



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4388

Introduced 1/14/2026, by Rep. Jed Davis

SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-21

from Ch. 37, par. 802-21

Amends the Juvenile Court Act of 1987. Provides that the amendatory Act may be referred to as the Credible Evidence Verification Act. Provides that at an adjudicatory hearing for an abused or neglected minor, the court shall make a specific finding on whether the Department of Children and Family Services' indicated report of abuse or neglect is supported by credible evidence. Provides that if the court finds that credible evidence does not exist, then: (1) the indicated report shall be reversed and deemed "unfounded"; (2) the Department of Children and Family Services shall correct the Child Abuse and Neglect Tracking System database within 7 days; (3) the Department of Children and Family Services shall notify the subject in writing of the reversal; (4) the Department of Children and Family Services shall notify any employer or licensing agency known to have received the indication; and (5) the subject shall receive a certified order that the subject is eligible for employment and licensure in occupations involving the care or education of minors under 18 years of age. Provides that the court may issue a contempt citation to the Department of Children and Family Services for failure of the Department to comply with this provision. Contains a findings provision. Effective January 1, 2027.

LRB104 16910 RLC 30321 b

1 AN ACT concerning courts.

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

4 Section 1. This Act may be referred to as the Credible
5 Evidence Verification Act.

6 Section 5. Findings.

7 (a) The General Assembly finds that:

8 (1) Department of Children and Family Services
9 findings carry severe consequences for parents and
10 caregivers.

11 (2) Courts do not currently review whether the
12 Department of Children and Family Services had credible
13 evidence when issuing an indication.

14 (3) Due process requires judicial determination of
15 whether the indication was supported by credible evidence
16 at the time it was made.

17 (b) It is the intent of the General Assembly to rectify
18 this injustice by enacting this amendatory Act of the 104th
19 General Assembly.

20 Section 10. The Juvenile Court Act of 1987 is amended by
21 changing Section 2-21 as follows:

1 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)

2 Sec. 2-21. Findings and adjudication.

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

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

15 The caseworker shall testify about the diligent search
16 conducted for the parent.

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

24 If the court finds that the minor is abused, neglected, or
25 dependent, the court shall then determine and put in writing
26 the factual basis supporting that determination, and specify,

1 to the extent possible, the acts or omissions or both of each
2 parent, guardian, or legal custodian that form the basis of
3 the court's findings. That finding shall appear in the order
4 of the court.

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

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

20 (1.5) At an adjudicatory hearing for an abused or
21 neglected minor under this Section, the court shall make a
22 specific finding on whether the Department of Children and
23 Family Services' indicated report of abuse or neglect is
24 supported by credible evidence. If the court finds that
25 credible evidence does not exist, then:

26 (i) the indicated report shall be reversed and deemed

1 "unfounded";

2 (ii) the Department of Children and Family Services
3 shall correct the Child Abuse and Neglect Tracking System
4 database within 7 days;

5 (iii) the Department of Children and Family Services
6 shall notify the subject in writing of the reversal;

7 (iv) the Department of Children and Family Services
8 shall notify any employer or licensing agency known to
9 have received the indication; and

10 (v) the subject shall receive a certified order that
11 the subject is eligible for employment and licensure in
12 occupations involving the care or education of minors
13 under 18 years of age.

14 The court may issue a contempt citation to the Department
15 of Children and Family Services for failure of the Department
16 to comply with this subsection.

17 (2) If, pursuant to subsection (1) of this Section, the
18 court determines and puts in writing the factual basis
19 supporting the determination that the minor is either abused
20 or neglected or dependent, the court shall then set a time not
21 later than 30 days after the entry of the finding for a
22 dispositional hearing (unless an earlier date is required
23 pursuant to Section 2-13.1) to be conducted under Section 2-22
24 at which hearing the court shall determine whether it is
25 consistent with the health, safety and best interests of the
26 minor and the public that the minor be made a ward of the

1 court. To assist the court in making this and other
2 determinations at the dispositional hearing, the court may
3 order that an investigation be conducted and a dispositional
4 report be prepared concerning the minor's physical and mental
5 history and condition, family situation and background,
6 economic status, education, occupation, history of delinquency
7 or criminality, personal habits, and any other information
8 that may be helpful to the court. The dispositional hearing
9 may be continued once for a period not to exceed 30 days if the
10 court finds that such continuance is necessary to complete the
11 dispositional report.

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

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

20 (5) The court may terminate the parental rights of a
21 parent at the initial dispositional hearing if all of the
22 following conditions are met:

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

26 (ii) the court has found by a preponderance of

1 evidence, introduced or stipulated to at an adjudicatory
2 hearing, that the child comes under the jurisdiction of
3 the court as an abused, neglected, or dependent minor
4 under Section 2-18; and

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

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

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

13 (A-1) the petitioner has demonstrated that the
14 Department has discussed the permanency options of
15 guardianship and adoption with the caregiver and the
16 Department has informed the court of the caregiver's
17 wishes as to the permanency goal;

18 (A-5) reasonable efforts under subsection (1-1) of
19 Section 5 of the Children and Family Services Act are
20 inappropriate or such efforts were made and were
21 unsuccessful; and

22 (B) termination of parental rights and appointment
23 of a guardian with power to consent to adoption is in
24 the best interest of the child pursuant to Section
25 2-29.

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

1 Section 99. Effective date. This Act takes effect January
2 1, 2027.