



Rep. Lindsey LaPointe

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10400HB3636ham001

LRB104 11506 RLC 24326 a

1 AMENDMENT TO HOUSE BILL 3636

2 AMENDMENT NO. _____. Amend House Bill 3636 by replacing
3 everything after the enacting clause with the following:

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

6 (705 ILCS 405/2-4b)

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

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

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

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

23 (b) If the minor is determined eligible for publicly
24 funded community or residential services and the necessary
25 publicly funded community or residential services are
26 available for the minor, the ~~The~~ court shall conduct a hearing

1 within 14 days upon notification to all parties:

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

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

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

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

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

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

24 (1) a minor for whom the court has not yet completed an
25 adjudicatory hearing and for whom a petition has been
26 filed under this Act alleging that the minor is a ~~an abused~~

1 ~~or~~ neglected minor, other than a minor left at a
2 psychiatric hospital beyond medical necessity, or an
3 abused minor;

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

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

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