



Rep. Lindsey LaPointe

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10400HB3440ham002

LRB104 11208 RLC 24933 a

1 AMENDMENT TO HOUSE BILL 3440

2 AMENDMENT NO. _____. Amend House Bill 3440, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Juvenile Court Act of 1987 is amended by
6 changing Section 2-4b as follows:

7 (705 ILCS 405/2-4b)

8 Sec. 2-4b. Publicly funded community and residential
9 ~~Family Support Program~~ services; hearing.

10 (a) The purpose of this Section is to ensure that minors
11 who come to the attention of the court because they need
12 treatment for complex behavioral and mental health needs are
13 removed from the custody of their parents only as a last resort
14 unless abuse or neglect is alleged, based upon facts other
15 than the minor was left at a psychiatric hospital beyond
16 medical necessity. If the respondent was in the process of

1 attempting to obtain publicly funded services before the minor
2 comes to the court's attention and those services become
3 available, this Section will allow the court (i) to determine
4 whether the parent is able to address all of the minor's needs
5 without the minor being placed in or continuing in the custody
6 or guardianship of the Department and (ii) to consider whether
7 the minor should be returned to the respondent with such
8 services in place, consistent with the minor's best interest.

9 Any minor who is placed in the custody or guardianship of
10 the Department of Children and Family Services under Article
11 II of this Act on the basis of a petition alleging that the
12 minor is neglected or dependent because the minor was left at a
13 psychiatric hospital beyond medical necessity, and for whom an
14 eligibility determination for publicly funded community or
15 residential services is pending or under active review
16 ~~application for the Family Support Program was pending with~~
17 ~~the Department of Healthcare and Family Services or an active~~
18 ~~application was being reviewed by the Department of Healthcare~~
19 ~~and Family Services~~ at the time the petition was filed, shall
20 be able to continue with the eligibility determination process
21 for such publicly funded community or residential ~~continue to~~
22 ~~be considered eligible for services if all other eligibility~~
23 ~~criteria are met.~~

24 (b) If the minor is determined eligible for publicly
25 funded community or residential services and the necessary
26 publicly funded community or residential services are

1 available for the minor, the ~~The~~ court shall conduct a hearing
2 within 14 days upon notification to all parties:

3 (1) For minors in the temporary custody of the
4 Department, the court shall determine whether urgent and
5 immediate necessity exists pursuant to paragraph (9) of
6 Section 2-10 to continue the minor in the custody of the
7 Department and whether the Department's custody of the
8 minor should be vacated.

9 (2) For minors in the guardianship of the Department,
10 the court shall determine whether the respondent is fit,
11 willing, and able to care for the minor and whether it is
12 in the minor's best interest to return to the custody of
13 the respondent. ~~that an application for the Family Support~~
14 ~~Program services has been approved and services are~~
15 ~~available. At the hearing, the court shall determine~~
16 ~~whether to vacate the custody or guardianship of the~~
17 ~~Department of Children and Family Services and return the~~
18 ~~minor to the custody of the respondent with Family Support~~
19 ~~Program services or whether the minor shall continue to be~~
20 ~~in the custody or guardianship of the Department of~~
21 ~~Children and Family Services and decline the Family~~
22 ~~Support Program services.~~

23 In making its determination pursuant to paragraphs (1) and
24 (2), the court shall consider the minor's best interest, the
25 availability of publicly funded community or residential
26 services for the minor, the involvement of the respondent in

1 proceedings under this Act, the involvement of the respondent
2 in the minor's treatment, the relationship between the minor
3 and the respondent, whether placement of the minor in the
4 custody of the Department is the least restrictive means to
5 support the minor and the minor's relationship with the
6 respondent, and any other factor the court deems relevant.

7 (b-1) If the court vacates the Department's temporary
8 custody of the minor pursuant to paragraph (1) of subsection
9 (b) and Section 2-10, or vacates the Department's ~~or~~
10 guardianship of the minor pursuant paragraph (2) of subsection
11 (b) or Section 2-23 ~~Department of Children and Family Services~~
12 and returns the minor to the custody and guardianship of the
13 respondent with publicly funded community or residential
14 services, the State agency affiliated with the services ~~Family~~
15 ~~Support Services, the Department of Healthcare and Family~~
16 ~~Services~~ shall become fiscally responsible for providing
17 services to the minor. If the court determines that the minor
18 shall continue in the custody of the Department of Children
19 and Family Services, the Department of Children and Family
20 Services shall remain fiscally responsible for providing
21 services to the minor, ~~the Family Support Services shall be~~
22 ~~declined, and the minor shall no longer be eligible for Family~~
23 ~~Support Services.~~

24 (c) This Section does not apply to ~~a minor~~:

25 (1) a minor for whom the court has not yet completed an
26 adjudicatory hearing and for whom a petition has been

1 filed under this Act alleging that the minor is a ~~an abused~~
2 ~~or~~ neglected minor, other than a minor left at a
3 psychiatric hospital beyond medical necessity, or an
4 abused minor;

5 (2) a minor who ~~for whom~~ the court has adjudicated
6 under this Act as either (i) a neglected minor, unless the
7 primary basis for the finding is that the respondent left
8 the minor at a psychiatric hospital beyond medical
9 necessity, or (ii) an abused minor ~~made a finding that the~~
10 ~~minor is an abused or neglected minor~~ under this Act; or

11 (3) a minor who is in the temporary custody of the
12 Department of Children and Family Services and the minor
13 has been the subject of an indicated allegation of abuse
14 or neglect, other than for psychiatric lockout, where a
15 respondent was the perpetrator within 5 years of the
16 filing of the pending petition.

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