, eff.
22 7-1-24; 103-1061, eff. 7-1-25.)

23 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)

24 Sec. 2-21. Findings and adjudication.

25 (1) The court shall state for the record the manner in

1 which the parties received service of process and shall note
2 whether the return or returns of service, postal return
3 receipt or receipts for notice by certified mail, or
4 certificate or certificates of publication have been filed in
5 the court record. The court shall enter any appropriate orders
6 of default against any parent who has been properly served in
7 any manner and fails to appear.

8 No further service of process as defined in Sections 2-15
9 and 2-16 is required in any subsequent proceeding for a parent
10 who was properly served in any manner, except as required by
11 Supreme Court Rule 11.

12 The caseworker shall testify about the diligent search
13 conducted for the parent.

14 After hearing the evidence the court shall determine
15 whether or not the minor is abused, neglected, or dependent.
16 If it finds that the minor is not such a person, the court
17 shall order the petition dismissed and the minor discharged.
18 The court's determination of whether the minor is abused,
19 neglected, or dependent shall be stated in writing with the
20 factual basis supporting that determination.

21 If the court finds that the minor is abused, neglected, or
22 dependent, the court shall then determine and put in writing
23 the factual basis supporting that determination, and specify,
24 to the extent possible, the acts or omissions or both of each
25 parent, guardian, or legal custodian that form the basis of
26 the court's findings. In making such findings, the factual

1 basis supporting a determination that the child has been
2 abused, neglected, or dependent must be sufficient and
3 independent of exposure to domestic violence that is
4 perpetrated against someone other than the child where there
5 is no demonstrated likelihood of imminent bodily harm to the
6 child. That finding shall appear in the order of the court.

7 If the court finds that the child has been abused,
8 neglected or dependent, the court shall admonish the parents
9 that they must cooperate with the Department of Children and
10 Family Services, comply with the terms of the service plan,
11 and correct the conditions that require the child to be in
12 care, or risk termination of parental rights.

13 If the court determines that a person has inflicted
14 physical or sexual abuse upon a minor, the court shall report
15 that determination to the Illinois State Police, which shall
16 include that information in its report to the President of the
17 school board for a school district that requests a criminal
18 history records check of that person, or the regional
19 superintendent of schools who requests a check of that person,
20 as required under Section 10-21.9 or 34-18.5 of the School
21 Code.

22 (2) If, pursuant to subsection (1) of this Section, the
23 court determines and puts in writing the factual basis
24 supporting the determination that the minor is either abused
25 or neglected or dependent, the court shall then set a time not
26 later than 30 days after the entry of the finding for a

1 dispositional hearing (unless an earlier date is required
2 pursuant to Section 2-13.1) to be conducted under Section 2-22
3 at which hearing the court shall determine whether it is
4 consistent with the health, safety and best interests of the
5 minor and the public that the minor be made a ward of the
6 court. To assist the court in making this and other
7 determinations at the dispositional hearing, the court may
8 order that an investigation be conducted and a dispositional
9 report be prepared concerning the minor's physical and mental
10 history and condition, family situation and background,
11 economic status, education, occupation, history of delinquency
12 or criminality, personal habits, and any other information
13 that may be helpful to the court. The dispositional hearing
14 may be continued once for a period not to exceed 30 days if the
15 court finds that such continuance is necessary to complete the
16 dispositional report.

17 (3) The time limits of this Section may be waived only by
18 consent of all parties and approval by the court, as
19 determined to be consistent with the health, safety and best
20 interests of the minor.

21 (4) For all cases adjudicated prior to July 1, 1991, for
22 which no dispositional hearing has been held prior to that
23 date, a dispositional hearing under Section 2-22 shall be held
24 within 90 days of July 1, 1991.

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

1 following conditions are met:

2 (i) the original or amended petition contains a
3 request for termination of parental rights and appointment
4 of a guardian with power to consent to adoption; and

5 (ii) the court has found by a preponderance of
6 evidence, introduced or stipulated to at an adjudicatory
7 hearing, that the child comes under the jurisdiction of
8 the court as an abused, neglected, or dependent minor
9 under Section 2-18; and

10 (iii) the court finds, on the basis of clear and
11 convincing evidence admitted at the adjudicatory hearing
12 that the parent is an unfit person under subdivision D of
13 Section 1 of the Adoption Act; and

14 (iv) the court determines in accordance with the rules
15 of evidence for dispositional proceedings, that:

16 (A) it is in the best interest of the minor and
17 public that the child be made a ward of the court;

18 (A-1) the petitioner has demonstrated that the
19 Department has discussed the permanency options of
20 guardianship and adoption with the caregiver and the
21 Department has informed the court of the caregiver's
22 wishes as to the permanency goal;

23 (A-5) reasonable efforts under subsection (1-1) of
24 Section 5 of the Children and Family Services Act are
25 inappropriate or such efforts were made and were
26 unsuccessful; and

1 (B) termination of parental rights and appointment
2 of a guardian with power to consent to adoption is in
3 the best interest of the child pursuant to Section
4 2-29.

5 (Source: P.A. 102-538, eff. 8-20-21; 103-1061, eff. 2-5-25.)

6 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

7 (Text of Section before amendment by P.A. 103-1061)

8 Sec. 2-27. Placement; legal custody or guardianship.

9 (1) If the court determines and puts in writing the
10 factual basis supporting the determination of whether the
11 parents, guardian, or legal custodian of a minor adjudged a
12 ward of the court are unfit or are unable, for some reason
13 other than financial circumstances alone, to care for,
14 protect, train or discipline the minor or are unwilling to do
15 so, and that the health, safety, and best interest of the minor
16 will be jeopardized if the minor remains in the custody of the
17 minor's parents, guardian or custodian, the court may at this
18 hearing and at any later point:

19 (a) place the minor in the custody of a suitable
20 relative or other person as legal custodian or guardian;

21 (a-5) with the approval of the Department of Children
22 and Family Services, place the minor in the subsidized
23 guardianship of a suitable relative or other person as
24 legal guardian; "subsidized guardianship" means a private
25 guardianship arrangement for children for whom the

1 permanency goals of return home and adoption have been
2 ruled out and who meet the qualifications for subsidized
3 guardianship as defined by the Department of Children and
4 Family Services in administrative rules;

5 (b) place the minor under the guardianship of a
6 probation officer;

7 (c) commit the minor to an agency for care or
8 placement, except an institution under the authority of
9 the Department of Corrections or of the Department of
10 Children and Family Services;

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

1 minor to the Department of Children and Family Services
2 for care and service; however, a minor charged with a
3 criminal offense under the Criminal Code of 1961 or the
4 Criminal Code of 2012 or adjudicated delinquent shall not
5 be placed in the custody of or committed to the Department
6 of Children and Family Services by any court, except (i) a
7 minor less than 15 years of age and committed to the
8 Department of Children and Family Services under Section
9 5-710 of this Act, (ii) a minor under the age of 18 for
10 whom an independent basis of abuse, neglect, or dependency
11 exists, or (iii) a minor for whom the court has granted a
12 supplemental petition to reinstate wardship pursuant to
13 subsection (2) of Section 2-33 of this Act. An independent
14 basis exists when the allegations or adjudication of
15 abuse, neglect, or dependency do not arise from the same
16 facts, incident, or circumstances which give rise to a
17 charge or adjudication of delinquency. The Department
18 shall be given due notice of the pendency of the action and
19 the Guardianship Administrator of the Department of
20 Children and Family Services shall be appointed guardian
21 of the person of the minor. Whenever the Department seeks
22 to discharge a minor from its care and service, the
23 Guardianship Administrator shall petition the court for an
24 order terminating guardianship. The Guardianship
25 Administrator may designate one or more other officers of
26 the Department, appointed as Department officers by

1 administrative order of the Department Director,
2 authorized to affix the signature of the Guardianship
3 Administrator to documents affecting the guardian-ward
4 relationship of children for whom the Guardianship
5 Administrator has been appointed guardian at such times as
6 the Guardianship Administrator is unable to perform the
7 duties of the Guardianship Administrator office. The
8 signature authorization shall include but not be limited
9 to matters of consent of marriage, enlistment in the armed
10 forces, legal proceedings, adoption, major medical and
11 surgical treatment and application for driver's license.
12 Signature authorizations made pursuant to the provisions
13 of this paragraph shall be filed with the Secretary of
14 State and the Secretary of State shall provide upon
15 payment of the customary fee, certified copies of the
16 authorization to any court or individual who requests a
17 copy.

18 (1.5) In making a determination under this Section, the
19 court shall also consider whether, based on health, safety,
20 and the best interests of the minor,

21 (a) appropriate services aimed at family preservation
22 and family reunification have been unsuccessful in
23 rectifying the conditions that have led to a finding of
24 unfitness or inability to care for, protect, train, or
25 discipline the minor, or

26 (b) no family preservation or family reunification

1 services would be appropriate,
2 and if the petition or amended petition contained an
3 allegation that the parent is an unfit person as defined in
4 subdivision (D) of Section 1 of the Adoption Act, and the order
5 of adjudication recites that parental unfitness was
6 established by clear and convincing evidence, the court shall,
7 when appropriate and in the best interest of the minor, enter
8 an order terminating parental rights and appointing a guardian
9 with power to consent to adoption in accordance with Section
10 2-29.

11 When making a placement, the court, wherever possible,
12 shall require the Department of Children and Family Services
13 to select a person holding the same religious belief as that of
14 the minor or a private agency controlled by persons of like
15 religious faith of the minor and shall require the Department
16 to otherwise comply with Section 7 of the Children and Family
17 Services Act in placing the child. In addition, whenever
18 alternative plans for placement are available, the court shall
19 ascertain and consider, to the extent appropriate in the
20 particular case, the views and preferences of the minor.

21 (2) When a minor is placed with a suitable relative or
22 other person pursuant to item (a) of subsection (1), the court
23 shall appoint the suitable relative or other person the legal
24 custodian or guardian of the person of the minor. When a minor
25 is committed to any agency, the court shall appoint the proper
26 officer or representative thereof as legal custodian or

1 guardian of the person of the minor. Legal custodians and
2 guardians of the person of the minor have the respective
3 rights and duties set forth in subsection (9) of Section 1-3
4 except as otherwise provided by order of court; but no
5 guardian of the person may consent to adoption of the minor
6 unless that authority is conferred upon the guardian in
7 accordance with Section 2-29. An agency whose representative
8 is appointed guardian of the person or legal custodian of the
9 minor may place the minor in any child care facility, but the
10 facility must be licensed under the Child Care Act of 1969 or
11 have been approved by the Department of Children and Family
12 Services as meeting the standards established for such
13 licensing. No agency may place a minor adjudicated under
14 Sections 2-3 or 2-4 in a child care facility unless the
15 placement is in compliance with the rules and regulations for
16 placement under this Section promulgated by the Department of
17 Children and Family Services under Section 5 of the Children
18 and Family Services Act. Like authority and restrictions shall
19 be conferred by the court upon any probation officer who has
20 been appointed guardian of the person of a minor.

21 (3) No placement by any probation officer or agency whose
22 representative is appointed guardian of the person or legal
23 custodian of a minor may be made in any out of State child care
24 facility unless it complies with the Interstate Compact on the
25 Placement of Children. Placement with a parent, however, is
26 not subject to that Interstate Compact.

1 (4) The clerk of the court shall issue to the legal
2 custodian or guardian of the person a certified copy of the
3 order of court, as proof of the legal custodian's or
4 guardian's authority. No other process is necessary as
5 authority for the keeping of the minor.

6 (5) Custody or guardianship granted under this Section
7 continues until the court otherwise directs, but not after the
8 minor reaches the age of 19 years except as set forth in
9 Section 2-31, or if the minor was previously committed to the
10 Department of Children and Family Services for care and
11 service and the court has granted a supplemental petition to
12 reinstate wardship pursuant to subsection (2) of Section 2-33.

13 (6) (Blank).

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

15 (Text of Section after amendment by P.A. 103-1061)

16 Sec. 2-27. Placement; legal custody or guardianship.

17 (1) If the court determines and puts in writing the
18 factual basis supporting the determination of whether a parent
19 ~~the parents~~, guardian, or legal custodian of a minor adjudged
20 a ward of the court is unwilling to care for, protect, train,
21 or discipline the minor, or is ~~are~~ unfit or ~~are~~ unable, ~~for~~
22 ~~some reason other than financial circumstances alone,~~ to care
23 for, protect, train, or discipline the minor for a reason
24 sufficient and independent from financial circumstances or
25 exposure to domestic violence that is perpetrated against

1 someone other than the minor if there is no demonstrated
2 likelihood of present and imminent bodily harm to the minor
3 and the domestic violence is not perpetrated by that parent,
4 guardian, or custodian, ~~or are unwilling to do so,~~ and if the
5 court determines and puts in writing the factual basis
6 supporting the determination of whether ~~that~~ the health,
7 safety, and best interest of the minor will be jeopardized if
8 the minor remains in the custody of the minor's parents,
9 guardian, or custodian, then the court may at this hearing and
10 at any later point:

11 (a) place the minor in the custody of a suitable
12 relative or other person as legal custodian or guardian;

13 (a-5) with the approval of the Department of Children
14 and Family Services, place the minor in the subsidized
15 guardianship of a suitable relative or other person as
16 legal guardian; "subsidized guardianship" has the meaning
17 ascribed to that term in Section 4d of the Children and
18 Family Services Act;

19 (b) place the minor under the guardianship of a
20 probation officer;

21 (c) commit the minor to an agency for care or
22 placement, except an institution under the authority of
23 the Department of Corrections or of the Department of
24 Children and Family Services;

25 (d) on and after the effective date of this amendatory
26 Act of the 98th General Assembly and before January 1,

2017, commit the minor to the Department of Children and Family Services for care and service; however, a minor charged with a criminal offense under the Criminal Code of 1961 or the Criminal Code of 2012 or adjudicated delinquent shall not be placed in the custody of or committed to the Department of Children and Family Services by any court, except (i) a minor less than 16 years of age and committed to the Department of Children and Family Services under Section 5-710 of this Act, (ii) a minor under the age of 18 for whom an independent basis of abuse, neglect, or dependency exists, or (iii) a minor for whom the court has granted a supplemental petition to reinstate wardship pursuant to subsection (2) of Section 2-33 of this Act. On and after January 1, 2017, commit the minor to the Department of Children and Family Services for care and service; however, a minor charged with a criminal offense under the Criminal Code of 1961 or the Criminal Code of 2012 or adjudicated delinquent shall not be placed in the custody of or committed to the Department of Children and Family Services by any court, except (i) a minor less than 15 years of age and committed to the Department of Children and Family Services under Section 5-710 of this Act, (ii) a minor under the age of 18 for whom an independent basis of abuse, neglect, or dependency exists, or (iii) a minor for whom the court has granted a supplemental petition to reinstate wardship pursuant to

1 subsection (2) of Section 2-33 of this Act. An independent
2 basis exists when the allegations or adjudication of
3 abuse, neglect, or dependency do not arise from the same
4 facts, incident, or circumstances which give rise to a
5 charge or adjudication of delinquency. The Department
6 shall be given due notice of the pendency of the action and
7 the Guardianship Administrator of the Department of
8 Children and Family Services shall be appointed guardian
9 of the person of the minor. Whenever the Department seeks
10 to discharge a minor from its care and service, the
11 Guardianship Administrator shall petition the court for an
12 order terminating guardianship. The Guardianship
13 Administrator may designate one or more other officers of
14 the Department, appointed as Department officers by
15 administrative order of the Department Director,
16 authorized to affix the signature of the Guardianship
17 Administrator to documents affecting the guardian-ward
18 relationship of children for whom the Guardianship
19 Administrator has been appointed guardian at such times as
20 the Guardianship Administrator is unable to perform the
21 duties of the Guardianship Administrator office. The
22 signature authorization shall include but not be limited
23 to matters of consent of marriage, enlistment in the armed
24 forces, legal proceedings, adoption, major medical and
25 surgical treatment and application for driver's license.
26 Signature authorizations made pursuant to the provisions

1 of this paragraph shall be filed with the Secretary of
2 State and the Secretary of State shall provide upon
3 payment of the customary fee, certified copies of the
4 authorization to any court or individual who requests a
5 copy.

6 (1.5) In making a determination under this Section, the
7 court shall also consider whether, based on health, safety,
8 and the best interests of the minor,

9 (a) appropriate services aimed at family preservation
10 and family reunification have been unsuccessful in
11 rectifying the conditions that have led to a finding of
12 unfitness or inability to care for, protect, train, or
13 discipline the minor, or

14 (b) no family preservation or family reunification
15 services would be appropriate,

16 and if the petition or amended petition contained an
17 allegation that the parent is an unfit person as defined in
18 subdivision (D) of Section 1 of the Adoption Act, and the order
19 of adjudication recites that parental unfitness was
20 established by clear and convincing evidence, the court shall,
21 when appropriate and in the best interest of the minor, enter
22 an order terminating parental rights and appointing a guardian
23 with power to consent to adoption in accordance with Section
24 2-29.

25 When making a placement, the court, wherever possible,
26 shall require the Department of Children and Family Services

1 to select a person holding the same religious belief as that of
2 the minor or a private agency controlled by persons of like
3 religious faith of the minor and shall require the Department
4 to otherwise comply with Section 7 of the Children and Family
5 Services Act in placing the child. In addition, whenever
6 alternative plans for placement are available, the court shall
7 ascertain and consider, to the extent appropriate in the
8 particular case, the views and preferences of the minor.

9 (2) When a minor is placed with a suitable relative or
10 other person pursuant to item (a) of subsection (1), the court
11 shall appoint the suitable relative or other person the legal
12 custodian or guardian of the person of the minor. When a minor
13 is committed to any agency, the court shall appoint the proper
14 officer or representative thereof as legal custodian or
15 guardian of the person of the minor. Legal custodians and
16 guardians of the person of the minor have the respective
17 rights and duties set forth in subsection (9) of Section 1-3
18 except as otherwise provided by order of court; but no
19 guardian of the person may consent to adoption of the minor
20 unless that authority is conferred upon the guardian in
21 accordance with Section 2-29. An agency whose representative
22 is appointed guardian of the person or legal custodian of the
23 minor may place the minor in any child care facility, but the
24 facility must be licensed under the Child Care Act of 1969 or
25 have been approved by the Department of Children and Family
26 Services as meeting the standards established for such

1 licensing. No agency may place a minor adjudicated under
2 Sections 2-3 or 2-4 in a child care facility unless the
3 placement is in compliance with the rules and regulations for
4 placement under this Section promulgated by the Department of
5 Children and Family Services under Section 5 of the Children
6 and Family Services Act. Like authority and restrictions shall
7 be conferred by the court upon any probation officer who has
8 been appointed guardian of the person of a minor.

9 (3) No placement by any probation officer or agency whose
10 representative is appointed guardian of the person or legal
11 custodian of a minor may be made in any out of State child care
12 facility unless it complies with the Interstate Compact on the
13 Placement of Children. Placement with a parent, however, is
14 not subject to that Interstate Compact.

15 (4) The clerk of the court shall issue to the legal
16 custodian or guardian of the person a certified copy of the
17 order of court, as proof of the legal custodian's or
18 guardian's authority. No other process is necessary as
19 authority for the keeping of the minor.

20 (5) Custody or guardianship granted under this Section
21 continues until the court otherwise directs, but not after the
22 minor reaches the age of 19 years except as set forth in
23 Section 2-31, or if the minor was previously committed to the
24 Department of Children and Family Services for care and
25 service and the court has granted a supplemental petition to
26 reinstate wardship pursuant to subsection (2) of Section 2-33.

1 (6) (Blank).

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

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