



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4966

by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

See Index

Provides that the Act may be referred to as the Safeguards to Ensure Continuity and Uphold Rights and Equity (SECURE) Act. Sets forth several legislative findings, including that (i) Illinois retains a non-delegable duty to safeguard the safety, health, dignity, and well-being of all youth in the care or custody of the Department of Children and Family Services, and (ii) the Department must respect and meaningfully consider a youth's expressed preferences in placement options while conducting transparent, individualized risk assessments. Amends the Children and Family Services Act. Adds provisions concerning case plans for youth in care and the specific tasks and responsibilities a caregiver must complete to ensure each youth is provided with safe, proper, and supportive care based on the youth's needs and best interests, including, but not limited to, the youth's protected characteristics as defined under the Illinois Human Rights Act. Contains provisions concerning requirements for interstate placements of youth age 8 or older, including, but not limited to: protecting a youth's access to lawful health care and civil immunities for Department employees who protect a youth's access to lawful health care; individualized assessments on the suitability and risks of the proposed interstate placement; ongoing Illinois-based case worker contact and monitoring; and a prohibition on consent to conversion therapy. Contains provisions on youth requested in-state or out-of-state placement and other related matters; annual Department reports on out-of-state placements; performance audits; private right of action; and other matters. Amends the Child Care Act of 1969 by adding provisions on supportive care for youth in care; youth-directed placement rights; licensure and contractual compliance. Amends the Juvenile Court Act of 1987. Adds provisions on the appointment of an attorney for a youth in care with special needs; required Department attestations on caregiver conduct when a youth is placed in an out-of-state residential treatment center; assessments and monitoring for minors in out-of-state placements; and other matters. Effective July 1, 2027.

LRB104 20048 KTG 33499 b

A BILL FOR

1 AN ACT concerning children.

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

4 Section 1. Reference to Act. This Act may be referred to as
5 the Safeguards to Ensure Continuity and Uphold Rights and
6 Equity (SECURE) Act.

7 Section 3. Legislative findings and intent. The General
8 Assembly finds and declares:

9 (1) Youth in the care and custody of the Department of
10 Children and Family Services deserve all the legal protections
11 available under the law, but the current legal protections
12 available to these youth require a suite of statutory
13 enhancements.

14 (2) Illinois retains a non-delegable duty to safeguard
15 their safety, health, dignity, and well-being.

16 (3) Out-of-state placements do not diminish Illinois'
17 responsibility to ensure youth are not subjected to
18 foreseeable harm, discrimination, or denial of care that would
19 be lawful and medically appropriate under Illinois law.

20 (4) Youth in foster care experience disproportionate rates
21 of trauma and unmet medical, reproductive, sexual, and
22 gender-related health needs, which may emerge over time and
23 require ongoing monitoring and appropriate treatment.

1 (5) Youth voice is essential to sound child welfare
2 decision-making.

3 (6) The State of Illinois, including the Department of
4 Children and Family Services, must respect and meaningfully
5 consider a youth's expressed preferences in placement options
6 while conducting transparent, individualized risk assessments.

7 (7) Regular Illinois-based caseworker contact is necessary
8 to identify emerging needs, including pregnancy-related care,
9 contraception, and treatment of sexually transmitted
10 infections.

11 (8) Caseworkers coordinating and delivering services on
12 behalf of youth placed out-of-state need protection from civil
13 liability for these duties, provided they are acting in good
14 faith and within the scope of their duties and not engaged in
15 willful or wanton conduct.

16 (9) Contracted providers and caregivers receiving State
17 funds must comply with Illinois standards as a condition of
18 licensure and contracting.

19 (10) To protect children from harm resulting from
20 violations of specified provisions of this Amendatory Act of
21 the 104th General Assembly and to ensure effective enforcement
22 of this amendatory Act of the 104th General Assembly, a
23 private right of action is necessary.

24 (11) The changes made by this amendatory Act of the 104th
25 General Assembly shall be liberally construed to protect
26 children's safety, dignity, well-being, and rights.

1 Section 5. The Children and Family Services Act is amended
2 by changing Sections 6a and 7 and by adding Sections 7.29,
3 7.30, 7.31, 7.32, and 7.33 as follows:

4 (20 ILCS 505/6a) (from Ch. 23, par. 5006a)

5 Sec. 6a. Case plan.

6 (a) With respect to each Department client for whom the
7 Department is providing placement service, the Department
8 shall develop a case plan designed to stabilize the family
9 situation and prevent placement of a child outside the home of
10 the family when the child can be cared for at home without
11 endangering the child's health or safety, reunify the family
12 if temporary placement is necessary when safe and appropriate,
13 or move the child toward an appropriate permanent living
14 arrangement and permanent legal status, consistent with the
15 child's best interest, using the factors set forth in
16 subsection (4.05) of Section 1-3 of the Juvenile Court Act of
17 1987. Such case plan shall provide for the utilization of
18 family preservation services as defined in Section 8.2 of the
19 Abused and Neglected Child Reporting Act. Such case plan shall
20 be reviewed and updated every 6 months. The Department shall
21 ensure that incarcerated parents are able to participate in
22 case plan reviews via teleconference or videoconference. Where
23 appropriate, the case plan shall include recommendations
24 concerning alcohol or drug abuse evaluation.

1 If the parent is incarcerated, the case plan must address
2 the tasks that must be completed by the parent and how the
3 parent will participate in the administrative case review and
4 permanency planning hearings and, wherever possible, must
5 include treatment that reflects the resources available at the
6 facility where the parent is confined. The case plan must
7 provide for visitation opportunities, unless visitation is not
8 in the best interests of the child.

9 (a-5)(1) As used in this subsection, "caregiver" means the
10 person providing substitute care for a child. For placements
11 licensed by the Department under the Child Care Act of 1969
12 that utilize a shift staff model to provide daily supervision
13 of youth, such as congregate care placements, "caregiver"
14 means a staff member employed to provide such care for the
15 child.

16 (2) The case plan shall include specific, concrete tasks
17 and responsibilities for the child's caregiver to ensure each
18 child is provided with safe, proper, and supportive care based
19 on the child's needs and best interests, including, but not
20 limited to, the child's protected characteristics as defined
21 under the Illinois Human Rights Act, and in alignment with the
22 requirements of Sections 7, 7.29, and 7.30 of this Act.

23 (3) The caregiver's case plan tasks shall include, at a
24 minimum, the duty to:

25 (A) ensure that the child's daily physical, emotional,
26 developmental, educational, cultural, and social needs are

1 met;

2 (B) maintain an environment providing supportive care
3 as defined under subsection (b) of Section 7.29 of this
4 Act to treat the child in a manner that meets the child's
5 need for safety and security, is free from harassment and
6 abuse, and is supportive of the child's identity,
7 including, but not limited to, the child's race, color,
8 national origin, ancestry, sex, sexual orientation,
9 disability, religion, pregnancy, reproductive health
10 decisions, and any other characteristic protected under
11 the Illinois Human Rights Act;

12 (C) collaborate with the child's parents, the
13 Department, and service providers, when appropriate and
14 consistent with the child's safety and permanency plan, to
15 promote the child's well-being and connection to family
16 and community; and

17 (D) ensure the caregiver does not engage in
18 discriminatory conduct.

19 Case plans shall address each child's health care needs
20 and, if a need is identified, specify steps the Department and
21 caregivers shall take to ensure timely provision of health
22 care, including, but not limited to, arranging transportation
23 and ensuring the child can attend appointments. If the
24 Department is placing or has placed a child in a jurisdiction
25 outside the State of Illinois, and that jurisdiction exposes a
26 child to risk of adverse action, as defined in subsection (b)

1 of Section 7.30, the case plan shall include provisions
2 requiring the Department to take all necessary measures to
3 ensure that the child continues to receive the full
4 protections and benefits guaranteed by the laws of this State
5 as required under Sections 7, 7.29, 7.30, and 7.31. This
6 includes, but is not limited to, coordination with
7 out-of-state providers or Illinois-based providers to ensure
8 that a child can access and receive health care, including
9 mental health care, lawful in the State of Illinois. The
10 Department shall document in the case plan the steps the
11 Department has taken to fulfill the obligations under this
12 subsection (a-5) and Sections 7, 7.29, 7.30, and 7.31 and
13 report this information to the court as part of the
14 Department's required efforts under Section 2-28 of the
15 Juvenile Court Act of 1987.

16 (4) The Department shall provide guidance, support, and
17 training to caregivers to ensure they have the knowledge,
18 resources, and skills necessary to meet the responsibilities
19 described in this subsection, including culturally responsive
20 and trauma-informed care practices. Caregivers shall agree to
21 abide by the caregiver obligations required by the case plan
22 prior to the child's placement and throughout the duration of
23 a child's placement with the caregivers. The Department shall
24 monitor the caregiver's compliance with these requirements and
25 document this compliance supporting the Department's
26 determination of the continued appropriateness of this

1 placement as part of the child's case review and permanency
2 hearing process required under this Act and report this
3 information to the court as part of the Department's required
4 efforts under Sections 2-27.4 and 2-28 of the Juvenile Court
5 Act of 1987.

6 (5) Nothing in this subsection shall be construed to limit
7 or diminish:

8 (A) the rights of a child to be free from
9 discrimination or to receive care consistent with the
10 protections guaranteed under State and federal law; or

11 (B) the Department's obligation to act in the best
12 interest of a child.

13 (b) The Department may enter into written agreements with
14 child welfare agencies to establish and implement case plan
15 demonstration projects. The demonstration projects shall
16 require that service providers develop, implement, review and
17 update client case plans. The Department shall examine the
18 effectiveness of the demonstration projects in promoting the
19 family reunification or the permanent placement of each client
20 and shall report its findings to the General Assembly no later
21 than 90 days after the end of the fiscal year in which any such
22 demonstration project is implemented.

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

24 (20 ILCS 505/7) (from Ch. 23, par. 5007)

25 Sec. 7. Placement of children; considerations.

1 (a) In placing any child under this Act, the Department
2 shall place the child, as far as possible, in the care and
3 custody of some individual holding the same religious belief
4 as the parents of the child, or with some child care facility
5 which is operated by persons of like religious faith as the
6 parents of such child.

7 (a-5) In placing a child under this Act, the Department
8 shall place the child with the child's sibling or siblings
9 under Section 7.4 of this Act unless the placement is not in
10 each child's best interest, or is otherwise not possible under
11 the Department's rules. If the child is not placed with a
12 sibling under the Department's rules, the Department shall
13 consider placements that are likely to develop, preserve,
14 nurture, and support sibling relationships, where doing so is
15 in each child's best interest.

16 (b) In placing a child under this Act, the Department
17 shall place a child with a relative if the Department
18 determines that the relative will be able to adequately
19 provide for the child's safety and welfare based on the
20 factors set forth in the Department's rules governing such
21 placements, and that the placement is consistent with the
22 child's best interests, taking into consideration the factors
23 set out in subsection (4.05) of Section 1-3 of the Juvenile
24 Court Act of 1987.

25 When the Department first assumes custody of a child, in
26 placing that child under this Act, the Department shall make

1 reasonable efforts to identify, locate, and provide notice to
2 all adult grandparents and other adult relatives of the child
3 who are ready, willing, and able to care for the child. At a
4 minimum, these diligent efforts shall be renewed each time the
5 child requires a placement change and it is appropriate for
6 the child to be cared for in a home environment. The Department
7 must document its efforts to identify, locate, and provide
8 notice to such potential relative placements and maintain the
9 documentation in the child's case file. The Department shall
10 complete the following initial family finding and relative
11 engagement efforts:

12 (1) The Department shall conduct an investigation in
13 order to identify and locate all grandparents, parents of
14 a sibling of the child, if the parent has legal custody of
15 the sibling, adult siblings, other adult relatives of the
16 minor including any other adult relatives suggested by the
17 parents, and, if it is known or there is reason to know the
18 child is an Indian child, any extended family members, as
19 defined in Section 4 of the Indian Child Welfare Act of
20 1978 (25 U.S.C. 1903). The Department shall make diligent
21 efforts to investigate the names and locations of the
22 relatives, including, but not limited to, asking the child
23 in an age-appropriate manner and consistent with the
24 child's best interest about any parent, alleged parent,
25 and relatives important to the child, and obtaining
26 information regarding the location of the child's parents,

1 alleged parents, and adult relatives.

2 As used in this subsection (b), "family finding and
3 relative engagement" means conducting an investigation,
4 including, but not limited to, through a computer-based
5 search engine, to identify any person who would be
6 eligible to be a relative caregiver as defined in Section
7 4d of this Act and to connect a child, consistent with the
8 child's best interest, who may be disconnected from the
9 child's parents, with those relatives and kin in an effort
10 to provide family support or possible placement. If it is
11 known or there is reason to know that the child is an
12 Indian child, as defined in Section 4 of the Indian Child
13 Welfare Act of 1978 (25 U.S.C. 1903), "family finding and
14 relative engagement" also includes contacting the Indian
15 child's tribe to identify relatives and kin. No later than
16 July 1, 2025, the Department shall adopt rules setting
17 forth specific criteria as to family finding and relative
18 engagement efforts under this subsection (b) and under
19 Section 2-27.3 of the Juvenile Court Act of 1987,
20 including determining the manner in which efforts may or
21 may not be appropriate, consistent with the best interests
22 of the child.

23 (2) In accordance with Section 471(a)(29) of the
24 Social Security Act, the Department shall make diligent
25 efforts to provide all adult relatives who are located
26 with written notification and oral notification, in person

1 or by telephone, of all the following information:

2 (i) the minor has been removed from the custody of
3 the minor's parent or guardian; and

4 (ii) an explanation of the various options to
5 participate in the care and placement of the minor and
6 support for the minor's family, including any options
7 that may expire by failing to respond. The notice
8 shall provide information about providing care for the
9 minor while the family receives reunification services
10 with the goal of returning the child to the parent or
11 guardian, how to become a certified relative caregiver
12 home, and additional services and support that are
13 available in substitute care. The notice shall also
14 include information regarding, adoption and subsidized
15 guardianship assistance options, health care coverage
16 for youth in care under the medical assistance program
17 established under Article V of the Illinois Public Aid
18 Code, and other options for contact with the minor,
19 including, but not limited to, visitation. Upon
20 establishing the Department's kinship navigator
21 program, the notice shall also include information
22 regarding that benefit.

23 No later than July 1, 2025, the Department shall adopt or
24 amend existing rules to implement the requirements of this
25 subsection, including what constitutes "diligent efforts" and
26 when exceptions, consistent with federal law, are appropriate.

1 (b-5) (1) If the Department determines that a placement
2 with any identified relative is not in the child's best
3 interests or that the relative does not meet the requirements
4 to be a relative caregiver, as set forth in Department rules or
5 by statute, the Department must document the basis for that
6 decision, maintain the documentation in the child's case file,
7 inform the identified relative of the relative's right to
8 reconsideration of the decision to deny placement with the
9 identified relative, provide the identified relative with a
10 description of the reconsideration process established in
11 accordance with subsection (o) of Section 5 of this Act, and
12 report this information to the court in accordance with the
13 requirements of Section 2-27.3 of the Juvenile Court Act of
14 1987.

15 If, pursuant to the Department's rules, any person files
16 an administrative appeal of the Department's decision not to
17 place a child with a relative, it is the Department's burden to
18 prove that the decision is consistent with the child's best
19 interests. The Department shall report information related to
20 these appeals pursuant to Section 46 of this Act.

21 When the Department determines that the child requires
22 placement in an environment, other than a home environment,
23 the Department shall continue to make reasonable efforts to
24 identify and locate relatives to serve as visitation resources
25 for the child and potential future placement resources, unless
26 excused by the court, as outlined in Section 2-27.3 of the

1 Juvenile Court Act of 1987.

2 If the Department determines that efforts to identify and
3 locate relatives would be futile or inconsistent with the
4 child's best interests, the Department shall document the
5 basis of its determination and maintain the documentation in
6 the child's case file.

7 If the Department determines that an individual or a group
8 of relatives are inappropriate to serve as visitation
9 resources or possible placement resources, the Department
10 shall document the basis of its determination, maintain the
11 documentation in the child's case file, inform the identified
12 relative of the relative's right to a reconsideration of the
13 decision to deny visitation with the identified relative,
14 provide the identified relative with a description of the
15 reconsideration process established in accordance with
16 subsection (o) of Section 5 of this Act, and report this
17 information to the court in accordance with the requirements
18 of Section 2-27.3 of the Juvenile Court Act of 1987.

19 When the Department determines that an individual or a
20 group of relatives are appropriate to serve as visitation
21 resources or possible future placement resources, the
22 Department shall document the basis of its determination,
23 maintain the documentation in the child's case file, create a
24 visitation or transition plan, or both, and incorporate the
25 visitation or transition plan, or both, into the child's case
26 plan. The Department shall report this information to the

1 court as part of the Department's family finding and relative
2 engagement efforts required under Section 2-27.3 of the
3 Juvenile Court Act of 1987. For the purpose of this
4 subsection, any determination as to the child's best interests
5 shall include consideration of the factors set out in
6 subsection (4.05) of Section 1-3 of the Juvenile Court Act of
7 1987.

8 (2) The Department may initially place a child in a foster
9 family home as defined under Section 2.17 of the Child Care Act
10 of 1969 or a certified relative caregiver home as defined
11 under Section 4d of this Act. Initial placement may also be
12 made with a relative who is not yet a certified relative
13 caregiver if all of the following conditions are met:

14 (A) The prospective relative caregiver and all other
15 adults in the home must authorize and submit to a
16 background screening that includes the components set
17 forth in subsection (c) of Section 3.4 of the Child Care
18 Act of 1969. If the results of a check of the Law
19 Enforcement Agencies Data System (LEADS) identifies a
20 prior criminal conviction of (i) the prospective relative
21 caregiver for an offense not prohibited under subsection
22 (c) of Section 3.4 of the Child Care Act of 1969 or (ii)
23 any other adult in the home for a felony offense, the
24 Department shall thoroughly investigate and evaluate the
25 criminal history, including an assessment of the person's
26 character and the impact that the criminal history has on

1 the prospective relative caregiver's ability to parent the
2 child. The investigation must consider the type of crime,
3 the number of crimes, the nature of the offense, the age of
4 the person at the time of the crime, the length of time
5 that has elapsed since the last conviction, the
6 relationship of the crime to the ability to care for
7 children, the role that the person will have with the
8 child, and any evidence of rehabilitation. Initial
9 placement may not be made if the results of a check of the
10 Law Enforcement Agencies Data System (LEADS) identifies a
11 prior criminal conviction of the prospective relative
12 caregiver for an offense prohibited under subsection (c)
13 of Section 3.4 of the Child Care Act of 1969; however, a
14 waiver may be granted for placement of the child in
15 accordance with subsection (v-4) of Section 5.

16 (B) The home safety and needs assessment requirements
17 set forth in paragraph (1) of subsection (b) of Section
18 3.4 of the Child Care Act of 1969 are satisfied.

19 (C) The prospective relative caregiver is able to meet
20 the physical, emotional, medical, and educational needs of
21 the specific child or children being placed by the
22 Department.

23 No later than July 1, 2025, the Department shall adopt
24 rules or amend existing rules to implement the provisions of
25 this subsection (b-5). The rules shall outline the essential
26 elements of each form used in the implementation and

1 enforcement of the provisions of this amendatory Act of the
2 103rd General Assembly.

3 No later than July 1, 2025, relative caregiver payments
4 shall be made to relative caregiver homes as provided under
5 Section 5 of this Act. A relative with whom a child is placed
6 pursuant to this subsection may, but is not required to, apply
7 for licensure as a foster family home pursuant to the Child
8 Care Act of 1969; provided, however, that as of July 1, 1995,
9 foster care payments shall be made only to licensed foster
10 family homes pursuant to the terms of Section 5 of this Act.

11 The provisions added to this subsection (b) by Public Act
12 98-846 shall become operative on and after June 1, 2015.

13 (c) In placing a child under this Act, the Department
14 shall ensure that the child's health, safety, and best
15 interests are met. This includes children placed outside of
16 the State of Illinois by the Department as required under
17 Sections 7.29, 7.30, and 7.31. In rejecting placement of a
18 child with an identified relative, the Department shall (i)
19 ensure that the child's health, safety, and best interests are
20 met, (ii) inform the identified relative of the relative's
21 right to reconsideration of the decision and provide the
22 identified relative with a description of the reconsideration
23 process established in accordance with subsection (o) of
24 Section 5 of this Act, (iii) report that the Department
25 rejected the relative placement to the court in accordance
26 with the requirements of Section 2-27.3 of the Juvenile Court

1 Act of 1987, and (iv) report the reason for denial in
2 accordance with Section 46 of this Act. In evaluating the best
3 interests of the child, the Department shall take into
4 consideration the factors set forth in subsection (4.05) of
5 Section 1-3 of the Juvenile Court Act of 1987.

6 The Department shall consider the individual needs of the
7 child and the capacity of the prospective caregivers or
8 prospective adoptive parents to meet the needs of the child.
9 When a child must be placed outside the child's home and cannot
10 be immediately returned to the child's parents or guardian, a
11 comprehensive, individualized assessment shall be performed of
12 that child at which time the needs of the child shall be
13 determined. The Department shall place the child based on the
14 Department's assessment of the prospective caregivers' or
15 prospective adoptive parents' ability to meet the child's
16 specific needs for safety, supportive care, and well-being and
17 the expressed commitment of the prospective caregivers or
18 adoptive parents to comply with the requirements of the
19 Illinois Human Rights Act and Sections 6a, 7, 7.29, 7.30, and
20 7.31 of this Act. The Department shall not place a child
21 without determining that the prospective caregivers or
22 prospective adoptive parents have the capacity to meet the
23 child's specific needs for safety, supportive care, and
24 well-being, and the prospective caregivers or adoptive parents
25 expressly committing to comply with the requirements of the
26 Illinois Human Rights Act, the caregivers' or adoptive

1 parents' case plan obligations required under subsection (a-5)
2 of Section 6a of this Act, and the requirements of Sections 7,
3 7.29, 7.30, and 7.31 of this Act. Only if race, color, gender,
4 identity, sex, sexual orientation, or national origin is
5 identified as a legitimate factor in advancing the child's
6 best interests shall it be considered. Placement decisions
7 shall not be made in a manner that violates a child's right to
8 be free from unlawful discrimination as protected under the
9 Illinois Human Rights Act. Race, color, or national origin
10 ~~shall not be routinely considered in making a placement~~
11 ~~decision.~~ The Department shall make special efforts for the
12 diligent recruitment of potential foster and adoptive families
13 that reflect the ethnic and racial diversity of the children
14 for whom foster and adoptive homes are needed. "Special
15 efforts" shall include contacting and working with community
16 organizations and religious organizations and may include
17 contracting with those organizations, utilizing local media
18 and other local resources, and conducting outreach activities.

19 This subsection (c) applies to all interstate placements
20 of a child, whether made in accordance with the Interstate
21 Compact on the Placement of Children, an intergovernmental
22 agreement, or any other placement arrangement authorized by
23 the Department to provide substitute care. This does not
24 include out-of-state placements with a parent.

25 Nothing in this subsection (c) shall be construed to limit
26 or diminish: (i) the rights of a child to be free from

1 discrimination or to receive care consistent with the
2 protections guaranteed under State and federal law or (ii) the
3 Department's obligation to act in the best interests of a
4 child.

5 (c-1) At the time of placement, the Department shall
6 consider concurrent planning, as described in subsection (1-1)
7 of Section 5, so that permanency may occur at the earliest
8 opportunity. Consideration should be given so that if
9 reunification fails or is delayed, the placement made is the
10 best available placement to provide permanency for the child.
11 To the extent that doing so is in the child's best interests as
12 set forth in subsection (4.05) of Section 1-3 of the Juvenile
13 Court Act of 1987, the Department should consider placements
14 that will permit the child to maintain a meaningful
15 relationship with the child's parents.

16 (d) The Department may accept gifts, grants, offers of
17 services, and other contributions to use in making special
18 recruitment efforts.

19 (e) The Department in placing children in relative
20 caregiver, certified relative caregiver, adoptive, or foster
21 care homes may not, in any policy or practice relating to the
22 placement of children for adoption or foster care,
23 discriminate against any child or prospective caregiver or
24 adoptive parent on the basis of race.

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

1 (20 ILCS 505/7.29 new)

2 Sec. 7.29. Caregiver conduct supporting youth well-being
3 and protected characteristics.

4 (a) Legislative purpose. It is the policy of this State
5 that youth in the care or custody of the Department are
6 entitled to safety, dignity, stability, mental health, and
7 emotional well-being, including, but not limited to, respect
8 for the youth's protected characteristics, and that caregiver
9 conduct and placement conditions directly affect permanency,
10 well-being, and best interests.

11 (b) Definitions. As used in this Section:

12 "Protected characteristic" means any characteristic
13 protected under the Illinois Human Rights Act, including, but
14 not limited to, actual or perceived race, color, religion,
15 sex, sexual orientation, gender-related identity, national
16 origin, ancestry, age, disability, pregnancy, reproductive
17 health decisions, or marital status.

18 "Supportive care" means caregiving practices that are
19 supportive of and responsive to a youth's identity, lived
20 experience, and developmental needs and that do not subject
21 the youth to rejection or hostility based on, or coercive
22 efforts to change, a protected characteristic.

23 "Youth" has the meaning ascribed to that term in
24 subsection (b) of Section 4e of this Act.

25 (c) Applicability. This Section applies to all caregivers,
26 foster homes, relative placements, and licensed child care

1 facilities providing care to youth in the care or custody of
2 the Department.

3 (d) Placement and caregiver conduct requirements. A foster
4 parent, relative caregiver, group home, residential treatment
5 center, child care institution, or child placing agency
6 providing care to a youth shall:

7 (1) provide care in a manner that is respectful of and
8 supportive of the youth's individual identity, needs, and
9 protected characteristics as defined under the Illinois
10 Human Rights Act, and consistent with the youth's case
11 plan and best interests; and

12 (2) cooperate with the Department in supporting
13 services, care planning, and placements that are
14 consistent with the youth's health, safety, well-being,
15 and best interests.

16 (e) Prohibited conduct. A foster parent, relative
17 caregiver, group home, residential treatment center, child
18 care institution, or child placing agency providing care to a
19 youth in the care or custody of the Department is prohibited
20 from engaging in conduct that:

21 (1) demeans, harasses, rejects, intentionally
22 disregards, or retaliates against a youth based on a
23 protected characteristic;

24 (2) intentionally interferes with services, supports,
25 or treatment identified in the youth's case plan; or

26 (3) subjects a youth to practices prohibited under

1 subsection (f) of Section 7.30 of this Act.

2 (f) Scope and limitations. Nothing in this Section shall
3 be construed to:

4 (1) regulate or compel an individual's beliefs,
5 religious practices, or private speech unrelated to the
6 provision of care;

7 (2) require a caregiver to provide medical treatment
8 beyond that authorized by law, court order, parental
9 consent, or Department policy; or

10 (3) prohibit reasonable and developmentally
11 appropriate limits necessary to protect the safety of the
12 youth or others.

13 (g) Clinical judgment and safety exception. Actions taken
14 in accordance with the good-faith exercise of clinical
15 judgment by a licensed professional, or actions necessary to
16 address immediate safety concerns, shall not constitute a
17 violation of this Section, provided that such actions are not
18 based on bias against a protected characteristic and are
19 documented in the youth's case record.

20 (h) Licensure and contract conditions. Compliance with
21 this Section is a condition of licensure, approval, and
22 continued eligibility to provide care under this Act and a
23 condition of any contract, grant, or purchase-of-service
24 agreement with the Department.

25 (i) Enforcement. Violations of this Section may result in
26 corrective action, removal of a child, enhanced monitoring,

1 placement holds, or other remedies authorized by law.

2 (j) Nothing in this Section shall be construed to limit or
3 diminish: (i) the rights of a youth to be free from
4 discrimination or to receive care consistent with the
5 protections guaranteed under State and federal law; or (ii)
6 the Department's obligation to act in the youth's best
7 interests.

8 (20 ILCS 505/7.30 new)

9 Sec. 7.30. Protection of access to lawful health care for
10 youth placed outside the State of Illinois.

11 (a) Findings. The General Assembly finds that:

12 (1) Youth in the care or custody of the Department
13 remain subject to the jurisdiction of Illinois courts
14 regardless of placement location, and access to medically
15 appropriate health care is essential to youth safety and
16 well-being.

17 (2) Denial or delay of medically appropriate health
18 care may result in serious physical and mental health
19 consequences.

20 (3) The Department has a continuing obligation to act
21 in the best interests of youth in its care, including
22 ensuring access to lawful, medically appropriate health
23 care authorized under Illinois law.

24 (4) It is the policy of this State to ensure that all
25 youth in the care, custody, or guardianship of the

1 Department of Children and Family Services receive the
2 full measure of protections, rights, and services
3 guaranteed under Illinois law, regardless of the state in
4 which the Department places a youth, and the General
5 Assembly intends to protect the rights of youth placed by
6 the Department outside the physical boundaries of the
7 State of Illinois and require the Department to take
8 affirmative steps to protect youth residing outside the
9 State of Illinois when they are under the jurisdiction of
10 the juvenile court under Article II proceedings of the
11 Juvenile Court Act of 1987.

12 (b) Definitions. As used in this Section:

13 "Adverse action" means a loss of a statutory protection
14 available under Illinois law that would otherwise be available
15 to a youth if not for the placement of a youth outside the
16 physical boundaries of the State of Illinois that can be
17 reasonably predicted to have the effect of one or more of the
18 following: exposing a youth or a youth's caregiver to criminal
19 prosecution under the laws of another state related to the
20 youth procuring or receiving health care, including mental
21 health care, that is lawful in the State of Illinois;
22 depriving a youth of access to health care, including mental
23 health care, that is lawful in the State of Illinois;
24 subjecting a youth to mental health care in another state that
25 involves "sexual orientation change efforts" or "conversion
26 therapy" as the terms are defined under Section 15 of the Youth

1 Mental Health Protection Act; denying youth the authority to
2 consent to health care that they would otherwise be permitted
3 to consent to if the youth were in the State of Illinois; or
4 depriving youth of the ability to maintain the privacy of
5 their health care records that they would otherwise be
6 permitted to deny a parent's or guardian's access to if the
7 youth were participating in health care services in Illinois.

8 "Coordination of lawful health care" means activities
9 related to arranging, referring, facilitating access to,
10 monitoring, or advocating for health care services, including
11 mental health care, that is lawful in the State of Illinois.
12 This includes communications necessary to effectuate such
13 services, for youth placed outside the State of Illinois.

14 "Interstate placement" means the placement of a youth for
15 whom Illinois retains legal custody or guardianship in a
16 relative home, foster home, residential facility, or other
17 placement located outside this State, including placements
18 made pursuant to the Interstate Compact on the Placement of
19 Children. This does not apply to out-of-state placement of a
20 minor in the home of a parent.

21 "Youth" has the meaning ascribed to that term in
22 subsection (b) of Section 4e of this Act.

23 (c) Retention of consent authority. For any youth in the
24 care or custody of the Department, the Department retains
25 authority to consent to and authorize health care consistent
26 with Illinois law, unless otherwise ordered by a court of

1 competent jurisdiction, regardless of the youth's physical
2 location.

3 (d) Individualized placement assessment for out-of-state
4 placements.

5 (1) Prior to placing a youth age 8 or older outside the
6 State of Illinois, the Department shall conduct an
7 individualized assessment of the suitability and risks of
8 the proposed placement for the specific youth. The
9 Department shall monitor and continue to reassess
10 suitability and risks as required by this Section if the
11 youth is placed out-of-state. If a youth is placed
12 out-of-state before turning age 8, the Department shall
13 commence the initial assessment within 30 days of the
14 youth achieving age 8 and begin monitoring and
15 reassessment of suitability and risks under this Section
16 while the youth remains in out-of-state placement.
17 Assessments required under this Section shall consider, as
18 appropriate:

19 (A) the youth's age, development, and expressed
20 preferences;

21 (B) the youth's physical, mental, reproductive,
22 and sexual health needs, including reasonably
23 foreseeable needs that may arise during the placement;

24 (C) whether the laws of the placement jurisdiction
25 may limit or interfere with access to care or services
26 that would be lawful under Illinois law, including,

1 but not limited to, reproductive health care as
2 defined in Section 1-10 of the Reproductive Health
3 Act, lawful health care as defined in Section 28-10 of
4 the Lawful Health Care Activity Act, a youth's
5 authority to consent to care under Sections 1, 3, 4,
6 and 5 of the Consent by Minors to Health Care Services
7 Act, the privacy protections afforded to minors under
8 the Mental Health and Developmental Disabilities
9 Confidentiality Act, birth control services and
10 information available to minors under the Birth
11 Control Services to Minors Act, and the ability of
12 youth to request and receive outpatient counseling
13 services and psychotherapy under the Mental Health and
14 Developmental Disabilities Code;

15 (D) the youth's vulnerability to discrimination,
16 retaliation, or harm based on the youth's protected
17 characteristics or other individualized factors; and

18 (E) the Department's plan to monitor and reassess
19 the suitability and risks associated with the
20 placement to ensure mitigation of risk is sufficient
21 to meet the youth's needs, which may include plans to
22 arrange equivalent protections or access to relevant
23 health care through contractual obligations and
24 supplemental services or by ensuring the youth's safe
25 return to the State of Illinois to access relevant
26 care.

1 The Department shall document the assessment in the
2 youth's case record, including the basis for the
3 placement, the assessment of protections available, and
4 the specific actions taken or to be taken, including
5 protective measures to mitigate against adverse action and
6 report this information to the court as required under
7 Sections 2-27.2, 2-27.4, and 2-28 of the Juvenile Court
8 Act. If the Department places the youth age 8 or older
9 out-of-state, the Department shall continue to report this
10 information to the court as part of the Department's
11 required efforts under Sections 2-27.2 and 2-27.4 of the
12 Juvenile Court Act of 1987. If the Department places a
13 youth under age 8 out-of-state, the Department shall begin
14 to report this information to the court as part of the
15 Department's required efforts under Sections 2-27.2 and
16 2-27.4 of the Juvenile Court Act of 1987 when the youth
17 achieves the age of 8.

18 (2) If the initial placement assessment for a youth
19 age 8 or older finds that the placement poses risk of
20 adverse action relevant to the youth's specific
21 circumstances and that risk cannot be sufficiently and
22 effectively mitigated for this youth's circumstances, the
23 Department shall not place a youth age 8 or older unless
24 the youth expresses wishes to be placed in the receiving
25 state with a protective plan developed by the Department
26 after the youth has been sufficiently advised of the

1 diminished protections available in the receiving state
2 and the risk these diminished protections pose to the
3 youth's specific circumstances.

4 If that youth is not already represented by legal
5 counsel, the Department shall notify the court of the
6 youth's need for legal counsel and request that the court
7 appoint legal counsel for the youth as required under
8 Section 2-17.5 of the Juvenile Court Act of 1987 to ensure
9 the youth can be sufficiently advised of the diminished
10 protections available in the receiving state and the risk
11 these diminished protections pose to the youth's specific
12 circumstances. The Department shall include the youth's
13 pre-placement assessment in the Department's request to
14 the court.

15 If the youth was under age 8 at the time of
16 out-of-state placement and the initial placement
17 assessment required under this Section for youth achieving
18 the age 8 after out-of-state placement finds that the
19 placement poses risk of adverse action relevant to the
20 youth's specific circumstances and that risk cannot be
21 sufficiently and effectively mitigated for the youth's
22 circumstances, the Department shall ensure that the youth
23 wishes to remain placed in the receiving state with a
24 protective plan developed by the Department after the
25 youth has been sufficiently advised of the diminished
26 protections available in the receiving state and the risk

1 these diminished protections pose to the youth's specific
2 circumstances.

3 If that youth is not already represented by legal
4 counsel, the Department shall notify the court of the
5 youth's need for legal counsel and request that the court
6 appoint legal counsel for the youth as required under
7 Section 2-17.5 of the Juvenile Court Act of 1987 to ensure
8 the youth can be sufficiently advised of the diminished
9 protections available in the state of the youth's
10 placement and the risk these diminished protections pose
11 to the youth's specific circumstances. The Department
12 shall include a summary of the findings of the youth's
13 initial placement assessment in the Department's request
14 to the court.

15 (3) Nothing in this subsection (d) requires court
16 approval prior to placement unless otherwise required by
17 law.

18 (e) Ongoing duty for Illinois-based case worker contact
19 and monitoring.

20 (1) For any youth age 8 or older placed outside the
21 State of Illinois, the Department shall ensure that an
22 Illinois-based caseworker maintains regular and meaningful
23 contact with the youth for the purpose of monitoring
24 safety, well-being, and access to medically appropriate
25 care. At a minimum, such contact shall include:

26 (A) direct communication with the youth at

1 intervals consistent with Department policy, but not
2 less frequently than once per month in a manner that
3 permits the youth to speak freely without the undue
4 influence of others, about the youth's needs and
5 concerns related to health, safety, and well-being;

6 (B) monitoring whether the youth's placement is
7 complying with the Department's plan to ensure the
8 youth is receiving care that meets or exceeds Illinois
9 standards for safety, well-being, permanency planning,
10 and health care access;

11 (C) identifying emerging or reasonably foreseeable
12 health care needs, including reproductive and sexual
13 health needs, in light of the youth's age, development
14 and circumstances; and

15 (D) reassessing whether the placement continues to
16 meet the youth's needs in light of changing
17 circumstances and whether mitigation efforts are
18 needed or existing efforts require modification. Case
19 worker contact required under this subsection shall be
20 documented in the case record and reported to the
21 court as required under Sections 2-27.2, 2-27.4, and
22 2-28 of the Juvenile Court Act.

23 (2) The ongoing assessment and monitoring required
24 under this subsection shall recognize that a youth's
25 health care needs may change over time and shall not be
26 limited to conditions or needs identified at the time of

1 placement. The Department shall document such
2 reassessments in the youth's case file. When a youth is
3 placed in a jurisdiction with laws or practices that
4 present risk of adverse action and may materially restrict
5 access to health care that would be lawful and medically
6 appropriate under Illinois law, the Department shall
7 consider whether continued placement remains in the best
8 interests of the youth.

9 (3) If the Department's ongoing monitoring and
10 assessment required under this subsection finds that the
11 risk of adverse action relevant to the youth's specific
12 circumstances can no longer be sufficiently and
13 effectively mitigated while the youth remains
14 out-of-state, as required under paragraph (1), the
15 Department shall intervene or recall the youth to Illinois
16 unless the youth expresses wishes to remain in the
17 receiving state with a protective plan, after the youth
18 has been sufficiently advised of the diminished
19 protections available to the youth in that placement and
20 the risk these diminished protections pose to the youth's
21 specific circumstances. The Department shall immediately
22 notify the youth's legal counsel when the Department is
23 considering intervening or recalling the youth as provided
24 under this paragraph.

25 If an out-of-state placement results in the denial,
26 delay, or material interference with authorized health

1 care approved by the Department, ordered by an Illinois
2 court, or consented to by the youth as permitted by laws
3 allowing minors to consent, the Department shall initiate
4 prompt action to secure access to care or an alternative
5 placement and notify the youth's legal counsel.

6 (4) If the youth's circumstances did not require
7 appointment of legal counsel under paragraph (2) of
8 subsection (d) prior to out-of-state placement, but the
9 youth's current circumstances have changed such that
10 appointment of legal counsel is now required under
11 paragraph (2) of subsection (d) or under this subsection,
12 and the youth is not otherwise represented by legal
13 counsel, the Department shall notify the court of the
14 youth's need for legal counsel and request that the court
15 appoint legal counsel for the youth under Section 2-17.5
16 of the Juvenile Court Act of 1987.

17 (f) Prohibition on consent to conversion therapy.
18 Notwithstanding any other provision of law, the Department
19 shall not consent, authorize, or otherwise arrange for a youth
20 to receive mental health services that involve "sexual
21 orientation change efforts" or "conversion therapy" as those
22 terms are defined under Section 15 of the Youth Mental Health
23 Protection Act, regardless of whether the child is placed
24 within or outside of this State.

25 Nothing in this subsection prohibits a youth from
26 receiving voluntary counseling that does not seek to change

1 sexual orientation or gender identity, nor does it limit the
2 authority of a court of competent jurisdiction to issue orders
3 necessary to protect the health or safety of the youth.

4 (g) Protection of Department employees and agents. No
5 employee or agent of the Department shall be subject to
6 discipline, retaliation, adverse employment action, civil
7 liability, or criminal liability solely for the coordination
8 of lawful health care for a youth in an interstate placement,
9 when such coordination is undertaken in good faith and within
10 the scope of the employee's or agent's official duties in
11 accordance with Sections 6a, 7, 7.29, 7.30, and 7.31 of this
12 Act.

13 The Department, and any employee or agent thereof, shall
14 not knowingly cooperate with or provide assistance to any
15 out-of-state investigation, enforcement action, subpoena, or
16 request that seeks to impose civil, criminal, or professional
17 penalties on a Department employee or agent based solely on
18 the coordination of lawful health care, as defined in this
19 Section.

20 The State shall provide legal defense and indemnification
21 to an employee or agent of the Department for any claim,
22 action, or proceeding arising solely from the good-faith
23 coordination of lawful health care for a youth in an
24 interstate placement.

25 For purposes of any civil claim arising from conduct
26 described in this subsection, Illinois law shall govern the

1 duties and obligations of the Department employee, contractor,
2 or agent.

3 (h) Construction. Nothing in this Section shall be
4 construed to:

5 (1) provide immunity for any act or omission unrelated
6 to the coordination of lawful health care;

7 (2) require any person or entity to violate the laws
8 of another state;

9 (3) authorize conduct that is not otherwise lawful
10 under Illinois law;

11 (4) regulate the practice of medicine in another
12 state;

13 (5) limit the authority of Illinois courts over youth
14 for whom the Department retains legal custody;

15 (6) require another state to permit or provide health
16 care services; or

17 (7) protect conduct that constitutes willful
18 misconduct or gross negligence under Illinois law.

19 (i) Applicability. This Section applies to placements made
20 directly by the Department and to placements arranged in
21 accordance with the Interstate Compact on the Placement of
22 Children.

23 (j) Enforcement. Failure to comply with this Section
24 constitutes grounds for placement denial, placement
25 termination, or other remedial action authorized by law.

26 (k) Nothing in this Section shall be construed to limit or

1 diminish: (i) the rights of a youth to be free from
2 discrimination or to receive care consistent with the
3 protections guaranteed under State and federal law or (ii) the
4 Department's obligation to act in the youth's best interests.

5 (20 ILCS 505/7.31 new)

6 Sec. 7.31. Youth-directed placement decision-making.

7 (a) Youth right to express placement preference. A youth
8 age 8 or older in the care or custody of the Department has the
9 right to express a placement preference, including a
10 preference for an out-of-state placement, and to have that
11 preference treated as a primary consideration in placement
12 decisions.

13 (b) Presumption in favor of youth preference. There shall
14 be a rebuttable presumption that a placement consistent with
15 the youth's expressed preference is in the youth's best
16 interests.

17 (c) Burden on the Department. The Department may decline
18 or override a placement requested by the youth only if the
19 Department demonstrates, by clear and convincing evidence,
20 that the placement would pose a specific and imminent risk of
21 serious harm to the youth that cannot be reasonably mitigated
22 through supports, services, planning, or placement conditions.

23 (d) Required findings. Any decision to deny a youth's
24 placement preference shall be:

25 (1) made in writing in an age-appropriate and

1 developmentally appropriate manner;

2 (2) supported by individualized findings specific to
3 the youth and the requested placement; and

4 (3) descriptive of the efforts made to mitigate
5 identified risks.

6 (e) Legal counsel and advocacy. If the youth is appointed
7 legal counsel, a youth asserting a placement preference under
8 this Section has the right to consult with legal counsel prior
9 to a final placement decision.

10 (f) Notice of rights. The Department shall provide written
11 and verbal notice of the rights under this Section to youth in
12 an age-appropriate and developmentally appropriate manner and
13 shall document provision of the notice in the youth's case
14 file.

15 (20 ILCS 505/7.32 new)

16 Sec. 7.32. Public transparency and accountability
17 reporting.

18 (a) Beginning January 1, 2028, and annually every January
19 1 thereafter, the Department shall post on its website data
20 from the preceding State fiscal year regarding:

21 (1) The following information for each youth placed
22 out-of-state: age, gender, type of placement (relative,
23 foster home, adoptive home, institution, detention, or any
24 other type of placement), and the name of the state in
25 which the youth is placed.

1 (2) The number of violations in which the Department
2 took action pertaining to Sections 6a, 7, 7.29, 7.30, and
3 7.31 of this Act. For data related to each violation, the
4 Department shall indicate the type of action taken by the
5 Department and the outcome associated with each violation.

6 (3) A list of contracted entities that had repeat
7 findings of violations under Sections 6a, 7, 7.29, 7.30,
8 and 7.31 of this Act or under Section 8.1b of the Child
9 Care Act of 1969.

10 (4) The number of youth appointed legal counsel for
11 purposes of subsections (d) and (e) of Section 7.30.

12 The Department shall include a description of the
13 methodology the Department used to collect the information for
14 paragraphs (1) through (4), indicate whether the Department
15 had any difficulties collecting the information, and indicate
16 whether there are concerns about the validity of the
17 information. If any of the data elements required to be
18 disclosed under this Section could reveal a youth's identity
19 if revealed in combination with all the identifying
20 information due to small sample size, the Department shall
21 exclude the data elements that could be used to identify the
22 youth so that the data can be included as part of a larger
23 sample and report that the data was excluded for this reason.

24 (b) Performance audits. Three years after the effective
25 date of this amendatory Act of the 104th General Assembly, the
26 Auditor General shall commence a performance audit of the

1 Department to determine whether the Department is meeting the
2 requirements established by this amendatory Act of the 104th
3 General Assembly in Sections 6a, 7, 7.29, 7.30, 7.31, and 7.32
4 of this Act, Section 8.1b of the Child Care Act of 1969, and
5 Sections 2-17.5, 2-27.2, 2-27.4, and 2-28 of the Juvenile
6 Court Act of 1987. Within 3 years after the audit's release,
7 the Auditor General shall commence a follow-up performance
8 audit to determine whether the Department has implemented the
9 recommendations contained in the initial performance audit.

10 Upon completion of each audit, the Auditor General shall
11 report its findings to the General Assembly. The Auditor
12 General's reports shall include any issues or deficiencies and
13 recommendations. The audits required by this Section shall be
14 in accordance with and subject to the Illinois State Auditing
15 Act. The Department shall post both audits required under this
16 subsection on the Department's website within 30 days after
17 the Auditor General's finalization of the respective audit.

18 (20 ILCS 505/7.33 new)

19 Sec. 7.33. Private right of action.

20 (a) Any child or youth aggrieved by a violation of
21 subsection (a-5) of Section 6a, subsection (c) of Section 7,
22 or Sections 7.29, 7.30, or 7.31 may bring a civil action in a
23 court of competent jurisdiction.

24 (b) An action under this Section may be brought without
25 exhaustion of administrative remedies available through the

1 Department of Children and Family Services.

2 (c) Relief under this Section may include:

3 (1) injunctive and declaratory relief, including
4 orders requiring compliance with this Act;

5 (2) actual damages, including damages for emotional
6 distress, where proven;

7 (3) reasonable attorney's fees and costs; and

8 (4) any other relief the court deems appropriate.

9 The remedies provided in this Section are in addition to
10 any other remedies available at law or in equity.

11 (d) This Section is in addition to and does not limit any
12 enforcement authority of the Department of Children and Family
13 Services.

14 (e) If any provision of this Section or its application to
15 any person or circumstance is held invalid, that invalidity
16 does not affect other provisions or applications of this
17 Section that can be given effect without the invalid provision
18 or application.

19 Section 10. The Child Care Act of 1969 is amended by adding
20 Section 8.1b as follows:

21 (225 ILCS 10/8.1b new)

22 Sec. 8.1b. Supportive care for youth in care;
23 youth-directed placement rights; licensure and contractual
24 compliance.

1 (a) Any child care facility, child care institution, group
2 home, residential treatment center, or child placing agency
3 licensed under this Act that serves a child in the care or
4 custody of the Department of Children and Family Services
5 shall comply with Sections 6a, 7, 7.29, 7.30, and 7.31 of the
6 Children and Family Services Act. As a condition of licensure
7 under this Act and of eligibility to contract with or receive
8 placement referrals from the Department of Children and Family
9 Services, an entity licensed under this Act that provides care
10 to a child in the care or custody of the Department shall
11 comply with Sections 6a, 7, 7.29, 7.30, and 7.31 of the
12 Children and Family Services Act and agree, by contract or
13 written agreement, to comply with those Sections.

14 (b) Cooperation with youth-directed placement decisions. A
15 licensed entity and its employees, agents, and caregivers
16 shall cooperate with placement decisions and processes arising
17 under Section 7.31 of the Children and Family Services Act,
18 including by:

19 (1) allowing youth to communicate placement
20 preferences without retaliation or interference;

21 (2) cooperating with assessments, planning, and court
22 review related to youth-directed placement requests; and

23 (3) not obstructing lawful placement transitions
24 approved by the Department or ordered by a court.

25 (c) Youth notice obligation. Licensed entities shall
26 ensure that youth in their care receive the notice of rights

1 required under Section 7.31 of the Children and Family
2 Services Act and shall cooperate with the Department in
3 documenting delivery of such notice.

4 (d) Cooperation with health care determinations for
5 Illinois youth. An entity licensed under this Act that
6 provides care to a child in the care or custody of the
7 Department of Children and Family Services, including a child
8 placed outside the State in accordance with the Interstate
9 Compact on the Placement of Children, shall cooperate with
10 health care determinations and care plans authorized under
11 Illinois law, approved by the Department or an Illinois court,
12 or consented to by the child if the child has statutory
13 authority to provide such consent.

14 (e) Enforcement. Failure to comply with this Section
15 constitutes grounds for corrective action, contract
16 noncompliance, placement suspension or termination, or
17 licensure suspension, revocation, or modification of a license
18 issued under this Act as authorized by law.

19 (f) Private right of action. Any child or youth aggrieved
20 by a violation of this Section may bring a civil action in a
21 court of competent jurisdiction against the licensed entity
22 responsible for the violation.

23 Relief under this subsection may include injunctive or
24 declaratory relief, actual damages, statutory damages,
25 reasonable attorney's fees, and costs.

26 An action under this subsection may be brought without

1 exhaustion of administrative remedies available through the
2 Department of Children and Family Services.

3 This subsection is in addition to and does not limit any
4 enforcement authority of the Department of Children and Family
5 Services.

6 (g) If any provision of this Section or its application is
7 held invalid, the invalidity does not affect other provisions
8 or applications of this Section.

9 Section 15. The Juvenile Court Act of 1987 is amended by
10 changing Sections 2-27.2 and 2-28 and by adding Sections
11 2-17.5 and 2-27.4 as follows:

12 (705 ILCS 405/2-17.5 new)

13 Sec. 2-17.5. Appointment of attorney for youth in care
14 with special needs.

15 (a) As used in this Section, "youth" has the meaning
16 ascribed to that term in subsection (b) of Section 4e of the
17 Children and Family Services Act. The term does not require
18 that a youth be adjudicated dependent for purposes of this
19 Section.

20 (b) Unless a youth is already represented by an attorney
21 in these proceedings, an attorney shall be appointed for a
22 youth in accordance with subsection (e) or (f) of Section 7.30
23 of the Children and Family Services Act.

24 (c) The court shall appoint an attorney upon notice to the

1 court that a youth requires counsel under subsection (e) or
2 (f) of Section 7.30 of the Children and Family Services Act.

3 (d) The Department shall develop procedures to identify a
4 youth in care who has a special need specified under
5 subsection (b) and to request that a court appoint an attorney
6 for the youth as required under subsection (e) or (f) of
7 Section 7.30 of the Children and Family Services Act.

8 (e) This Section does not limit the authority of the court
9 to appoint an attorney for a minor or a guardian ad litem in a
10 proceeding under this Act.

11 (705 ILCS 405/2-27.2)

12 Sec. 2-27.2. Placement; out-of-state residential treatment
13 center.

14 (a) In addition to the provisions of subsection (3) of
15 Section 2-27 of this Act, no placement by any probation
16 officer or agency whose representative is an appointed
17 guardian of the person or legal custodian of the minor may be
18 made in an out-of-state residential treatment center unless
19 the court has determined that the out-of-state residential
20 placement is in the best interest and is the least
21 restrictive, most family-like setting for the minor. The
22 Department's application to the court to place a minor in an
23 out-of-state residential treatment center shall include:

24 (1) an explanation of what in State resources, if any,
25 were considered for the minor and why the minor cannot be

1 placed in a residential treatment center or other
2 placement in this State;

3 (2) an explanation as to how the out-of-state
4 residential treatment center will impact the minor's
5 relationships with family and other individuals important
6 to the minor in and what steps the Department will take to
7 preserve those relationships;

8 (3) an explanation as to how the Department will
9 ensure the safety and well-being of the minor in the
10 out-of-state residential treatment center, which shall
11 include the Department's attestation that the placement
12 has agreed to abide by the caregiver conduct required
13 under Section 6a and subsections (d) and (e) of Section
14 7.29 of the Children and Family Services Act; and

15 (4) an explanation as to why it is in the minor's best
16 interest to be placed in an out-of-state residential
17 treatment center, including a description of the minor's
18 treatment needs and how those needs will be met in the
19 proposed placement; ~~and~~

20 (5) if the minor is 8 years of age or older, an
21 explanation of the individual placement assessment
22 required under paragraph (1) of subsection (d) of Section
23 7.30 of the Children and Family Services Act, including
24 any risk of adverse action and the Department's plan to
25 mitigate such risk; and

26 (6) if applicable to the minor's circumstances, a

1 notification to the court requesting that the court
2 appoint legal counsel for the minor as required under
3 subsection (b) of Section 2-17.5 of this Act.

4 (b) If the out-of-state residential treatment center is a
5 secure facility as defined in paragraph (18) of Section 1-3 of
6 this Act, the requirements of Section 27.1 of this Act shall
7 also be met prior to the minor's placement in the out-of-state
8 residential treatment center.

9 (b-5) If the minor is age 8 or older and the selection of
10 the out-of-state residential treatment center is in conflict
11 with the minor's placement preference under subsection (a) of
12 Section 7.31 of the Children and Family Services Act, an
13 explanation of the Department's findings required to meet the
14 Department's burden under subsection (c) of Section 7.31 of
15 the Children and Family Services Act shall also be met prior to
16 the minor's placement in the out-of-state residential
17 treatment center. The court shall put in writing the factual
18 basis supporting its determination that the Department has or
19 has not met the burden or made the findings required under
20 subsections (c) and (d) of Section 7.31 of the Children and
21 Family Services Act, and shall enter specific findings based
22 on evidence.

23 (c) This Section does not apply to an out-of-state
24 placement of a minor in a family foster home, relative foster
25 home, a home of a parent, or a dormitory or independent living
26 setting of a minor attending a post-secondary educational

1 institution.

2 (Source: P.A. 100-136, eff. 8-18-17.)

3 (705 ILCS 405/2-27.4 new)

4 Sec. 2-27.4. Assessment and monitoring for minors in
5 out-of-state placements.

6 (a) Applicability. Prior to initiating or approving an
7 out-of-state placement of a minor under the care or custody of
8 the Department of Children and Family Services, including
9 placements in accordance with the Interstate Compact on the
10 Placement of Children, the Department shall conduct an
11 individualized pre-placement assessment addressing the
12 suitability and risks of the proposed placement for the
13 specific minor. This applies to minors age 8 or older. This
14 does not include minors being placed with parents or minors
15 being placed in an out-of-state residential treatment center.
16 Minors being placed in an out-of-state residential treatment
17 center shall be reviewed under Section 2-27.2.

18 (b) Court notification. No later than 5 days prior to the
19 out-of-state placement of a minor 8 years or age or older, the
20 public agency that is the custodian or guardian of the minor
21 shall file a written report with the court explaining:

22 (1) The assessment completed under subsection (d) of
23 Section 7.30 of the Children and Family Services Act,
24 including identification of any known or reasonably
25 foreseeable risks to the minor's health, safety, or

1 well-being arising from the laws, policies, or practices
2 of the placement jurisdiction;

3 (2) the necessity and justification for the
4 out-of-state placement;

5 (3) the Department's efforts to identify an in-state
6 placement;

7 (4) the anticipated duration of the placement, if this
8 placement is not with a relative, as defined under the
9 Children and Family Services Act;

10 (5) the plan of the public agency that is the
11 custodian or guardian of the minor for maintaining regular
12 and meaningful contact between the Illinois-based assigned
13 caseworker and the minor as required under subsections (d)
14 and (e) of Section 7.30 of the Children and Family
15 Services Act;

16 (6) the minor's expressed preferences regarding the
17 placement, and for youth age 8 or older, the Department's
18 consideration of this preference in accordance with
19 subsections (d) and (e) of Section 7.31 of the Children
20 and Family Services Act; and

21 (7) if the minor's circumstances necessitate such
22 appointment under subsection (d) or (e) of Section 7.30 of
23 the Children and Family Services Act, a request that the
24 court appoint legal counsel for the minor as required
25 under Section 2-17.5 of this Act.

26 If paragraph (7) necessitates, the court shall appoint

1 legal counsel for the minor under Section 2-17.5 if the court
2 determines that such appointment is required under subsection
3 (d) or (e) of Section 7.30 of the Children and Family Services
4 Act.

5 (c) Presumption triggering court review. Upon motion of
6 the minor, the minor's attorney, the guardian ad litem, or the
7 Department, the court shall conduct a review of the
8 out-of-state placement if there is reason to believe that:

9 (1) the minor's health care needs are at serious risk
10 of not being met by this placement;

11 (2) the minor will not be able to reasonably access
12 care that would be lawful and medically appropriate under
13 Illinois law and there are not sufficient protective
14 measures to mitigate these circumstances, as required
15 under Section 7.30; or

16 (3) the public agency that is custodian or guardian of
17 the minor has failed to comply with the requirements of
18 Section 7.30 or 7.31.

19 (d) Upon review under this Section, the court shall find
20 that the public agency that is custodian or guardian of the
21 minor met or failed to meet the burden required under
22 subsection (c) of Section 7.31 of the Children and Family
23 Services Act. The court shall put in writing the factual basis
24 supporting its determination and enter specific findings based
25 on evidence.

1 (705 ILCS 405/2-28)

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

3 Sec. 2-28. Court review.

4 (1) The court may require any legal custodian or guardian
5 of the person appointed under this Act to report periodically
6 to the court or may cite the legal custodian or guardian into
7 court and require the legal custodian, guardian, or the legal
8 custodian's or guardian's agency to make a full and accurate
9 report of the doings of the legal custodian, guardian, or
10 agency on behalf of the minor. The custodian or guardian,
11 within 10 days after such citation, or earlier if the court
12 determines it to be necessary to protect the health, safety,
13 or welfare of the minor, shall make the report, either in
14 writing verified by affidavit or orally under oath in open
15 court, or otherwise as the court directs. Upon the hearing of
16 the report the court may remove the custodian or guardian and
17 appoint another in the custodian's or guardian's stead or
18 restore the minor to the custody of the minor's parents or
19 former guardian or custodian. However, custody of the minor
20 shall not be restored to any parent, guardian, or legal
21 custodian in any case in which the minor is found to be
22 neglected or abused under Section 2-3 or dependent under
23 Section 2-4 of this Act, unless the minor can be cared for at
24 home without endangering the minor's health or safety and it
25 is in the best interests of the minor, and if such neglect,
26 abuse, or dependency is found by the court under paragraph (1)

1 of Section 2-21 of this Act to have come about due to the acts
2 or omissions or both of such parent, guardian, or legal
3 custodian, until such time as an investigation is made as
4 provided in paragraph (5) and a hearing is held on the issue of
5 the fitness of such parent, guardian, or legal custodian to
6 care for the minor and the court enters an order that such
7 parent, guardian, or legal custodian is fit to care for the
8 minor.

9 (1.5) The public agency that is the custodian or guardian
10 of the minor shall file a written report with the court no
11 later than 15 days after a minor in the agency's care remains:

12 (1) in a shelter placement beyond 30 days;

13 (2) in a psychiatric hospital past the time when the
14 minor is clinically ready for discharge or beyond medical
15 necessity for the minor's health; or

16 (3) in a detention center or Department of Juvenile
17 Justice facility solely because the public agency cannot
18 find an appropriate placement for the minor.

19 The report shall explain the steps the agency is taking to
20 ensure the minor is placed appropriately, how the minor's
21 needs are being met in the minor's shelter placement, and if a
22 future placement has been identified by the Department, why
23 the anticipated placement is appropriate for the needs of the
24 minor and the anticipated placement date.

25 (1.6) Within 30 days after placing a child in its care in a
26 qualified residential treatment program, as defined by the

1 federal Social Security Act, the Department of Children and
2 Family Services shall prepare a written report for filing with
3 the court and send copies of the report to all parties. Within
4 20 days of the filing of the report, or as soon thereafter as
5 the court's schedule allows but not more than 60 days from the
6 date of placement, the court shall hold a hearing to consider
7 the Department's report and determine whether placement of the
8 child in a qualified residential treatment program provides
9 the most effective and appropriate level of care for the child
10 in the least restrictive environment and if the placement is
11 consistent with the short-term and long-term goals for the
12 child, as specified in the permanency plan for the child. The
13 court shall approve or disapprove the placement. If
14 applicable, the requirements of Sections 2-27.1 and 2-27.2 of
15 this Act and Sections 7.30 and 7.31 of the Children and Family
16 Services Act must also be met. The Department's written report
17 and the court's written determination shall be included in and
18 made part of the case plan for the child. If the child remains
19 placed in a qualified residential treatment program, the
20 Department shall submit evidence at each status and permanency
21 hearing:

22 (A) demonstrating that ongoing ~~on-going~~ assessment of
23 the strengths and needs of the child continues to support
24 the determination that the child's needs cannot be met
25 through placement in a foster family home, that the
26 placement provides the most effective and appropriate

1 level of care for the child in the least restrictive,
2 appropriate environment, and that the placement is
3 consistent with the short-term and long-term permanency
4 goal for the child, as specified in the permanency plan
5 for the child;

6 (B) documenting the specific treatment or service
7 needs that should be met for the child in the placement and
8 the length of time the child is expected to need the
9 treatment or services;

10 (C) the efforts made by the agency to prepare the
11 child to return home or to be placed with a fit and willing
12 relative, a legal guardian, or an adoptive parent, or in a
13 foster family home; ~~and~~

14 (D) ~~beginning July 1, 2025,~~ documenting the
15 Department's efforts regarding ongoing family finding and
16 relative engagement required under Section 2-27.3; ~~and.~~

17 (F) if applicable, the efforts made by the public
18 agency that is guardian or custodian of the minor to
19 monitor and mitigate the risk of adverse action, as
20 defined in subsection (b) of Section 7.30, relevant to the
21 child's circumstances in an out-of-state placement.

22 (2) The first permanency hearing shall be conducted by the
23 judge. Subsequent permanency hearings may be heard by a judge
24 or by hearing officers appointed or approved by the court in
25 the manner set forth in Section 2-28.1 of this Act. The initial
26 hearing shall be held (a) within 12 months from the date

1 temporary custody was taken, regardless of whether an
2 adjudication or dispositional hearing has been completed
3 within that time frame, (b) if the parental rights of both
4 parents have been terminated in accordance with the procedure
5 described in subsection (5) of Section 2-21, within 30 days of
6 the order for termination of parental rights and appointment
7 of a guardian with power to consent to adoption, or (c) in
8 accordance with subsection (2) of Section 2-13.1. Subsequent
9 permanency hearings shall be held every 6 months or more
10 frequently if necessary in the court's determination following
11 the initial permanency hearing, in accordance with the
12 standards set forth in this Section, until the court
13 determines that the plan and goal have been achieved. Once the
14 plan and goal have been achieved, if the minor remains in
15 substitute care, the case shall be reviewed at least every 6
16 months thereafter, subject to the provisions of this Section,
17 unless the minor is placed in the guardianship of a suitable
18 relative or other person and the court determines that further
19 monitoring by the court does not further the health, safety,
20 or best interest of the child and that this is a stable
21 permanent placement. The permanency hearings must occur within
22 the time frames set forth in this subsection and may not be
23 delayed in anticipation of a report from any source or due to
24 the agency's failure to timely file its written report (this
25 written report means the one required under the next paragraph
26 and does not mean the service plan also referred to in that

1 paragraph).

2 The public agency that is the custodian or guardian of the
3 minor, or another agency responsible for the minor's care,
4 shall ensure that all parties to the permanency hearings are
5 provided a copy of the most recent service plan prepared
6 within the prior 6 months at least 14 days in advance of the
7 hearing. If not contained in the agency's service plan, the
8 agency shall also include a report setting forth the
9 following:

10 (A) any special physical, psychological, educational,
11 medical, emotional, or other needs of the minor or the
12 minor's family that are relevant to a permanency or
13 placement determination, and for any minor age 16 or over,
14 a written description of the programs and services that
15 will enable the minor to prepare for independent living;

16 (B) ~~beginning July 1, 2025,~~ a written description of
17 ongoing family finding and relative engagement efforts in
18 accordance with the requirements under Section 2-27.3 the
19 agency has undertaken since the most recent report to the
20 court to plan for the emotional and legal permanency of
21 the minor;

22 (C) whether a minor is placed in a licensed child care
23 facility under a corrective plan by the Department due to
24 concerns impacting the minor's safety and well-being. The
25 report shall explain the steps the Department is taking to
26 ensure the safety and well-being of the minor and that the

1 minor's needs are met in the facility;

2 (C-1) if the minor is placed outside the State of
3 Illinois in a jurisdiction in which the minor is at risk of
4 adverse action as defined in subsection (b) of Section
5 7.30 of the Children and Family Services Act based on the
6 minor's identified needs, an explanation of the adverse
7 action and efforts made by the public agency that is
8 custodian or guardian of the minor to meet its obligations
9 as under Section 7.30 of the Children and Family Services
10 Act;

11 (C-2) an explanation of the minor's expressed
12 preferences regarding placement, and for youth age 8 or
13 older, whether the burden was met in consideration of this
14 preference in accordance with subsections (d) and (e) of
15 Section 7.31 of the Children and Family Services Act; and

16 (D) detail regarding what progress or lack of progress
17 the parent has made in correcting the conditions requiring
18 the child to be in care; whether the child can be returned
19 home without jeopardizing the child's health, safety, and
20 welfare, what permanency goal is recommended to be in the
21 best interests of the child, and the reasons for the
22 recommendation. If a permanency goal under paragraph (A),
23 (B), or (B-1) of subsection (2.3) have been deemed
24 inappropriate and not in the minor's best interest, the
25 report must include the following information:

26 (i) confirmation that the caseworker has discussed

1 the permanency options and subsidies available for
2 guardianship and adoption with the minor's caregivers,
3 the minor's parents, as appropriate, and has discussed
4 the available permanency options with the minor in an
5 age-appropriate manner;

6 (ii) confirmation that the caseworker has
7 discussed with the minor's caregivers, the minor's
8 parents, as appropriate, and the minor as
9 age-appropriate, the distinctions between guardianship
10 and adoption, including, but not limited to, that
11 guardianship does not require termination of the
12 parent's rights or the consent of the parent;

13 (iii) a description of the stated preferences and
14 concerns, if any, the minor, the parent as
15 appropriate, and the caregiver expressed relating to
16 the options of guardianship and adoption, and the
17 reasons for the preferences;

18 (iv) if the minor is not currently in a placement
19 that will provide permanency, identification of all
20 persons presently willing and able to provide
21 permanency to the minor through either guardianship or
22 adoption, and ~~beginning July 1, 2025,~~ if none are
23 available, a description of the efforts made in
24 accordance with Section 2-27.3; and

25 (v) state the recommended permanency goal, why
26 that goal is recommended, and why the other potential

1 goals were not recommended.

2 The caseworker must appear and testify at the permanency
3 hearing. If a permanency hearing has not previously been
4 scheduled by the court, the moving party shall move for the
5 setting of a permanency hearing and the entry of an order
6 within the time frames set forth in this subsection.

7 (2.3) At the permanency hearing, the court shall determine
8 the permanency goal of the child. The court shall set one of
9 the following permanency goals:

10 (A) The minor will be returned home by a specific date
11 within 5 months.

12 (B) The minor will be in short-term care with a
13 continued goal to return home within a period not to
14 exceed one year, where the progress of the parent or
15 parents is substantial giving particular consideration to
16 the age and individual needs of the minor.

17 (B-1) The minor will be in short-term care with a
18 continued goal to return home pending a status hearing.
19 When the court finds that a parent has not made reasonable
20 efforts or reasonable progress to date, the court shall
21 identify what actions the parent and the Department must
22 take in order to justify a finding of reasonable efforts
23 or reasonable progress and shall set a status hearing to
24 be held not earlier than 9 months from the date of
25 adjudication nor later than 11 months from the date of
26 adjudication during which the parent's progress will again

1 be reviewed.

2 If the court has determined that goals (A), (B), and
3 (B-1) are not appropriate and not in the minor's best
4 interest, the court may select one of the following goals:
5 (C), (D), (E), (F), (G), or (H) for the minor as
6 appropriate and based on the best interests of the minor.
7 The court shall determine the appropriate goal for the
8 minor based on best interest factors and any
9 considerations outlined in that goal.

10 (C) The guardianship of the minor shall be transferred
11 to an individual or couple on a permanent basis. Prior to
12 changing the goal to guardianship, the court shall
13 consider the following:

14 (i) whether the agency has discussed adoption and
15 guardianship with the caregiver and what preference,
16 if any, the caregiver has as to the permanency goal;

17 (ii) whether the agency has discussed adoption and
18 guardianship with the minor, as age-appropriate, and
19 what preference, if any, the minor has as to the
20 permanency goal;

21 (iii) whether the minor is of sufficient age to
22 remember the minor's parents and if the child values
23 this familial identity;

24 (iv) whether the minor is placed with a relative,
25 and beginning July 1, 2025, whether the minor is
26 placed in a relative home as defined in Section 4d of

1 the Children and Family Services Act or in a certified
2 relative caregiver home as defined in Section 2.36 of
3 the Child Care Act of 1969; and

4 (v) whether the parent or parents have been
5 informed about guardianship and adoption, and, if
6 appropriate, what preferences, if any, the parent or
7 parents have as to the permanency goal.

8 (D) The minor will be in substitute care pending court
9 determination on termination of parental rights. Prior to
10 changing the goal to substitute care pending court
11 determination on termination of parental rights, the court
12 shall consider the following:

13 (i) whether the agency has discussed adoption and
14 guardianship with the caregiver and what preference,
15 if any, the caregiver has as to the permanency goal;

16 (ii) whether the agency has discussed adoption and
17 guardianship with the minor, as age-appropriate, and
18 what preference, if any, the minor has as to the
19 permanency goal;

20 (iii) whether the minor is of sufficient age to
21 remember the minor's parents and if the child values
22 this familial identity;

23 (iv) whether the minor is placed with a relative,
24 and beginning July 1, 2025, whether the minor is
25 placed in a relative home as defined in Section 4d of
26 the Children and Family Services Act, in a certified

1 relative caregiver home as defined in Section 2.36 of
2 the Child Care Act of 1969;

3 (v) whether the minor is already placed in a
4 pre-adoptive home, and if not, whether such a home has
5 been identified; and

6 (vi) whether the parent or parents have been
7 informed about guardianship and adoption, and, if
8 appropriate, what preferences, if any, the parent or
9 parents have as to the permanency goal.

10 (E) Adoption, provided that parental rights have been
11 terminated or relinquished.

12 (F) Provided that permanency goals (A) through (E)
13 have been deemed inappropriate and not in the minor's best
14 interests, the minor over age 15 will be in substitute
15 care pending independence. In selecting this permanency
16 goal, the Department of Children and Family Services may
17 provide services to enable reunification and to strengthen
18 the minor's connections with family, fictive kin, and
19 other responsible adults, provided the services are in the
20 minor's best interest. The services shall be documented in
21 the service plan.

22 (G) The minor will be in substitute care because the
23 minor cannot be provided for in a home environment due to
24 developmental disabilities or mental illness or because
25 the minor is a danger to self or others, provided that
26 goals (A) through (E) have been deemed inappropriate and

1 not in the child's best interests.

2 In selecting any permanency goal, the court shall indicate
3 in writing the reasons the goal was selected and why the
4 preceding goals were deemed inappropriate and not in the
5 child's best interest. Where the court has selected a
6 permanency goal other than (A), (B), or (B-1), the Department
7 of Children and Family Services shall not provide further
8 reunification services, except as provided in paragraph (F) of
9 this subsection (2.3), but shall provide services consistent
10 with the goal selected.

11 (H) Notwithstanding any other provision in this
12 Section, the court may select the goal of continuing
13 foster care as a permanency goal if:

14 (1) The Department of Children and Family Services
15 has custody and guardianship of the minor;

16 (2) The court has deemed all other permanency
17 goals inappropriate based on the child's best
18 interest;

19 (3) The court has found compelling reasons, based
20 on written documentation reviewed by the court, to
21 place the minor in continuing foster care. Compelling
22 reasons include:

23 (a) the child does not wish to be adopted or to
24 be placed in the guardianship of the minor's
25 relative, certified relative caregiver, or foster
26 care placement;

1 (b) the child exhibits an extreme level of
2 need such that the removal of the child from the
3 minor's placement would be detrimental to the
4 child; or

5 (c) the child who is the subject of the
6 permanency hearing has existing close and strong
7 bonds with a sibling, and achievement of another
8 permanency goal would substantially interfere with
9 the subject child's sibling relationship, taking
10 into consideration the nature and extent of the
11 relationship, and whether ongoing contact is in
12 the subject child's best interest, including
13 long-term emotional interest, as compared with the
14 legal and emotional benefit of permanence;

15 (4) The child has lived with the relative,
16 certified relative caregiver, or foster parent for at
17 least one year; and

18 (5) The relative, certified relative caregiver, or
19 foster parent currently caring for the child is
20 willing and capable of providing the child with a
21 stable and permanent environment.

22 (2.4) The court shall set a permanency goal that is in the
23 best interest of the child. In determining that goal, the
24 court shall consult with the minor in an age-appropriate
25 manner regarding the proposed permanency or transition plan
26 for the minor. The court's determination shall include the

1 following factors:

2 (A) Age of the child.

3 (B) Options available for permanence, including both
4 out-of-state and in-state placement options.

5 (C) Current placement of the child and the intent of
6 the family regarding subsidized guardianship and adoption.

7 (D) Emotional, physical, and mental status or
8 condition of the child.

9 (E) Types of services previously offered and whether
10 or not the services were successful and, if not
11 successful, the reasons the services failed.

12 (F) Availability of services currently needed and
13 whether the services exist.

14 (G) Status of siblings of the minor.

15 (H) If the minor is not currently in a placement
16 likely to achieve permanency, whether there is an
17 identified and willing potential permanent caregiver for
18 the minor, and if so, that potential permanent caregiver's
19 intent regarding guardianship and adoption.

20 The court shall consider (i) the permanency goal contained
21 in the service plan, (ii) the appropriateness of the services
22 contained in the plan and whether those services have been
23 provided, (iii) whether reasonable efforts have been made by
24 all the parties to the service plan to achieve the goal, and
25 (iv) whether the plan and goal have been achieved. All
26 evidence relevant to determining these questions, including

1 oral and written reports, may be admitted and may be relied on
2 to the extent of their probative value.

3 The court shall make findings as to whether, in violation
4 of Section 8.2 of the Abused and Neglected Child Reporting
5 Act, any portion of the service plan compels a child or parent
6 to engage in any activity or refrain from any activity that is
7 not reasonably related to remedying a condition or conditions
8 that gave rise or which could give rise to any finding of child
9 abuse or neglect. The services contained in the service plan
10 shall include services reasonably related to remedy the
11 conditions that gave rise to removal of the child from the home
12 of the child's parents, guardian, or legal custodian or that
13 the court has found must be remedied prior to returning the
14 child home. Any tasks the court requires of the parents,
15 guardian, or legal custodian or child prior to returning the
16 child home must be reasonably related to remedying a condition
17 or conditions that gave rise to or which could give rise to any
18 finding of child abuse or neglect.

19 If the permanency goal is to return home, the court shall
20 make findings that identify any problems that are causing
21 continued placement of the children away from the home and
22 identify what outcomes would be considered a resolution to
23 these problems. The court shall explain to the parents that
24 these findings are based on the information that the court has
25 at that time and may be revised, should additional evidence be
26 presented to the court.

1 The court shall review the Sibling Contact Support Plan
2 developed or modified under subsection (f) of Section 7.4 of
3 the Children and Family Services Act, if applicable. If the
4 Department has not convened a meeting to develop or modify a
5 Sibling Contact Support Plan, or if the court finds that the
6 existing Plan is not in the child's best interest, the court
7 may enter an order requiring the Department to develop,
8 modify, or implement a Sibling Contact Support Plan, or order
9 mediation.

10 ~~The Beginning July 1, 2025,~~ the court shall review the
11 Ongoing Family Finding and Relative Engagement Plan required
12 under Section 2-27.3. If the court finds that the plan is not
13 in the minor's best interest, the court shall enter specific
14 factual findings and order the Department to modify the plan
15 consistent with the court's findings.

16 If the goal has been achieved, the court shall enter
17 orders that are necessary to conform the minor's legal custody
18 and status to those findings.

19 If, after receiving evidence, the court determines that
20 the services contained in the plan are not reasonably
21 calculated to facilitate achievement of the permanency goal,
22 the court shall put in writing the factual basis supporting
23 the determination and enter specific findings based on the
24 evidence. The court also shall enter an order for the
25 Department to develop and implement a new service plan or to
26 implement changes to the current service plan consistent with

1 the court's findings. The new service plan shall be filed with
2 the court and served on all parties within 45 days of the date
3 of the order. The court shall continue the matter until the new
4 service plan is filed. Except as authorized by subsection
5 (2.5) of this Section and as otherwise specifically authorized
6 by law, the court is not empowered under this Section to order
7 specific placements, specific services, or specific service
8 providers to be included in the service plan.

9 A guardian or custodian appointed by the court pursuant to
10 this Act shall file updated case plans with the court every 6
11 months.

12 Rights of wards of the court under this Act are
13 enforceable against any public agency by complaints for relief
14 by mandamus filed in any proceedings brought under this Act.

15 (2.5) If, after reviewing the evidence, including evidence
16 from the Department, the court determines that the minor's
17 current or planned placement is not necessary or appropriate
18 to facilitate achievement of the permanency goal, the court
19 shall put in writing the factual basis supporting its
20 determination and enter specific findings based on the
21 evidence. If the court finds that the minor's current or
22 planned placement is not necessary or appropriate, the court
23 may enter an order directing the Department to implement a
24 recommendation by the minor's treating clinician or a
25 clinician contracted by the Department to evaluate the minor
26 or a recommendation made by the Department. If the Department

1 places a minor in a placement under an order entered under this
2 subsection (2.5), the Department has the authority to remove
3 the minor from that placement when a change in circumstances
4 necessitates the removal to protect the minor's health,
5 safety, and best interest. If the Department determines
6 removal is necessary, the Department shall notify the parties
7 of the planned placement change in writing no later than 10
8 days prior to the implementation of its determination unless
9 remaining in the placement poses an imminent risk of harm to
10 the minor, in which case the Department shall notify the
11 parties of the placement change in writing immediately
12 following the implementation of its decision. The Department
13 shall notify others of the decision to change the minor's
14 placement as required by Department rule.

15 (3) Following the permanency hearing, the court shall
16 enter a written order that includes the determinations
17 required under subsections (2) and (2.3) of this Section and
18 sets forth the following:

19 (a) The future status of the minor, including the
20 permanency goal, and any order necessary to conform the
21 minor's legal custody and status to such determination; or

22 (b) If the permanency goal of the minor cannot be
23 achieved immediately, the specific reasons for continuing
24 the minor in the care of the Department of Children and
25 Family Services or other agency for short-term placement,
26 and the following determinations:

1 (i) (Blank).

2 (ii) Whether the services required by the court
3 and by any service plan prepared within the prior 6
4 months have been provided and (A) if so, whether the
5 services were reasonably calculated to facilitate the
6 achievement of the permanency goal or (B) if not
7 provided, why the services were not provided.

8 (iii) Whether the minor's current or planned
9 placement is necessary, and appropriate to the plan
10 and goal, recognizing the right of minors to the least
11 restrictive (most family-like) setting available and
12 in close proximity to the parents' home consistent
13 with the health, safety, best interest, and special
14 needs of the minor and, if the minor is placed
15 out-of-state, whether the out-of-state placement
16 continues to be appropriate and consistent with the
17 health, safety, and best interest of the minor and, if
18 the minor is placed out-of-state, whether the
19 out-of-state placement continues to be appropriate and
20 consistent with the health, safety, well-being, and
21 best interest of the minor with sufficient protective
22 measures or efforts taken by the public agency that is
23 the custodian or guardian of the minor as required
24 under Section 7.30 of the Children and Family Services
25 Act.

26 (iv) (Blank).

1 (v) (Blank).

2 (4) The minor or any person interested in the minor may
3 apply to the court for a change in custody of the minor and the
4 appointment of a new custodian or guardian of the person or for
5 the restoration of the minor to the custody of the minor's
6 parents or former guardian or custodian.

7 When return home is not selected as the permanency goal:

8 (a) The Department, the minor, or the current foster
9 parent or relative caregiver seeking private guardianship
10 may file a motion for private guardianship of the minor.
11 Appointment of a guardian under this Section requires
12 approval of the court.

13 (b) The State's Attorney may file a motion to
14 terminate parental rights of any parent who has failed to
15 make reasonable efforts to correct the conditions which
16 led to the removal of the child or reasonable progress
17 toward the return of the child, as defined in subdivision
18 (D)(m) of Section 1 of the Adoption Act or for whom any
19 other unfitness ground for terminating parental rights as
20 defined in subdivision (D) of Section 1 of the Adoption
21 Act exists.

22 When parental rights have been terminated for a
23 minimum of 3 years and the child who is the subject of the
24 permanency hearing is 13 years old or older and is not
25 currently placed in a placement likely to achieve
26 permanency, the Department of Children and Family Services

1 shall make reasonable efforts to locate parents whose
2 rights have been terminated, except when the Court
3 determines that those efforts would be futile or
4 inconsistent with the subject child's best interests. The
5 Department of Children and Family Services shall assess
6 the appropriateness of the parent whose rights have been
7 terminated, and shall, as appropriate, foster and support
8 connections between the parent whose rights have been
9 terminated and the youth. The Department of Children and
10 Family Services shall document its determinations and
11 efforts to foster connections in the child's case plan.

12 Custody of the minor shall not be restored to any parent,
13 guardian, or legal custodian in any case in which the minor is
14 found to be neglected or abused under Section 2-3 or dependent
15 under Section 2-4 of this Act, unless the minor can be cared
16 for at home without endangering the minor's health or safety
17 and it is in the best interest of the minor, and if such
18 neglect, abuse, or dependency is found by the court under
19 paragraph (1) of Section 2-21 of this Act to have come about
20 due to the acts or omissions or both of such parent, guardian,
21 or legal custodian, until such time as an investigation is
22 made as provided in paragraph (5) and a hearing is held on the
23 issue of the health, safety, and best interest of the minor and
24 the fitness of such parent, guardian, or legal custodian to
25 care for the minor and the court enters an order that such
26 parent, guardian, or legal custodian is fit to care for the

1 minor. If a motion is filed to modify or vacate a private
2 guardianship order and return the child to a parent, guardian,
3 or legal custodian, the court may order the Department of
4 Children and Family Services to assess the minor's current and
5 proposed living arrangements and to provide ongoing monitoring
6 of the health, safety, and best interest of the minor during
7 the pendency of the motion to assist the court in making that
8 determination. In the event that the minor has attained 18
9 years of age and the guardian or custodian petitions the court
10 for an order terminating the minor's guardianship or custody,
11 guardianship or custody shall terminate automatically 30 days
12 after the receipt of the petition unless the court orders
13 otherwise. No legal custodian or guardian of the person may be
14 removed without the legal custodian's or guardian's consent
15 until given notice and an opportunity to be heard by the court.

16 When the court orders a child restored to the custody of
17 the parent or parents, the court shall order the parent or
18 parents to cooperate with the Department of Children and
19 Family Services and comply with the terms of an aftercare
20 ~~after-care~~ plan, or risk the loss of custody of the child and
21 possible termination of their parental rights. The court may
22 also enter an order of protective supervision in accordance
23 with Section 2-24.

24 If the minor is being restored to the custody of a parent,
25 legal custodian, or guardian who lives outside of Illinois,
26 and an Interstate Compact has been requested and refused, the

1 court may order the Department of Children and Family Services
2 to arrange for an assessment of the minor's proposed living
3 arrangement and for ongoing monitoring of the health, safety,
4 and best interest of the minor and compliance with any order of
5 protective supervision entered in accordance with Section
6 2-24.

7 (5) Whenever a parent, guardian, or legal custodian files
8 a motion for restoration of custody of the minor, and the minor
9 was adjudicated neglected, abused, or dependent as a result of
10 physical abuse, the court shall cause to be made an
11 investigation as to whether the movant has ever been charged
12 with or convicted of any criminal offense which would indicate
13 the likelihood of any further physical abuse to the minor.
14 Evidence of such criminal convictions shall be taken into
15 account in determining whether the minor can be cared for at
16 home without endangering the minor's health or safety and
17 fitness of the parent, guardian, or legal custodian.

18 (a) Any agency of this State or any subdivision
19 thereof shall cooperate with the agent of the court in
20 providing any information sought in the investigation.

21 (b) The information derived from the investigation and
22 any conclusions or recommendations derived from the
23 information shall be provided to the parent, guardian, or
24 legal custodian seeking restoration of custody prior to
25 the hearing on fitness and the movant shall have an
26 opportunity at the hearing to refute the information or

1 contest its significance.

2 (c) All information obtained from any investigation
3 shall be confidential as provided in Section 5-150 of this
4 Act.

5 (Source: P.A. 103-22, eff. 8-8-23; 103-154, eff. 6-30-23;
6 103-171, eff. 1-1-24; 103-605, eff. 7-1-24; 103-1061, eff.
7 2-5-25; 104-2, eff. 6-16-25; revised 8-20-25.)

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

9 Sec. 2-28. Court review.

10 (1) The court may require any legal custodian or guardian
11 of the person appointed under this Act to report periodically
12 to the court or may cite the legal custodian or guardian into
13 court and require the legal custodian, guardian, or the legal
14 custodian's or guardian's agency to make a full and accurate
15 report of the doings of the legal custodian, guardian, or
16 agency on behalf of the minor. The custodian or guardian,
17 within 10 days after such citation, or earlier if the court
18 determines it to be necessary to protect the health, safety,
19 or welfare of the minor, shall make the report, either in
20 writing verified by affidavit or orally under oath in open
21 court, or otherwise as the court directs. Upon the hearing of
22 the report the court may remove the custodian or guardian and
23 appoint another in the custodian's or guardian's stead or
24 restore the minor to the custody of the minor's parents or
25 former guardian or custodian. However, custody of the minor

1 shall not be restored to any parent, guardian, or legal
2 custodian in any case in which the minor is found to be
3 neglected or abused under Section 2-3 or dependent under
4 Section 2-4 of this Act, unless the minor can be cared for at
5 home without endangering the minor's health or safety and it
6 is in the best interests of the minor, and if such neglect,
7 abuse, or dependency is found by the court under paragraph (1)
8 of Section 2-21 of this Act to have come about due to the acts
9 or omissions or both of such parent, guardian, or legal
10 custodian, until such time as an investigation is made as
11 provided in paragraph (5) and a hearing is held on the issue of
12 the fitness of such parent, guardian, or legal custodian to
13 care for the minor and the court enters an order that such
14 parent, guardian, or legal custodian is fit to care for the
15 minor.

16 (1.5) The public agency that is the custodian or guardian
17 of the minor shall file a written report with the court no
18 later than 15 days after a minor in the agency's care remains:

19 (1) in a shelter placement beyond 30 days;

20 (2) in a psychiatric hospital past the time when the
21 minor is clinically ready for discharge or beyond medical
22 necessity for the minor's health; or

23 (3) in a detention center or Department of Juvenile
24 Justice facility solely because the public agency cannot
25 find an appropriate placement for the minor.

26 The report shall explain the steps the agency is taking to

1 ensure the minor is placed appropriately, how the minor's
2 needs are being met in the minor's shelter placement, and if a
3 future placement has been identified by the Department, why
4 the anticipated placement is appropriate for the needs of the
5 minor and the anticipated placement date.

6 (1.6) Within 30 days after placing a child in its care in a
7 qualified residential treatment program, as defined by the
8 federal Social Security Act, the Department of Children and
9 Family Services shall prepare a written report for filing with
10 the court and send copies of the report to all parties. Within
11 20 days of the filing of the report, or as soon thereafter as
12 the court's schedule allows but not more than 60 days from the
13 date of placement, the court shall hold a hearing to consider
14 the Department's report and determine whether placement of the
15 child in a qualified residential treatment program provides
16 the most effective and appropriate level of care for the child
17 in the least restrictive environment and if the placement is
18 consistent with the short-term and long-term goals for the
19 child, as specified in the permanency plan for the child. The
20 court shall approve or disapprove the placement. If
21 applicable, the requirements of Sections 2-27.1 and 2-27.2 of
22 the Act and Sections 7.30 and 7.31 of the Children and Family
23 Services Act must also be met. The Department's written report
24 and the court's written determination shall be included in and
25 made part of the case plan for the child. If the child remains
26 placed in a qualified residential treatment program, the

1 Department shall submit evidence at each status and permanency
2 hearing:

3 (A) demonstrating that ongoing ~~on-going~~ assessment of
4 the strengths and needs of the child continues to support
5 the determination that the child's needs cannot be met
6 through placement in a foster family home, that the
7 placement provides the most effective and appropriate
8 level of care for the child in the least restrictive,
9 appropriate environment, and that the placement is
10 consistent with the short-term and long-term permanency
11 goal for the child, as specified in the permanency plan
12 for the child;

13 (B) documenting the specific treatment or service
14 needs that should be met for the child in the placement and
15 the length of time the child is expected to need the
16 treatment or services;

17 (C) detailing the efforts made by the agency to
18 prepare the child to return home or to be placed with a fit
19 and willing relative, a legal guardian, or an adoptive
20 parent, or in a foster family home;

21 (D) ~~beginning July 1, 2025,~~ documenting the
22 Department's efforts regarding ongoing family finding and
23 relative engagement required under Section 2-27.3; ~~and~~

24 (E) detailing efforts to ensure the minor is engaged
25 in age and developmentally appropriate activities to
26 develop life skills, which may include extracurricular

1 activities, coaching by caregivers, or instruction in
2 individual or group settings. For minors who have
3 participated in life skills assessments, the results of
4 such assessments and how the minor's identified needs are
5 being addressed; ~~and-~~

6 (F) if applicable, the efforts made by the public
7 agency that is guardian or custodian of the minor to
8 monitor and mitigate the risk of adverse action, as
9 defined in subsection (b) of Section 7.30, relevant to the
10 child's circumstances in an out-of-state placement.

11 (2) The first permanency hearing shall be conducted by the
12 judge. Subsequent permanency hearings may be heard by a judge
13 or by hearing officers appointed or approved by the court in
14 the manner set forth in Section 2-28.1 of this Act. The initial
15 hearing shall be held (a) within 12 months from the date
16 temporary custody was taken, regardless of whether an
17 adjudication or dispositional hearing has been completed
18 within that time frame, (b) if the parental rights of both
19 parents have been terminated in accordance with the procedure
20 described in subsection (5) of Section 2-21, within 30 days of
21 the order for termination of parental rights and appointment
22 of a guardian with power to consent to adoption, or (c) in
23 accordance with subsection (2) of Section 2-13.1. Subsequent
24 permanency hearings shall be held every 6 months or more
25 frequently if necessary in the court's determination following
26 the initial permanency hearing, in accordance with the

1 standards set forth in this Section, until the court
2 determines that the plan and goal have been achieved. Once the
3 plan and goal have been achieved, if the minor remains in
4 substitute care, the case shall be reviewed at least every 6
5 months thereafter, subject to the provisions of this Section,
6 unless the minor is placed in the guardianship of a suitable
7 relative or other person and the court determines that further
8 monitoring by the court does not further the health, safety,
9 or best interest of the child and that this is a stable
10 permanent placement. The permanency hearings must occur within
11 the time frames set forth in this subsection and may not be
12 delayed in anticipation of a report from any source or due to
13 the agency's failure to timely file its written report (this
14 written report means the one required under the next paragraph
15 and does not mean the service plan also referred to in that
16 paragraph).

17 The public agency that is the custodian or guardian of the
18 minor, or another agency responsible for the minor's care,
19 shall ensure that all parties to the permanency hearings are
20 provided a copy of the most recent service plan prepared
21 within the prior 6 months at least 14 days in advance of the
22 hearing. If not contained in the agency's service plan, the
23 agency shall also include a report setting forth the
24 following:

25 (A) any special physical, psychological, educational,
26 medical, emotional, or other needs of the minor or the

1 minor's family that are relevant to a permanency or
2 placement determination, and for any minor age 16 or over,
3 a written description of the programs and services that
4 will enable the minor to prepare for independent living;

5 (B) ~~beginning July 1, 2025,~~ a written description of
6 ongoing family finding and relative engagement efforts in
7 accordance with the requirements under Section 2-27.3 the
8 agency has undertaken since the most recent report to the
9 court to plan for the emotional and legal permanency of
10 the minor;

11 (C) whether a minor is placed in a licensed child care
12 facility under a corrective plan by the Department due to
13 concerns impacting the minor's safety and well-being. The
14 report shall explain the steps the Department is taking to
15 ensure the safety and well-being of the minor and that the
16 minor's needs are met in the facility;

17 (C-1) if the minor is placed outside the State of
18 Illinois in a jurisdiction in which the minor is at risk of
19 adverse action as defined in subsection (b) of Section
20 7.30 of the Children and Family Services Act based on the
21 minor's identified needs, an explanation of the adverse
22 action and the efforts made by the public agency that is
23 the custodian or guardian of the minor to meet its
24 obligations under Section 7.30 of the Children and Family
25 Services Act;

26 (C-2) an explanation of the minor's expressed

1 preferences regarding placement, and for youth age 8 or
2 older, whether the burden was met in consideration of this
3 preference in accordance with subsections (d) and (e) of
4 Section 7.31 of the Children and Family Services Act; and

5 (D) detail regarding what progress or lack of progress
6 the parent has made in correcting the conditions requiring
7 the child to be in care; whether the child can be returned
8 home without jeopardizing the child's health, safety, and
9 welfare, what permanency goal is recommended to be in the
10 best interests of the child, and the reasons for the
11 recommendation. If a permanency goal under paragraph (A),
12 (B), or (B-1) of subsection (2.3) have been deemed
13 inappropriate and not in the minor's best interest, the
14 report must include the following information:

15 (i) confirmation that the caseworker has discussed
16 the permanency options and subsidies available for
17 guardianship and adoption with the minor's caregivers,
18 the minor's parents, as appropriate, and has discussed
19 the available permanency options with the minor in an
20 age-appropriate manner;

21 (ii) confirmation that the caseworker has
22 discussed with the minor's caregivers, the minor's
23 parents, as appropriate, and the minor as
24 age-appropriate, the distinctions between guardianship
25 and adoption, including, but not limited to, that
26 guardianship does not require termination of the

1 parent's rights or the consent of the parent;

2 (iii) a description of the stated preferences and
3 concerns, if any, the minor, the parent as
4 appropriate, and the caregiver expressed relating to
5 the options of guardianship and adoption, and the
6 reasons for the preferences;

7 (iv) if the minor is not currently in a placement
8 that will provide permanency, identification of all
9 persons presently willing and able to provide
10 permanency to the minor through either guardianship or
11 adoption, and beginning July 1, 2025, if none are
12 available, a description of the efforts made in
13 accordance with Section 2-27.3; and

14 (v) state the recommended permanency goal, why
15 that goal is recommended, and why the other potential
16 goals were not recommended.

17 The caseworker must appear and testify at the permanency
18 hearing. If a permanency hearing has not previously been
19 scheduled by the court, the moving party shall move for the
20 setting of a permanency hearing and the entry of an order
21 within the time frames set forth in this subsection.

22 (2.3) At the permanency hearing, the court shall determine
23 the permanency goal of the child. The court shall set one of
24 the following permanency goals:

25 (A) The minor will be returned home by a specific date
26 within 5 months.

1 (B) The minor will be in short-term care with a
2 continued goal to return home within a period not to
3 exceed one year, where the progress of the parent or
4 parents is substantial giving particular consideration to
5 the age and individual needs of the minor.

6 (B-1) The minor will be in short-term care with a
7 continued goal to return home pending a status hearing.
8 When the court finds that a parent has not made reasonable
9 efforts or reasonable progress to date, the court shall
10 identify what actions the parent and the Department must
11 take in order to justify a finding of reasonable efforts
12 or reasonable progress and shall set a status hearing to
13 be held not earlier than 9 months from the date of
14 adjudication nor later than 11 months from the date of
15 adjudication during which the parent's progress will again
16 be reviewed.

17 If the court has determined that goals (A), (B), and
18 (B-1) are not appropriate and not in the minor's best
19 interest, the court may select one of the following goals:
20 (C), (D), (E), (F), (G), or (H) for the minor as
21 appropriate and based on the best interests of the minor.
22 The court shall determine the appropriate goal for the
23 minor based on best interest factors and any
24 considerations outlined in that goal.

25 (C) The guardianship of the minor shall be transferred
26 to an individual or couple on a permanent basis. Prior to

1 changing the goal to guardianship, the court shall
2 consider the following:

3 (i) whether the agency has discussed adoption and
4 guardianship with the caregiver and what preference,
5 if any, the caregiver has as to the permanency goal;

6 (ii) whether the agency has discussed adoption and
7 guardianship with the minor, as age-appropriate, and
8 what preference, if any, the minor has as to the
9 permanency goal;

10 (iii) whether the minor is of sufficient age to
11 remember the minor's parents and if the child values
12 this familial identity;

13 (iv) whether the minor is placed with a relative,
14 and beginning July 1, 2025, whether the minor is
15 placed in a relative home as defined in Section 4d of
16 the Children and Family Services Act or in a certified
17 relative caregiver home as defined in Section 2.36 of
18 the Child Care Act of 1969; and

19 (v) whether the parent or parents have been
20 informed about guardianship and adoption, and, if
21 appropriate, what preferences, if any, the parent or
22 parents have as to the permanency goal.

23 (D) The minor will be in substitute care pending court
24 determination on termination of parental rights. Prior to
25 changing the goal to substitute care pending court
26 determination on termination of parental rights, the court

1 shall consider the following:

2 (i) whether the agency has discussed adoption and
3 guardianship with the caregiver and what preference,
4 if any, the caregiver has as to the permanency goal;

5 (ii) whether the agency has discussed adoption and
6 guardianship with the minor, as age-appropriate, and
7 what preference, if any, the minor has as to the
8 permanency goal;

9 (iii) whether the minor is of sufficient age to
10 remember the minor's parents and if the child values
11 this familial identity;

12 (iv) whether the minor is placed with a relative,
13 and beginning July 1, 2025, whether the minor is
14 placed in a relative home as defined in Section 4d of
15 the Children and Family Services Act, in a certified
16 relative caregiver home as defined in Section 2.36 of
17 the Child Care Act of 1969;

18 (v) whether the minor is already placed in a
19 pre-adoptive home, and if not, whether such a home has
20 been identified; and

21 (vi) whether the parent or parents have been
22 informed about guardianship and adoption, and, if
23 appropriate, what preferences, if any, the parent or
24 parents have as to the permanency goal.

25 (E) Adoption, provided that parental rights have been
26 terminated or relinquished.

1 (F) Provided that permanency goals (A) through (E)
2 have been deemed inappropriate and not in the minor's best
3 interests, the minor over age 15 will be in substitute
4 care pending independence. In selecting this permanency
5 goal, the Department of Children and Family Services may
6 provide services to enable reunification and to strengthen
7 the minor's connections with family, fictive kin, and
8 other responsible adults, provided the services are in the
9 minor's best interest. The services shall be documented in
10 the service plan.

11 (G) The minor will be in substitute care because the
12 minor cannot be provided for in a home environment due to
13 developmental disabilities or mental illness or because
14 the minor is a danger to self or others, provided that
15 goals (A) through (E) have been deemed inappropriate and
16 not in the child's best interests.

17 In selecting any permanency goal, the court shall indicate
18 in writing the reasons the goal was selected and why the
19 preceding goals were deemed inappropriate and not in the
20 child's best interest. Where the court has selected a
21 permanency goal other than (A), (B), or (B-1), the Department
22 of Children and Family Services shall not provide further
23 reunification services, except as provided in paragraph (F) of
24 this subsection (2.3), but shall provide services consistent
25 with the goal selected.

26 (H) Notwithstanding any other provision in this

1 Section, the court may select the goal of continuing
2 foster care as a permanency goal if:

3 (1) The Department of Children and Family Services
4 has custody and guardianship of the minor;

5 (2) The court has deemed all other permanency
6 goals inappropriate based on the child's best
7 interest;

8 (3) The court has found compelling reasons, based
9 on written documentation reviewed by the court, to
10 place the minor in continuing foster care. Compelling
11 reasons include:

12 (a) the child does not wish to be adopted or to
13 be placed in the guardianship of the minor's
14 relative, certified relative caregiver, or foster
15 care placement;

16 (b) the child exhibits an extreme level of
17 need such that the removal of the child from the
18 minor's placement would be detrimental to the
19 child; or

20 (c) the child who is the subject of the
21 permanency hearing has existing close and strong
22 bonds with a sibling, and achievement of another
23 permanency goal would substantially interfere with
24 the subject child's sibling relationship, taking
25 into consideration the nature and extent of the
26 relationship, and whether ongoing contact is in

1 the subject child's best interest, including
2 long-term emotional interest, as compared with the
3 legal and emotional benefit of permanence;

4 (4) The child has lived with the relative,
5 certified relative caregiver, or foster parent for at
6 least one year; and

7 (5) The relative, certified relative caregiver, or
8 foster parent currently caring for the child is
9 willing and capable of providing the child with a
10 stable and permanent environment.

11 (2.4) The court shall set a permanency goal that is in the
12 best interest of the child. In determining that goal, the
13 court shall consult with the minor in an age-appropriate
14 manner regarding the proposed permanency or transition plan
15 for the minor. The court's determination shall include the
16 following factors:

17 (A) Age of the child.

18 (B) Options available for permanence, including both
19 out-of-state and in-state placement options.

20 (C) Current placement of the child and the intent of
21 the family regarding subsidized guardianship and adoption.

22 (D) Emotional, physical, and mental status or
23 condition of the child.

24 (E) Types of services previously offered and whether
25 or not the services were successful and, if not
26 successful, the reasons the services failed.

1 (F) Availability of services currently needed and
2 whether the services exist.

3 (G) Status of siblings of the minor.

4 (H) If the minor is not currently in a placement
5 likely to achieve permanency, whether there is an
6 identified and willing potential permanent caregiver for
7 the minor, and if so, that potential permanent caregiver's
8 intent regarding guardianship and adoption.

9 The court shall consider (i) the permanency goal contained
10 in the service plan, (ii) the appropriateness of the services
11 contained in the plan and whether those services have been
12 provided, (iii) whether reasonable efforts have been made by
13 all the parties to the service plan to achieve the goal, and
14 (iv) whether the plan and goal have been achieved. All
15 evidence relevant to determining these questions, including
16 oral and written reports, may be admitted and may be relied on
17 to the extent of their probative value.

18 The court shall make findings as to whether, in violation
19 of Section 8.2 of the Abused and Neglected Child Reporting
20 Act, any portion of the service plan compels a child or parent
21 to engage in any activity or refrain from any activity that is
22 not reasonably related to remedying a condition or conditions
23 that gave rise or which could give rise to any finding of child
24 abuse or neglect. The services contained in the service plan
25 shall include services reasonably related to remedy the
26 conditions that gave rise to removal of the child from the home

1 of the child's parents, guardian, or legal custodian or that
2 the court has found must be remedied prior to returning the
3 child home. Any tasks the court requires of the parents,
4 guardian, or legal custodian or child prior to returning the
5 child home must be reasonably related to remedying a condition
6 or conditions that gave rise to or which could give rise to any
7 finding of child abuse or neglect.

8 If the permanency goal is to return home, the court shall
9 make findings that identify any problems that are causing
10 continued placement of the children away from the home and
11 identify what outcomes would be considered a resolution to
12 these problems. The court shall explain to the parents that
13 these findings are based on the information that the court has
14 at that time and may be revised, should additional evidence be
15 presented to the court.

16 The court shall review the Sibling Contact Support Plan
17 developed or modified under subsection (f) of Section 7.4 of
18 the Children and Family Services Act, if applicable. If the
19 Department has not convened a meeting to develop or modify a
20 Sibling Contact Support Plan, or if the court finds that the
21 existing Plan is not in the child's best interest, the court
22 may enter an order requiring the Department to develop,
23 modify, or implement a Sibling Contact Support Plan, or order
24 mediation.

25 The court shall review the Department's efforts to provide
26 the minor with age and developmentally appropriate life

1 skills. If the court finds the Department's efforts are not in
2 the minor's best interest, the court may enter an order
3 requiring the Department to develop, modify, or implement the
4 service plan to develop the minor's life skills in an age and
5 developmentally appropriate manner.

6 ~~The Beginning July 1, 2025,~~ the court shall review the
7 Ongoing Family Finding and Relative Engagement Plan required
8 under Section 2-27.3. If the court finds that the plan is not
9 in the minor's best interest, the court shall enter specific
10 factual findings and order the Department to modify the plan
11 consistent with the court's findings.

12 If the goal has been achieved, the court shall enter
13 orders that are necessary to conform the minor's legal custody
14 and status to those findings.

15 If, after receiving evidence, the court determines that
16 the services contained in the plan are not reasonably
17 calculated to facilitate achievement of the permanency goal,
18 the court shall put in writing the factual basis supporting
19 the determination and enter specific findings based on the
20 evidence. The court also shall enter an order for the
21 Department to develop and implement a new service plan or to
22 implement changes to the current service plan consistent with
23 the court's findings. The new service plan shall be filed with
24 the court and served on all parties within 45 days of the date
25 of the order. The court shall continue the matter until the new
26 service plan is filed. Except as authorized by subsection

1 (2.5) of this Section and as otherwise specifically authorized
2 by law, the court is not empowered under this Section to order
3 specific placements, specific services, or specific service
4 providers to be included in the service plan.

5 A guardian or custodian appointed by the court pursuant to
6 this Act shall file updated case plans with the court every 6
7 months.

8 Rights of wards of the court under this Act are
9 enforceable against any public agency by complaints for relief
10 by mandamus filed in any proceedings brought under this Act.

11 (2.5) If, after reviewing the evidence, including evidence
12 from the Department, the court determines that the minor's
13 current or planned placement is not necessary or appropriate
14 to facilitate achievement of the permanency goal, the court
15 shall put in writing the factual basis supporting its
16 determination and enter specific findings based on the
17 evidence. If the court finds that the minor's current or
18 planned placement is not necessary or appropriate, the court
19 may enter an order directing the Department to implement a
20 recommendation by the minor's treating clinician or a
21 clinician contracted by the Department to evaluate the minor
22 or a recommendation made by the Department. If the Department
23 places a minor in a placement under an order entered under this
24 subsection (2.5), the Department has the authority to remove
25 the minor from that placement when a change in circumstances
26 necessitates the removal to protect the minor's health,

1 safety, and best interest. If the Department determines
2 removal is necessary, the Department shall notify the parties
3 of the planned placement change in writing no later than 10
4 days prior to the implementation of its determination unless
5 remaining in the placement poses an imminent risk of harm to
6 the minor, in which case the Department shall notify the
7 parties of the placement change in writing immediately
8 following the implementation of its decision. The Department
9 shall notify others of the decision to change the minor's
10 placement as required by Department rule.

11 (3) Following the permanency hearing, the court shall
12 enter a written order that includes the determinations
13 required under subsections (2) and (2.3) of this Section and
14 sets forth the following:

15 (a) The future status of the minor, including the
16 permanency goal, and any order necessary to conform the
17 minor's legal custody and status to such determination; or

18 (b) If the permanency goal of the minor cannot be
19 achieved immediately, the specific reasons for continuing
20 the minor in the care of the Department of Children and
21 Family Services or other agency for short-term placement,
22 and the following determinations:

23 (i) (Blank).

24 (ii) Whether the services required by the court
25 and by any service plan prepared within the prior 6
26 months have been provided and (A) if so, whether the

1 services were reasonably calculated to facilitate the
2 achievement of the permanency goal or (B) if not
3 provided, why the services were not provided.

4 (iii) Whether the minor's current or planned
5 placement is necessary, and appropriate to the plan
6 and goal, recognizing the right of minors to the least
7 restrictive (most family-like) setting available and
8 in close proximity to the parents' home consistent
9 with the health, safety, best interest, and special
10 needs of the minor and, if the minor is placed
11 out-of-state, whether the out-of-state placement
12 continues to be appropriate and consistent with the
13 health, safety, and best interest of the minor, and if
14 the minor is placed out-of-state, whether the
15 out-of-state placement continues to be appropriate and
16 consistent with the health, safety, well-being, and
17 best interest of the minor with sufficient protective
18 measures or efforts taken by the public agency that is
19 the custodian or guardian of the minor as required
20 under Section 7.30 of the Children and Family Services
21 Act.

22 (iv) (Blank).

23 (v) (Blank).

24 If the court sets a permanency goal of independence or if
25 the minor is 17 years of age or older, the court shall schedule
26 a Successful Transition to Adulthood Review hearing in

1 accordance with Section 2-28.2.

2 (4) The minor or any person interested in the minor may
3 apply to the court for a change in custody of the minor and the
4 appointment of a new custodian or guardian of the person or for
5 the restoration of the minor to the custody of the minor's
6 parents or former guardian or custodian.

7 When return home is not selected as the permanency goal:

8 (a) The Department, the minor, or the current foster
9 parent or relative caregiver seeking private guardianship
10 may file a motion for private guardianship of the minor.
11 Appointment of a guardian under this Section requires
12 approval of the court.

13 (b) The State's Attorney may file a motion to
14 terminate parental rights of any parent who has failed to
15 make reasonable efforts to correct the conditions which
16 led to the removal of the child or reasonable progress
17 toward the return of the child, as defined in subdivision
18 (D)(m) of Section 1 of the Adoption Act or for whom any
19 other unfitness ground for terminating parental rights as
20 defined in subdivision (D) of Section 1 of the Adoption
21 Act exists.

22 When parental rights have been terminated for a
23 minimum of 3 years and the child who is the subject of the
24 permanency hearing is 13 years old or older and is not
25 currently placed in a placement likely to achieve
26 permanency, the Department of Children and Family Services

1 shall make reasonable efforts to locate parents whose
2 rights have been terminated, except when the Court
3 determines that those efforts would be futile or
4 inconsistent with the subject child's best interests. The
5 Department of Children and Family Services shall assess
6 the appropriateness of the parent whose rights have been
7 terminated, and shall, as appropriate, foster and support
8 connections between the parent whose rights have been
9 terminated and the youth. The Department of Children and
10 Family Services shall document its determinations and
11 efforts to foster connections in the child's case plan.

12 Custody of the minor shall not be restored to any parent,
13 guardian, or legal custodian in any case in which the minor is
14 found to be neglected or abused under Section 2-3 or dependent
15 under Section 2-4 of this Act, unless the minor can be cared
16 for at home without endangering the minor's health or safety
17 and it is in the best interest of the minor, and if such
18 neglect, abuse, or dependency is found by the court under
19 paragraph (1) of Section 2-21 of this Act to have come about
20 due to the acts or omissions or both of such parent, guardian,
21 or legal custodian, until such time as an investigation is
22 made as provided in paragraph (5) and a hearing is held on the
23 issue of the health, safety, and best interest of the minor and
24 the fitness of such parent, guardian, or legal custodian to
25 care for the minor and the court enters an order that such
26 parent, guardian, or legal custodian is fit to care for the

1 minor. If a motion is filed to modify or vacate a private
2 guardianship order and return the child to a parent, guardian,
3 or legal custodian, the court may order the Department of
4 Children and Family Services to assess the minor's current and
5 proposed living arrangements and to provide ongoing monitoring
6 of the health, safety, and best interest of the minor during
7 the pendency of the motion to assist the court in making that
8 determination. In the event that the minor has attained 18
9 years of age and the guardian or custodian petitions the court
10 for an order terminating the minor's guardianship or custody,
11 guardianship or custody shall terminate automatically 30 days
12 after the receipt of the petition unless the court orders
13 otherwise. No legal custodian or guardian of the person may be
14 removed without the legal custodian's or guardian's consent
15 until given notice and an opportunity to be heard by the court.

16 When the court orders a child restored to the custody of
17 the parent or parents, the court shall order the parent or
18 parents to cooperate with the Department of Children and
19 Family Services and comply with the terms of an aftercare
20 ~~after-care~~ plan, or risk the loss of custody of the child and
21 possible termination of their parental rights. The court may
22 also enter an order of protective supervision in accordance
23 with Section 2-24.

24 If the minor is being restored to the custody of a parent,
25 legal custodian, or guardian who lives outside of Illinois,
26 and an Interstate Compact has been requested and refused, the

1 court may order the Department of Children and Family Services
2 to arrange for an assessment of the minor's proposed living
3 arrangement and for ongoing monitoring of the health, safety,
4 and best interest of the minor and compliance with any order of
5 protective supervision entered in accordance with Section
6 2-24.

7 (5) Whenever a parent, guardian, or legal custodian files
8 a motion for restoration of custody of the minor, and the minor
9 was adjudicated neglected, abused, or dependent as a result of
10 physical abuse, the court shall cause to be made an
11 investigation as to whether the movant has ever been charged
12 with or convicted of any criminal offense which would indicate
13 the likelihood of any further physical abuse to the minor.
14 Evidence of such criminal convictions shall be taken into
15 account in determining whether the minor can be cared for at
16 home without endangering the minor's health or safety and
17 fitness of the parent, guardian, or legal custodian.

18 (a) Any agency of this State or any subdivision
19 thereof shall cooperate with the agent of the court in
20 providing any information sought in the investigation.

21 (b) The information derived from the investigation and
22 any conclusions or recommendations derived from the
23 information shall be provided to the parent, guardian, or
24 legal custodian seeking restoration of custody prior to
25 the hearing on fitness and the movant shall have an
26 opportunity at the hearing to refute the information or

1 contest its significance.

2 (c) All information obtained from any investigation
3 shall be confidential as provided in Section 5-150 of this
4 Act.

5 (Source: P.A. 103-22, eff. 8-8-23; 103-154, eff. 6-30-23;
6 103-171, eff. 1-1-24; 103-605, eff. 7-1-24; 103-1061, eff.
7 2-5-25; 104-2, eff. 6-16-25; 104-107, eff. 7-1-26; revised
8 8-20-25.)

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

16 Section 97. Severability. The provisions of this Act are
17 severable under Section 1.31 of the Statute on Statutes.

18 Section 99. Effective date. This Act takes effect July 1,
19 2027.

1 INDEX

2 Statutes amended in order of appearance

3 20 ILCS 505/6a from Ch. 23, par. 5006a

4 20 ILCS 505/7 from Ch. 23, par. 5007

5 20 ILCS 505/7.29 new

6 20 ILCS 505/7.30 new

7 20 ILCS 505/7.31 new

8 20 ILCS 505/7.32 new

9 20 ILCS 505/7.33 new

10 225 ILCS 10/8.1b new

11 705 ILCS 405/2-17.5 new

12 705 ILCS 405/2-27.2

13 705 ILCS 405/2-27.4 new

14 705 ILCS 405/2-28