



Rep. Ann M. Williams

Filed: 3/23/2026

10400HB4614ham002

LRB104 18813 RLC 35774 a

1 AMENDMENT TO HOUSE BILL 4614

2 AMENDMENT NO. _____. Amend House Bill 4614 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 Sections 2-27 and 2-33 as follows:

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

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

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

1 hearing and at any later point:

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

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

10 (b) place the minor under the guardianship of a
11 probation officer;

12 (c) commit the minor to an agency for care or
13 placement, except an institution under the authority of
14 the Department of Corrections or of the Department of
15 Children and Family Services;

16 (d) on and after the effective date of this amendatory
17 Act of the 98th General Assembly and before January 1,
18 2017, commit the minor to the Department of Children and
19 Family Services for care and service; however, a minor
20 charged with a criminal offense under the Criminal Code of
21 1961 or the Criminal Code of 2012 or adjudicated
22 delinquent shall not be placed in the custody of or
23 committed to the Department of Children and Family
24 Services by any court, except (i) a minor less than 16
25 years of age and committed to the Department of Children
26 and Family Services under Section 5-710 of this Act, (ii)

1 a minor under the age of 18 for whom an independent basis
2 of abuse, neglect, or dependency exists, or (iii) a minor
3 for whom the court has granted a supplemental petition to
4 reinstate wardship pursuant to subsection (2) of Section
5 2-33 of this Act. On and after January 1, 2017, commit the
6 minor to the Department of Children and Family Services
7 for care and service; however, a minor charged with a
8 criminal offense under the Criminal Code of 1961 or the
9 Criminal Code of 2012 or adjudicated delinquent shall not
10 be placed in the custody of or committed to the Department
11 of Children and Family Services by any court, except (i) a
12 minor less than 15 years of age and committed to the
13 Department of Children and Family Services under Section
14 5-710 of this Act, (ii) a minor under the age of 18 for
15 whom an independent basis of abuse, neglect, or dependency
16 exists, or (iii) a minor for whom the court has granted a
17 supplemental petition to reinstate wardship pursuant to
18 subsection (2) of Section 2-33 of this Act. An independent
19 basis exists when the allegations or adjudication of
20 abuse, neglect, or dependency do not arise from the same
21 facts, incident, or circumstances which give rise to a
22 charge or adjudication of delinquency. The Department
23 shall be given due notice of the pendency of the action and
24 the Guardianship Administrator of the Department of
25 Children and Family Services shall be appointed guardian
26 of the person of the minor. Whenever the Department seeks

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

23 (1.5) In making a determination under this Section, the
24 court shall also consider whether, based on health, safety,
25 and the best interests of the minor,

26 (a) appropriate services aimed at family preservation

1 and family reunification have been unsuccessful in
2 rectifying the conditions that have led to a finding of
3 unfitness or inability to care for, protect, train, or
4 discipline the minor, or

5 (b) no family preservation or family reunification
6 services would be appropriate,
7 and if the petition or amended petition contained an
8 allegation that the parent is an unfit person as defined in
9 subdivision (D) of Section 1 of the Adoption Act, and the order
10 of adjudication recites that parental unfitness was
11 established by clear and convincing evidence, the court shall,
12 when appropriate and in the best interest of the minor, enter
13 an order terminating parental rights and appointing a guardian
14 with power to consent to adoption in accordance with Section
15 2-29.

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

26 (2) (a) ~~When a minor is placed with a suitable relative or~~

1 ~~other person pursuant to item (a) of subsection (1), the court~~
2 ~~shall appoint the suitable relative or other person the legal~~
3 ~~eustodian or guardian of the person of the minor. When a minor~~
4 ~~is committed to any agency, the court shall appoint the proper~~
5 ~~officer or representative thereof as legal custodian or~~
6 ~~guardian of the person of the minor.~~ Legal custodians and
7 guardians of the person of the minor appointed under
8 subsection (1) have the respective rights and duties set forth
9 in subsection (8) or (9) of Section 1-3 except as otherwise
10 provided by order of court; but no guardian of the person may
11 consent to adoption of the minor unless that authority is
12 conferred upon the guardian in accordance with Section 2-29.

13 (b) The following additional provisions apply to legal
14 custodians or guardians appointed under paragraphs (b), (c),
15 and (d) of subsection (1) :

16 (A) When a minor is committed to any agency, the court
17 shall appoint the proper officer or representative thereof
18 as legal custodian or guardian of the person of the minor.

19 (B) An agency whose representative is appointed
20 guardian of the person or legal custodian of the minor may
21 place the minor in any child care facility, but the
22 facility must be licensed under the Child Care Act of 1969
23 or have been approved by the Department of Children and
24 Family Services as meeting the standards established for
25 such licensing.

26 (C) No agency may place a minor adjudicated under

1 Sections 2-3 or 2-4 in a child care facility unless the
2 placement is in compliance with the rules and regulations
3 for placement under this Section promulgated by the
4 Department of Children and Family Services under Section 5
5 of the Children and Family Services Act. ~~Like authority~~
6 ~~and restrictions shall be conferred by the court upon any~~
7 ~~probation officer who has been appointed guardian of the~~
8 ~~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) (a) Custody or guardianship granted under (a) or (a-5)
21 of subsection (1) ~~this Section~~ continues until the court
22 otherwise directs, but not after the minor reaches the age of
23 18 years.

24 (b) Custody or guardianship granted under paragraph (b),
25 (c), or (d) of subsection (1), continues until the court
26 otherwise directs, but not after the minor reaches the age of

1 ~~21 years. but not after the minor reaches the age of 19 years~~
2 ~~except as set forth in Section 2-31, or if the minor was~~
3 ~~previously committed to the Department of Children and Family~~
4 ~~Services for care and service and the court has granted a~~
5 ~~supplemental petition to reinstate wardship pursuant to~~
6 ~~subsection (2) of Section 2-33.~~

7 (6) (Blank).

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

9 (705 ILCS 405/2-33)

10 (Text of Section before amendment by P.A. 104-107)

11 Sec. 2-33. Supplemental petition to reinstate wardship.

12 (1) Any time prior to a minor's 18th birthday, a
13 supplemental petition may be filed to address issues related
14 to the guardianship, including to seek enforcement of
15 visitation or to terminate the guardianship or discharge the
16 guardian pursuant to a supplemental petition filed under this
17 Section, the court may reinstate wardship and open a
18 previously closed case when:

19 (a) wardship and guardianship under the Juvenile Court
20 Act of 1987 was vacated in conjunction with the
21 appointment of a private guardian under the Probate Act of
22 1975 or under the Juvenile Court Act of 1987; and

23 (b) the minor is not presently a ward of the court
24 under Article II of this Act nor is there a petition for
25 adjudication of wardship pending on behalf of the minor. †

1 ~~and~~

2 ~~(c) it is in the minor's best interest that wardship~~
3 ~~be reinstated.~~

4 Upon the filing of a supplemental petition, the court
5 shall reinstate wardship and open a previously closed case for
6 purposes of addressing the petition.

7 (2) Any time prior to a minor's 21st birthday, pursuant to
8 a supplemental petition filed under this Section, the court
9 may reinstate wardship and open a previously closed case when:

10 (a) wardship and guardianship under this Act was
11 vacated pursuant to:

12 (i) an order entered under subsection (2) of
13 Section 2-31 in the case of a minor over the age of 18;

14 (ii) closure of a case under subsection (2) of
15 Section 2-31 in the case of a minor under the age of 18
16 who has been partially or completely emancipated in
17 accordance with the Emancipation of Minors Act; or

18 (iii) an order entered under subsection (3) of
19 Section 2-31 based on the minor's attaining the age of
20 19 years before the effective date of this amendatory
21 Act of the 101st General Assembly;

22 (b) the minor is not presently a ward of the court
23 under Article II of this Act nor is there a petition for
24 adjudication of wardship pending on behalf of the minor;
25 and

26 (c) it is in the minor's best interest that wardship

1 be reinstated.

2 (3) The supplemental petition must be filed in the same
3 proceeding in which the original adjudication order was
4 entered. Unless excused by court for good cause shown, the
5 petitioner shall give notice of the time and place of the
6 hearing on the supplemental petition, in person or by mail, to
7 the minor, if the minor is 14 years of age or older, and to the
8 parties to the juvenile court proceeding. Notice shall be
9 provided at least 3 court days in advance of the hearing date.
10 Any hearing on a supplemental petition filed under subsection
11 (1) for custody to be restored to a parent, guardian, or legal
12 custodian shall be conducted consistent with paragraph (4) of
13 Section 2-28 of this Act.

14 (3.5) Whenever a petition is filed ~~to reinstate wardship~~
15 pursuant to subsection (1), prior to granting the petition,
16 the court may order the Department of Children and Family
17 Services to assess the minor's current and proposed living
18 arrangements and to provide ongoing monitoring of the health,
19 safety, and best interest of the minor during the pendency of
20 the petition to assist the court in making that determination.

21 (4) A minor who is the subject of a petition to reinstate
22 wardship under this Section shall be provided with
23 representation in accordance with Sections 1-5 and 2-17 of
24 this Act.

25 (5) Whenever a minor is committed to the Department of
26 Children and Family Services for care and services following

1 the reinstatement of wardship under this Section, the
2 Department shall:

3 (a) Within 30 days of such commitment, prepare and
4 file with the court a case plan which complies with the
5 federal Adoption Assistance and Child Welfare Act of 1980
6 and is consistent with the health, safety and best
7 interests of the minor; and

8 (b) Promptly refer the minor for such services as are
9 necessary and consistent with the minor's health, safety
10 and best interests.

11 (Source: P.A. 101-78, eff. 7-12-19; 102-489, eff. 8-20-21.)

12 (Text of Section after amendment by P.A. 104-107)

13 Sec. 2-33. Supplemental petition to reinstate wardship.

14 (1) Any time prior to a minor's 18th birthday, a
15 supplemental petition may be filed to address issues related
16 to the guardianship, including to seek enforcement of
17 visitation or to terminate the guardianship or discharge the
18 guardian pursuant to a supplemental petition filed under this
19 Section, the court may reinstate wardship and open a
20 previously closed case when:

21 (a) wardship and guardianship under the Juvenile Court
22 Act of 1987 was vacated in conjunction with the
23 appointment of a private guardian under the Probate Act of
24 1975 or under the Juvenile Court Act of 1987; and

25 (b) the minor is not presently a ward of the court

1 under Article II of this Act nor is there a petition for
2 adjudication of wardship pending on behalf of the minor. ~~†~~
3 ~~and~~

4 ~~(c) it is in the minor's best interest that wardship~~
5 ~~be reinstated.~~

6 Upon the filing of a supplemental petition, the court
7 shall reinstate wardship and open a previously closed case for
8 purposes of addressing the petition.

9 (2) Any time prior to a minor's 21st birthday, pursuant to
10 a supplemental petition filed under this Section, the court
11 may reinstate wardship and open a previously closed case when:

12 (a) wardship and guardianship under this Act was
13 vacated pursuant to:

14 (i) an order entered under subsection (2) of
15 Section 2-31 in the case of a minor over the age of 18;

16 (ii) closure of a case under subsection (2) of
17 Section 2-31 in the case of a minor under the age of 18
18 who has been partially or completely emancipated in
19 accordance with the Emancipation of Minors Act; or

20 (iii) an order entered under subsection (3) of
21 Section 2-31 based on the minor's attaining the age of
22 19 years before the effective date of this amendatory
23 Act of the 101st General Assembly;

24 (b) the minor is not presently a ward of the court
25 under Article II of this Act nor is there a petition for
26 adjudication of wardship pending on behalf of the minor;

1 and

2 (c) it is in the minor's best interest that wardship
3 be reinstated.

4 (3) The supplemental petition must be filed in the same
5 proceeding in which the original adjudication order was
6 entered. Unless excused by court for good cause shown, the
7 petitioner shall give notice of the time and place of the
8 hearing on the supplemental petition, in person or by mail, to
9 the minor, if the minor is 14 years of age or older, and to the
10 parties to the juvenile court proceeding. Notice shall be
11 provided at least 3 court days in advance of the hearing date.
12 Any hearing on a supplemental petition filed under subsection
13 (1) for custody to be restored to a parent, guardian, or legal
14 custodian shall be conducted consistent with paragraph (4) of
15 Section 2-28 of this Act.

16 (3.5) Whenever a petition is filed ~~to reinstate wardship~~
17 pursuant to subsection (1), prior to granting the petition,
18 the court may order the Department of Children and Family
19 Services to assess the minor's current and proposed living
20 arrangements and to provide ongoing monitoring of the health,
21 safety, and best interest of the minor during the pendency of
22 the petition to assist the court in making that determination.

23 (4) A minor who is the subject of a petition to reinstate
24 wardship under this Section shall be provided with
25 representation in accordance with Sections 1-5 and 2-17 of
26 this Act.

1 (5) Whenever a minor is committed to the Department of
2 Children and Family Services for care and services following
3 the reinstatement of wardship under this Section, the
4 Department shall:

5 (a) Within 30 days of such commitment, prepare and
6 file with the court a case plan which complies with the
7 federal Adoption Assistance and Child Welfare Act of 1980
8 and is consistent with the health, safety and best
9 interests of the minor; and

10 (b) Promptly refer the minor for such services as are
11 necessary and consistent with the minor's health, safety
12 and best interests.

13 (6) Whenever the court grants a petition to reinstate
14 wardship under this Section, the court shall schedule the case
15 for a permanency hearing in accordance with Section 2-28 and a
16 Successful Transition to Adulthood Review hearing in
17 accordance with Section 2-28.2, if applicable.

18 (Source: P.A. 104-107, eff. 7-1-26.)

19 Section 10. The Probate Act of 1975 is amended by changing
20 Section 11-5 as follows:

21 (755 ILCS 5/11-5) (from Ch. 110 1/2, par. 11-5)

22 Sec. 11-5. Appointment of guardian.

23 (a) Upon the filing of a petition for the appointment of a
24 guardian or on its own motion, the court may appoint a guardian

1 of the estate or of both the person and estate, of a minor, or
2 may appoint a guardian of the person only of a minor or minors,
3 as the court finds to be in the best interest of the minor or
4 minors.

5 (a-1) A parent, adoptive parent or adjudicated parent,
6 whose parental rights have not been terminated, may designate
7 in any writing, including a will, a person qualified to act
8 under Section 11-3 to be appointed as guardian of the person or
9 estate, or both, of an unmarried minor or of a child likely to
10 be born. A parent, adoptive parent or adjudicated parent,
11 whose parental rights have not been terminated, or a guardian
12 or a standby guardian of an unmarried minor or of a child
13 likely to be born may designate in any writing, including a
14 will, a person qualified to act under Section 11-3 to be
15 appointed as successor guardian of the minor's person or
16 estate, or both. The designation must be witnessed by 2 or more
17 credible witnesses at least 18 years of age, neither of whom is
18 the person designated as the guardian. The designation may be
19 proved by any competent evidence. If the designation is
20 executed and attested in the same manner as a will, it shall
21 have prima facie validity. The designation of a guardian or
22 successor guardian does not affect the rights of the other
23 parent in the minor.

24 (b) The court lacks jurisdiction to proceed on a petition
25 for the appointment of a guardian of a minor if it finds that
26 (i) the minor has a living parent, adoptive parent or

1 adjudicated parent, whose parental rights have not been
2 terminated, whose whereabouts are known, and who is willing
3 and able to make and carry out day-to-day child care decisions
4 concerning the minor, unless: (1) the parent or parents
5 voluntarily relinquished physical custody of the minor; (2)
6 after receiving notice of the hearing under Section 11-10.1,
7 the parent or parents fail to object to the appointment at the
8 hearing on the petition; (3) the parent or parents consent to
9 the appointment as evidenced by a written document that has
10 been notarized and dated, or by a personal appearance and
11 consent in open court; or (4) the parent or parents, due to an
12 administrative separation, are unable to give consent to the
13 appointment in person or by a notarized, written document as
14 evidenced by a sworn affidavit submitted by the petitioner
15 describing the parent's or parents' inability to receive
16 notice or give consent; or (ii) there is a guardian for the
17 minor appointed by a court of competent jurisdiction. There
18 shall be a rebuttable presumption that a parent of a minor is
19 willing and able to make and carry out day-to-day child care
20 decisions concerning the minor, but the presumption may be
21 rebutted by a preponderance of the evidence. If a short-term
22 guardian has been appointed for the minor prior to the filing
23 of the petition and the petitioner for guardianship is not the
24 short-term guardian, there shall be a rebuttable presumption
25 that it is in the best interest of the minor to remain in the
26 care of the short-term guardian. The petitioner shall have the

1 burden of proving by a preponderance of the evidence that it is
2 not in the child's best interest to remain with the short-term
3 guardian.

4 (b-1) If the court finds the appointment of a guardian of
5 the minor to be in the best interest of the minor, and if a
6 standby guardian has previously been appointed for the minor
7 under Section 11-5.3, the court shall appoint the standby
8 guardian as the guardian of the person or estate, or both, of
9 the minor unless the court finds, upon good cause shown, that
10 the appointment would no longer be in the best interest of the
11 minor.

12 (b-2) No petition for the appointment of a guardian of a
13 minor shall be filed if the primary purpose of the filing is to
14 reduce the financial resources available to the minor in order
15 to cause the minor to qualify for public or private financial
16 assistance from an educational institution. The court may deny
17 the petition if it finds by a preponderance of the evidence
18 that the primary purpose of the filing is to enable the minor
19 to declare financial independence so that the minor may obtain
20 public or private financial assistance from an educational
21 institution or a State or federal student financial aid
22 program.

23 (b-3) If the minor is a youth in care under the
24 guardianship of the Department of Children and Family Services
25 pursuant to the Juvenile Court Act of 1987 when the petition
26 for the appointment of a guardian of a minor is filed, the

1 court's determinations and findings shall be made consistent
2 with subsection (4) of Section 2-28 of the Juvenile Court Act
3 of 1987. Any motion to modify or vacate the appointment of a
4 guardian of a minor who was a youth in care immediately
5 preceding the filing of a petition for the appointment of a
6 minor guardian shall be filed and reviewed pursuant to Section
7 2-33 of the Juvenile Court Act of 1987. If custody and
8 guardianship is to be restored to a parent or guardian who was
9 a respondent in the Juvenile Court Act of 1987 case, the
10 court's determinations and findings shall be made consistent
11 with subsection (4) of Section 2-28 of the Juvenile Court Act
12 of 1987. For purposes of this subsection, "youth in care" has
13 the meaning provided in Section 4d of the Children and Family
14 Services Act.

15 (c) If the minor is 14 years of age or more, the minor may
16 nominate the guardian of the minor's person and estate,
17 subject to approval of the court. If the minor's nominee is not
18 approved by the court or if, after notice to the minor, the
19 minor fails to nominate a guardian of the minor's person or
20 estate, the court may appoint the guardian without nomination.

21 (d) The court shall not appoint as guardian of the person
22 of the minor any person whom the court has determined had
23 caused or substantially contributed to the minor becoming a
24 neglected or abused minor as defined in the Juvenile Court Act
25 of 1987, unless 2 years have elapsed since the last proven
26 incident of abuse or neglect and the court determines that

1 appointment of such person as guardian is in the best
2 interests of the minor.

3 (e) Previous statements made by the minor relating to any
4 allegations that the minor is an abused or neglected child
5 within the meaning of the Abused and Neglected Child Reporting
6 Act, or an abused or neglected minor within the meaning of the
7 Juvenile Court Act of 1987, shall be admissible in evidence in
8 a hearing concerning appointment of a guardian of the person
9 or estate of the minor. No such statement, however, if
10 uncorroborated and not subject to cross-examination, shall be
11 sufficient in itself to support a finding of abuse or neglect.
12 (Source: P.A. 103-475, eff. 1-1-24.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."