



Rep. Kelly M. Cassidy

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1 AMENDMENT TO HOUSE BILL 4966

2 AMENDMENT NO. _____. Amend House Bill 4966 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Reference to Act. This Act may be referred to
5 as 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 of the Department of Children and
10 Family Services deserve all the legal protections available
11 under the law, but the current legal protections available to
12 these youth require a suite of statutory enhancements.

13 (2) Illinois has a non-delegable duty to other states to
14 safeguard the safety, health, dignity, well-being, and best
15 interests of youth in the care of the Department of Children
16 and Family Services, regardless of where such youth is placed.

1 (3) Out-of-state placements of youth do not diminish
2 Illinois' responsibility to ensure youth are protected from
3 foreseeable harm, discrimination, or denial of care that would
4 be lawful and clinically appropriate under Illinois law.

5 (4) Youth in foster care may present with higher rates of
6 trauma and a range of unmet medical, reproductive, sexual, and
7 gender-related health needs that may evolve over time and
8 require ongoing monitoring and appropriate treatment care.

9 (5) Youth voice is essential to sound child welfare
10 decision-making.

11 (6) When making placement decisions, the State of
12 Illinois, including the Department of Children and Family
13 Services, must solicit and meaningfully consider a youth's
14 expressed preferences in its evaluation of placement options
15 while conducting transparent, individualized risk assessments
16 of potential harms to the youth based on the youth's specific
17 circumstances.

18 (7) Regular Illinois-based caseworker contact is
19 necessary, among other important reasons, to identify the
20 emerging needs of youth, including pregnancy-related care,
21 contraception, and treatment for sexually transmitted
22 infections.

23 (8) Caseworkers coordinating and delivering services on
24 behalf of youth in the Department's care who are placed
25 out-of-state are obligated to provide lawful health care
26 coordination for these duties.

1 (9) Contracted providers and caregivers receiving State
2 funds from the Department of Children and Family Services must
3 comply with Illinois standards for care including, but not
4 limited to, laws, rules, and policies, as a condition of
5 licensure and contracting.

6 (10) To protect youth in the Department's care from harm
7 resulting from violations of specified provisions of this Act
8 and to ensure effective enforcement of this Act, the General
9 Assembly intends to provide the juvenile court with review
10 authority and the Department's Inspector General with
11 investigative authority to address alleged statutory
12 violations as tools for enforcement.

13 (11) The changes made by this Act shall be liberally
14 construed to protect the safety, dignity, well-being, and
15 rights of youth.

16 Section 5. The Children and Family Services Act is amended
17 by changing Sections 4d, 6a, 7, and 35.5 and by adding Sections
18 5g, 7.29, 7.30, and 7.31 as follows:

19 (20 ILCS 505/4d)

20 Sec. 4d. Definitions.

21 (a) As used in this Act:

22 "Caregiver" means a certified relative caregiver, relative
23 caregiver, or foster parent with whom a youth in care is
24 placed.

1 "Certified relative caregiver" has the meaning ascribed to
2 that term in Section 2.36 of the Child Care Act of 1969.

3 "Certified relative caregiver home" has the meaning
4 ascribed to that term in Section 2.37 of the Child Care Act of
5 1969.

6 "Child-specific record" and "youth-specific record" means
7 documentation maintained separately for an individual child or
8 youth within a family's case file.

9 "Fictive kin" means a person who is unrelated to a child by
10 birth, marriage, tribal custom, or adoption who is shown to
11 have significant and close personal or emotional ties with the
12 child or the child's family.

13 "Relative" means a person who is: (i) related to a child by
14 blood, marriage, tribal custom, adoption, or to a child's
15 sibling in any of the foregoing ways, even though the person is
16 not related to the child, when the child and the child's
17 sibling are placed together with that person or (ii) fictive
18 kin. For children who have been in the guardianship of the
19 Department following the termination of their parents'
20 parental rights, been adopted or placed in subsidized or
21 unsubsidized guardianship, and are subsequently returned to
22 the temporary custody or guardianship of the Department,
23 "relative" includes any person who would have qualified as a
24 relative under this Section prior to the termination of the
25 parents' parental rights if the Department determines, and
26 documents, or the court finds that it would be in the child's

1 best interests to consider this person a relative, based upon
2 the factors for determining best interests set forth in
3 subsection (4.05) of Section 1-3 of the Juvenile Court Act of
4 1987.

5 "Relative caregiver" means a person responsible for the
6 care and supervision of a child placed by the Department,
7 other than the parent, who is a relative.

8 "Relative home" means a home of a relative that is not a
9 foster family home or a certified relative caregiver home but
10 provides care to a child placed by the Department who is a
11 relative of a household member of the relative's home.

12 "Sensitive identity information" means personal data that
13 is linked or reasonably linkable to a child or youth and
14 identifies the child's or youth's sexual orientation, as the
15 term is defined in subsection (0-1) of Section 1-103 of the
16 Illinois Human Rights Act.

17 "Subsidized guardian" means a person who signs a
18 subsidized guardianship agreement prior to being appointed as
19 plenary guardian of the person of a minor.

20 "Subsidized guardianship" means a permanency outcome when
21 a caregiver is appointed as a plenary guardian of the person of
22 a minor exiting the foster care system, who receives
23 guardianship assistance program payments. Payments may be
24 funded through State funds, federal funds, or both State and
25 federal funds.

26 "Third party" means any entity other than the Department

1 of Children and Family Services.

2 "Youth in care" means persons placed in the temporary
3 custody or guardianship of the Department pursuant to the
4 Juvenile Court Act of 1987.

5 (b) The changes made to this Section by this amendatory
6 Act of the 104th General Assembly apply on and after January 1,
7 2028.

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

9 (20 ILCS 505/5g new)

10 Sec. 5g. Administrative safeguards for sensitive identity
11 information.

12 (a) The Department shall protect a child from unnecessary
13 and unapproved disclosure of the child's sensitive identity
14 information. Before the child discloses the child's sensitive
15 identity information to the Department or its service
16 providers, the Department shall notify the child of the
17 circumstances in which the Department or its service providers
18 are permitted or required to share the child's sensitive
19 identity information without the child's knowledge and
20 agreement; however, if disclosure of the child's sensitive
21 identity information to the Department or its service
22 providers has already occurred, the Department shall ensure
23 that the child is informed of the circumstances in which the
24 Department or its service providers are permitted or required
25 to share the child's sensitive identity information, at the

1 soonest opportunity, but no later than 14 days after the
2 disclosure occurs. The Department shall document this
3 discussion with the child in the Department's records, in a
4 manner consistent with Department policy regarding
5 documentation of sensitive identity information.

6 As used in this Section, "service provider" means an
7 entity providing services or care for youth on behalf of the
8 Department pursuant to a contract, grant agreement, or
9 purchase-of-service agreement or any other entity
10 subcontracted or otherwise engaged in the furtherance of those
11 services, including, but not limited to, academic and research
12 institutions and entities that collect, process, analyze,
13 store, share, or otherwise use Department data that includes
14 personal data that is or can be reasonably linked to an
15 identified or identifiable individual served by the
16 Department.

17 (b) If the Department discloses a child's sensitive
18 identity information to the federal government, as required
19 under federal law or pursuant to an order of a court of
20 competent jurisdiction, the Department shall:

21 (1) limit such disclosure to the scope, purpose, and
22 receiving party, and information necessary to comply with
23 the specific legal necessity of that disclosure;

24 (2) narrow, limit, or de-identify that information to
25 the fullest extent legally permitted before such
26 disclosure;

1 (3) notify the child of the scope of the disclosure
2 and receiving party as soon as the Department is legally
3 permitted to inform the child; and

4 (4) document the date the Department made the
5 disclosure, the scope of disclosure, the recipient party
6 of the disclosure, and the activities completed by the
7 Department to fulfill the obligations of paragraphs (1),
8 (2), and (3).

9 The Department shall ensure its service providers are also
10 contractually obligated to limit disclosure of a child's
11 sensitive identity information to a manner consistent with the
12 restrictions described under this subsection.

13 (c) Deidentified sensitive information.

14 (1) Datasets and aggregated data, including data
15 related to a child's sensitive identity information that
16 cannot reasonably be used to infer information about,
17 reidentify, or otherwise be linked to an identified or
18 identifiable child, is not considered a child's sensitive
19 identity information for the purposes of this Section if
20 the Department:

21 (A) takes reasonable measures to ensure the data
22 cannot be linked to a child even if combined with other
23 datasets or sources; and

24 (B) contractually obligates any third party
25 recipient to process such data only in a de-identified
26 manner; and

1 (C) prohibits any attempts to re-identify
2 de-identified data.

3 (2) The Department shall not aggregate children's
4 sensitive identity information unless:

5 (A) the information is gathered and maintained as
6 de-identified sensitive information, as provided under
7 paragraph (1); or

8 (B) the Department has a legitimate service
9 delivery need that cannot be accomplished without the
10 specific children's sensitive identity information.

11 (3) Any third party granted access to Department data
12 systems or records that include a child's sensitive
13 identity information shall be prohibited from aggregating
14 children's sensitive identity information in any manner
15 that is not de-identified as prescribed under paragraph
16 (1).

17 (d) Child-specific documentation requirement. The
18 Department shall:

19 (1) maintain child-specific narrative sections within
20 service plans, integrated assessments, and court reports;

21 (2) ensure that sensitive identity information
22 concerning one child is not included in generalized family
23 summaries or a sibling's child-specific record unless
24 materially relevant to the safety or placement of that
25 child's sibling or siblings or the permanency goal; and

26 (3) ensure a child is aware that the child's sensitive

1 identity information is necessary for court reporting if
2 the sensitive identity information is materially relevant
3 to advance the child's permanency goal or ensure the
4 child's safety or appropriate service provision.

5 (e) Internal electronic access controls. No later than
6 January 1, 2028, the Department shall implement internal
7 safeguards within its electronic case management systems to:

8 (1) limit access to a child's sensitive identity
9 information to personnel with a documented case-related
10 need; and

11 (2) segregate sensitive identity information fields
12 from general case summaries where technologically
13 feasible.

14 (f) The provisions of this Section apply on and after
15 January 1, 2028.

16 (20 ILCS 505/6a) (from Ch. 23, par. 5006a)

17 Sec. 6a. Case plan.

18 (a) With respect to each Department client for whom the
19 Department is providing placement service, the Department
20 shall develop a case plan designed to stabilize the family
21 situation and prevent placement of a child outside the home of
22 the family when the child can be cared for at home without
23 endangering the child's health or safety, reunify the family
24 if temporary placement is necessary when safe and appropriate,
25 or move the child toward an appropriate permanent living

1 arrangement and permanent legal status, consistent with the
2 child's best interest, using the factors set forth in
3 subsection (4.05) of Section 1-3 of the Juvenile Court Act of
4 1987. Such case plan shall provide for the utilization of
5 family preservation services as defined in Section 8.2 of the
6 Abused and Neglected Child Reporting Act. Such case plan shall
7 be reviewed and updated every 6 months. The Department shall
8 ensure that incarcerated parents are able to participate in
9 case plan reviews via teleconference or videoconference. Where
10 appropriate, the case plan shall include recommendations
11 concerning alcohol or drug abuse evaluation.

12 If the parent is incarcerated, the case plan must address
13 the tasks that must be completed by the parent and how the
14 parent will participate in the administrative case review and
15 permanency planning hearings and, wherever possible, must
16 include treatment that reflects the resources available at the
17 facility where the parent is confined. The case plan must
18 provide for visitation opportunities, unless visitation is not
19 in the best interests of the child.

20 (a-5) (1) As used in this subsection:

21 "Protected characteristic" has the meaning ascribed to
22 that term in subsection (b) of Section 7.29.

23 "Supportive care" has the meaning ascribed to that term in
24 subsection (b) of Section 7.29.

25 (2) The case plan shall include tasks addressing the
26 responsibilities of a youth in care's caregiver regarding

1 safe, proper, and supportive care based on the youth in care's
2 needs and consistent with the youth in care's best interests,
3 including, but not limited to, the youth in care's protected
4 characteristics, and in alignment with the requirements of
5 Sections 7, 7.29, and 7.30.

6 (3) These caregiver responsibilities shall include, at a
7 minimum, the duty to:

8 (A) ensure that the youth in care's daily physical,
9 emotional, developmental, educational, cultural, and
10 social needs are met;

11 (B) maintain an environment providing supportive care
12 to treat the youth in care in a manner that meets the youth
13 in care's need for safety and security and is free from
14 harassment and abuse;

15 (C) collaborate with the youth in care's parents, the
16 Department, and service providers, when appropriate and
17 consistent with the youth in care's safety, best
18 interests, as determined by the Department or juvenile
19 court, and permanency plan, to promote the youth in care's
20 well-being and connection to family and community; and

21 (D) maintain the youth in care's privacy.

22 As needed, the youth in care's case plan shall identify
23 specific actions the caregiver must take to fulfill these
24 responsibilities.

25 (4) Case plans shall address each youth in care's health
26 care needs and specify steps the Department and caregivers

1 shall take to ensure timely provision of health care,
2 including, but not limited to, arranging transportation and
3 ensuring the youth in care can attend appointments. If the
4 Department is placing or has placed a youth in care in a
5 jurisdiction outside the State of Illinois, and that
6 jurisdiction exposes a youth in care to risk of adverse action
7 as defined in subsection (b) of Section 7.30 and as determined
8 by the Department, the case plan shall, consistent with
9 Department policy regarding documentation of sensitive
10 identity information, include steps the Department is taking
11 to mitigate any identified risk of adverse action and ensure
12 that the youth in care continues to receive the full
13 protections and benefits guaranteed by the laws of this State,
14 as required under Sections 7, 7.29, and 7.30. This includes,
15 but is not limited to, coordination with out-of-state
16 providers or Illinois-based providers to ensure that a youth
17 in care can access and receive health care, including mental
18 health care, lawful in the State of Illinois and with the
19 privacy and confidentiality protections that Illinois law
20 affords. The Department shall document in the case plan the
21 steps the Department has taken to fulfill the obligations
22 under this subsection and Sections 7, 7.29, and 7.30 and
23 report this information to the court as part of the
24 Department's required efforts under Section 2-28 of the
25 Juvenile Court Act of 1987, in a manner consistent with
26 Department policy regarding documentation of sensitive

1 identity information.

2 (5) The Department shall provide guidance and support to
3 caregivers to ensure they have the resources necessary to meet
4 the responsibilities described in this subsection, including
5 culturally responsive and trauma-informed care practices. The
6 Department shall monitor the caregiver's fulfillment of the
7 caregiver's responsibilities and document it as part of the
8 youth in care's case review and permanency hearing process
9 required under this Act and report this information to the
10 court as part of the Department's required efforts under
11 Sections 2-27.2, 2-27.4, and 2-28 of the Juvenile Court Act of
12 1987, in a manner consistent with the Department's policy
13 regarding documentation of a youth's sensitive identity
14 information.

15 (6) Nothing in this subsection shall be construed to limit
16 or diminish:

17 (A) the rights of a youth in care to be free from
18 discrimination or to receive care consistent with the
19 protections guaranteed under State and federal law;

20 (B) the Department's obligation to act in the best
21 interest of a youth in care; or

22 (C) the Department's obligation to pursue
23 reunification with a parent when the permanency goal is
24 return home.

25 (b) The Department may enter into written agreements with
26 child welfare agencies to establish and implement case plan

1 demonstration projects. The demonstration projects shall
2 require that service providers develop, implement, review and
3 update client case plans. The Department shall examine the
4 effectiveness of the demonstration projects in promoting the
5 family reunification or the permanent placement of each client
6 and shall report its findings to the General Assembly no later
7 than 90 days after the end of the fiscal year in which any such
8 demonstration project is implemented.

9 (c) The changes made to this Section by this amendatory
10 Act of the 104th General Assembly apply on and after January 1,
11 2028.

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

13 (20 ILCS 505/7) (from Ch. 23, par. 5007)

14 Sec. 7. Placement of children; considerations.

15 (a) In placing any child under this Act, the Department
16 shall place the child, as far as possible, in the care and
17 custody of some individual holding the same religious belief
18 as the parents of the child, or with some child care facility
19 which is operated by persons of like religious faith as the
20 parents of such child.

21 (a-5) In placing a child under this Act, the Department
22 shall place the child with the child's sibling or siblings
23 under Section 7.4 of this Act unless the placement is not in
24 each child's best interest, or is otherwise not possible under
25 the Department's rules. If the child is not placed with a

1 sibling under the Department's rules, the Department shall
2 consider placements that are likely to develop, preserve,
3 nurture, and support sibling relationships, where doing so is
4 in each child's best interest.

5 (b) In placing a child under this Act, the Department
6 shall place a child with a relative if the Department
7 determines that the relative will be able to adequately
8 provide for the child's safety and welfare based on the
9 factors set forth in the Department's rules governing such
10 placements, and that the placement is consistent with the
11 child's best interests, taking into consideration the factors
12 set out in subsection (4.05) of Section 1-3 of the Juvenile
13 Court Act of 1987.

14 When the Department first assumes custody of a child, in
15 placing that child under this Act, the Department shall make
16 reasonable efforts to identify, locate, and provide notice to
17 all adult grandparents and other adult relatives of the child
18 who are ready, willing, and able to care for the child. At a
19 minimum, these diligent efforts shall be renewed each time the
20 child requires a placement change and it is appropriate for
21 the child to be cared for in a home environment. The Department
22 must document its efforts to identify, locate, and provide
23 notice to such potential relative placements and maintain the
24 documentation in the child's case file. The Department shall
25 complete the following initial family finding and relative
26 engagement efforts:

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

17 As used in this subsection (b), "family finding and
18 relative engagement" means conducting an investigation,
19 including, but not limited to, through a computer-based
20 search engine, to identify any person who would be
21 eligible to be a relative caregiver as defined in Section
22 4d of this Act and to connect a child, consistent with the
23 child's best interest, who may be disconnected from the
24 child's parents, with those relatives and kin in an effort
25 to provide family support or possible placement. If it is
26 known or there is reason to know that the child is an

1 Indian child, as defined in Section 4 of the Indian Child
2 Welfare Act of 1978 (25 U.S.C. 1903), "family finding and
3 relative engagement" also includes contacting the Indian
4 child's tribe to identify relatives and kin. ~~The No later~~
5 ~~than July 1, 2025, the~~ Department shall adopt rules
6 setting forth specific criteria as to family finding and
7 relative engagement efforts under this subsection (b) and
8 under Section 2-27.3 of the Juvenile Court Act of 1987,
9 including determining the manner in which efforts may or
10 may not be appropriate, consistent with the best interests
11 of the child.

12 (2) In accordance with Section 471(a)(29) of the
13 Social Security Act, the Department shall make diligent
14 efforts to provide all adult relatives who are located
15 with written notification and oral notification, in person
16 or by telephone, of all the following information:

17 (i) the child ~~minor~~ has been removed from the
18 custody of the child's ~~minor's~~ parent or guardian; and

19 (ii) an explanation of the various options to
20 participate in the care and placement of the child
21 ~~minor~~ and support for the child's ~~minor's~~ family,
22 including any options that may expire by failing to
23 respond. The notice shall provide information about
24 providing care for the child ~~minor~~ while the family
25 receives reunification services with the goal of
26 returning the child to the parent or guardian, how to

1 become a certified relative caregiver home, and
2 additional services and support that are available in
3 substitute care. The notice shall also include
4 information regarding, adoption and subsidized
5 guardianship assistance options, health care coverage
6 for a child ~~youth in care~~ under the medical assistance
7 program established under Article V of the Illinois
8 Public Aid Code, and other options for contact with
9 the child ~~minor~~, including, but not limited to,
10 visitation. Upon establishing the Department's kinship
11 navigator program, the notice shall also include
12 information regarding that benefit.

13 The ~~No later than July 1, 2025, the~~ Department shall adopt
14 or amend existing rules to implement the requirements of this
15 subsection, including what constitutes "diligent efforts" and
16 when exceptions, consistent with federal law, are appropriate.

17 (b-5) (1) If the Department determines that a placement
18 with any identified relative is not in the child's best
19 interests or that the relative does not meet the requirements
20 to be a relative caregiver, as set forth in Department rules or
21 by statute, the Department must document the basis for that
22 decision, maintain the documentation in the child's case file,
23 inform the identified relative of the relative's right to
24 reconsideration of the decision to deny placement with the
25 identified relative, provide the identified relative with a
26 description of the reconsideration process established in

1 accordance with subsection (o) of Section 5 of this Act, and
2 report this information to the court in accordance with the
3 requirements of Section 2-27.3 of the Juvenile Court Act of
4 1987.

5 If, pursuant to the Department's rules, any person files
6 an administrative appeal of the Department's decision not to
7 place a child with a relative, it is the Department's burden to
8 prove that the decision is consistent with the child's best
9 interests. The Department shall report information related to
10 these appeals pursuant to Section 46 of this Act.

11 When the Department determines that the child requires
12 placement in an environment, other than a home environment,
13 the Department shall continue to make reasonable efforts to
14 identify and locate relatives to serve as visitation resources
15 for the child and potential future placement resources, unless
16 excused by the court, as outlined in Section 2-27.3 of the
17 Juvenile Court Act of 1987.

18 If the Department determines that efforts to identify and
19 locate relatives would be futile or inconsistent with the
20 child's best interests, the Department shall document the
21 basis of its determination and maintain the documentation in
22 the child's case file.

23 If the Department determines that an individual or a group
24 of relatives are inappropriate to serve as visitation
25 resources or possible placement resources, the Department
26 shall document the basis of its determination, maintain the

1 documentation in the child's case file, inform the identified
2 relative of the relative's right to a reconsideration of the
3 decision to deny visitation with the identified relative,
4 provide the identified relative with a description of the
5 reconsideration process established in accordance with
6 subsection (o) of Section 5 of this Act, and report this
7 information to the court in accordance with the requirements
8 of Section 2-27.3 of the Juvenile Court Act of 1987.

9 When the Department determines that an individual or a
10 group of relatives are appropriate to serve as visitation
11 resources or possible future placement resources, the
12 Department shall document the basis of its determination,
13 maintain the documentation in the child's case file, create a
14 visitation or transition plan, or both, and incorporate the
15 visitation or transition plan, or both, into the child's case
16 plan. The Department shall report this information to the
17 court as part of the Department's family finding and relative
18 engagement efforts required under Section 2-27.3 of the
19 Juvenile Court Act of 1987. For the purpose of this
20 subsection, any determination as to the child's best interests
21 shall include consideration of the factors set out in
22 subsection (4.05) of Section 1-3 of the Juvenile Court Act of
23 1987.

24 (2) The Department may initially place a child in a foster
25 family home as defined under Section 2.17 of the Child Care Act
26 of 1969 or a certified relative caregiver home as defined

1 under Section 4d of this Act. Initial placement may also be
2 made with a relative who is not yet a certified relative
3 caregiver if all of the following conditions are met:

4 (A) The prospective relative caregiver and all other
5 adults in the home must authorize and submit to a
6 background screening that includes the components set
7 forth in subsection (c) of Section 3.4 of the Child Care
8 Act of 1969. If the results of a check of the Law
9 Enforcement Agencies Data System (LEADS) identifies a
10 prior criminal conviction of (i) the prospective relative
11 caregiver for an offense not prohibited under subsection
12 (c) of Section 3.4 of the Child Care Act of 1969 or (ii)
13 any other adult in the home for a felony offense, the
14 Department shall thoroughly investigate and evaluate the
15 criminal history, including an assessment of the person's
16 character and the impact that the criminal history has on
17 the prospective relative caregiver's ability to parent the
18 child. The investigation must consider the type of crime,
19 the number of crimes, the nature of the offense, the age of
20 the person at the time of the crime, the length of time
21 that has elapsed since the last conviction, the
22 relationship of the crime to the ability to care for
23 children, the role that the person will have with the
24 child, and any evidence of rehabilitation. Initial
25 placement may not be made if the results of a check of the
26 Law Enforcement Agencies Data System (LEADS) identifies a

1 prior criminal conviction of the prospective relative
2 caregiver for an offense prohibited under subsection (c)
3 of Section 3.4 of the Child Care Act of 1969; however, a
4 waiver may be granted for placement of the child in
5 accordance with subsection (v-4) of Section 5.

6 (B) The home safety and needs assessment requirements
7 set forth in paragraph (1) of subsection (b) of Section
8 3.4 of the Child Care Act of 1969 are satisfied.

9 (C) The prospective relative caregiver is able to meet
10 the physical, emotional, medical, and educational needs of
11 the specific child or children being placed by the
12 Department.

13 ~~The No later than July 1, 2025, the~~ Department shall adopt
14 rules or amend existing rules to implement the provisions of
15 this subsection (b-5). The rules shall outline the essential
16 elements of each form used in the implementation and
17 enforcement of the provisions of this amendatory Act of the
18 103rd General Assembly.

19 ~~Relative No later than July 1, 2025, relative~~ caregiver
20 payments shall be made to relative caregiver homes as provided
21 under Section 5 of this Act. A relative with whom a child is
22 placed pursuant to this subsection may, but is not required
23 to, apply for licensure as a foster family home pursuant to the
24 Child Care Act of 1969; provided, however, that as of July 1,
25 1995, foster care payments shall be made only to licensed
26 foster family homes pursuant to the terms of Section 5 of this

1 Act.

2 The provisions added to this subsection (b) by Public Act
3 98-846 shall become operative on and after June 1, 2015.

4 (c) In placing a child under this Act, the Department
5 shall ensure that the child's health, safety, and best
6 interests are met. In rejecting placement of a child with an
7 identified relative, the Department shall (i) ensure that the
8 child's health, safety, and best interests are met, (ii)
9 inform the identified relative of the relative's right to
10 reconsideration of the decision and provide the identified
11 relative with a description of the reconsideration process
12 established in accordance with subsection (o) of Section 5 of
13 this Act, (iii) report that the Department rejected the
14 relative placement to the court in accordance with the
15 requirements of Section 2-27.3 of the Juvenile Court Act of
16 1987, and (iv) report the reason for denial in accordance with
17 Section 46 of this Act. In evaluating the best interests of the
18 child, the Department shall take into consideration the
19 factors set forth in subsection (4.05) of Section 1-3 of the
20 Juvenile Court Act of 1987.

21 The Department shall consider the individual needs of the
22 child and the capacity of the prospective caregivers or
23 prospective adoptive parents to meet the needs of the child.
24 When a child must be placed outside the child's home and cannot
25 be immediately returned to the child's parents or guardian, a
26 comprehensive, individualized assessment shall be performed of

1 that child at which time the needs of the child shall be
2 determined. The Department shall assess the prospective
3 caregivers' or prospective adoptive parents' ability to meet
4 the child's specific needs for safety, well-being, and
5 supportive care, as defined in subsection (b) of Section 7.29.
6 The prospective caregivers or prospective adoptive parents
7 shall expressly commit that they will comply with Sections 6a,
8 7, 7.29, and 7.30. Subject to subsection (f) of Section 7.29,
9 the Department shall not place a child without determining, as
10 part of the Department's placement suitability analysis, that
11 the prospective caregivers or prospective adoptive parents
12 have the capacity to meet the child's specific needs for
13 safety, well-being, and supportive care. Only if race, color,
14 gender identity, sexual orientation, or national origin is
15 identified as a legitimate factor in advancing the child's
16 best interests shall it be considered when placing a child.
17 ~~Race, color, or national origin shall not be routinely~~
18 ~~considered in making a placement decision.~~ The Department
19 shall make special efforts for the diligent recruitment of
20 potential foster and adoptive families that reflect the ~~ethnic~~
21 ~~and racial~~ diversity of the children for whom foster and
22 adoptive homes are needed. "Special efforts" shall include
23 contacting and working with community organizations and
24 religious organizations and may include contracting with those
25 organizations, utilizing local media and other local
26 resources, and conducting outreach activities.

1 Nothing in this subsection shall be construed to limit or
2 diminish: (i) the rights of a child to be free from
3 discrimination or to receive care consistent with the
4 protections guaranteed under State and federal law, (ii) the
5 Department's obligation to act in the best interests of a
6 child, or (iii) the Department's obligation to pursue
7 reunification with a parent when the permanency goal is return
8 home.

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

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

23 (e) The Department in placing children in relative
24 caregiver, certified relative caregiver, adoptive, or foster
25 care homes may not, in any policy or practice relating to the
26 placement of children for adoption or foster care,

1 discriminate against any child or prospective caregiver or
2 adoptive parent on the basis of race.

3 (f) The changes made to this Section by this amendatory
4 Act of the 104th General Assembly apply on and after January 1,
5 2028.

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

7 (20 ILCS 505/7.29 new)

8 Sec. 7.29. Department, service provider, and caregiver
9 conduct to prevent harmful treatment of youth.

10 (a) Legislative findings and intent. The General Assembly
11 finds and declares:

12 (1) When the State of Illinois, through the Department
13 of Children and Family Services, removes a youth from the
14 care of a parent or guardian and assumes legal custody of
15 that youth, the State undertakes an affirmative and
16 non-delegable duty to other states to safeguard the
17 youth's safety, well-being, dignity, developmental
18 interests, and fundamental rights.

19 (2) The State has a compelling interest in ensuring
20 the safety, well-being, and development of all youth in
21 the Department's care. The State's duty to protect youth
22 in its care is continuous and is not extinguished by
23 placement with foster parents, relative caregivers, or
24 contracted service providers. Out-of-state placement of a
25 youth in the Department's care does not diminish the

1 State's ultimate responsibility for ensuring lawful, safe,
2 supportive care, and equitable treatment.

3 (3) Youth under the Department's care are entitled to
4 supportive care, services, and treatment free from
5 discrimination, arbitrary decision-making, and unequal
6 protection. The vulnerability inherent in State custody
7 requires heightened attention to fairness, neutrality, and
8 the protection of individual rights.

9 (4) It is expressly recognized that Department,
10 service provider, and caregiver conduct, as well as
11 placement conditions, directly affect youth permanency,
12 well-being, and fair and equitable treatment.

13 (5) It is the purpose of this Section to clarify and
14 reinforce the obligations of the State and those acting
15 under its authority to ensure that youth receive
16 nondiscriminatory and supportive care consistent with
17 principles of safety, dignity, stability, and equal
18 treatment, and to provide clear mechanisms for
19 accountability where those obligations are violated.

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

21 "Protected characteristic" means any characteristic
22 included in the definition of unlawful discrimination as
23 defined in Section 1-103 of the Illinois Human Rights Act,
24 including, but not limited to, actual or perceived race,
25 color, religion, sex, sexual orientation, gender-related
26 identity, national origin, ancestry, disability, pregnancy,

1 reproductive health decisions, or marital status.

2 "Service provider" means an entity providing services or
3 care for youth on behalf of the Department in accordance with a
4 contract, grant agreement, or purchase-of-service agreement or
5 any other entity subcontracted or otherwise engaged in the
6 furtherance of those services.

7 "Supportive care" means Department, service provider, and
8 caregiver practices that are supportive of and responsive to a
9 youth's lived experience, needs, and protected characteristics
10 and do not subject the youth to rejection or hostility based
11 on, or coercive efforts to change, a protected characteristic.

12 "Youth" has the meaning ascribed to that term in
13 subsection (b) of Section 4e.

14 (c) Applicability. This Section applies to the Department,
15 service providers, and caregivers for youth.

16 (d) Department, service provider, and caregiver conduct
17 requirements to protect youth rights. The Department, service
18 providers, and caregivers shall:

19 (1) cooperate and support services, care planning, and
20 placements that are consistent with the youth's health,
21 safety, well-being, and best interests;

22 (2) adhere to privacy-protective documentation
23 practices regarding the youth, consistent with Department
24 policy regarding documentation of sensitive identity
25 information; and

26 (3) provide supportive care consistent with the

1 youth's case plan and best interests.

2 (e) Prohibited conduct.

3 (1) The Department, service providers, and caregivers
4 are prohibited from engaging in conduct that:

5 (A) demeans, harasses, rejects, intentionally
6 disregards, discriminates against, or retaliates
7 against a youth based on a youth's protected
8 characteristic or characteristics;

9 (B) intentionally interferes with services,
10 supports, or treatment identified in the youth's case
11 plan;

12 (C) discloses or compels disclosure of a youth's
13 sensitive identity information, without the youth's
14 expressed consent, consistent with Department policy
15 regarding documentation of sensitive identity
16 information.

17 (2) The Department and service providers shall not:

18 (A) exclude a youth from participation in, deny a
19 youth the benefits of, or subject a youth to
20 discrimination under any program or activity based on
21 that youth's protected characteristic or
22 characteristics;

23 (B) utilize criteria or methods of administration
24 that have the effect of subjecting youth to
25 discrimination because of the youth's protected
26 characteristic or characteristics; or

1 (C) discourage, interfere with, or retaliate
2 against a person who seeks to report a suspected or
3 known statutory violation of this Section to an
4 enforcement entity.

5 (f) Scope and limitations.

6 (1) If a youth does not affirmatively express support
7 for being placed or remaining placed with a caregiver who
8 does not expressly commit to comply with the conduct
9 obligations of this Section or a caregiver who committed
10 conduct that violates the conduct requirements of
11 subsection (d) or is prohibited under subsection (e), the
12 Department shall not determine it is in the youth's best
13 interest to be placed or remain placed with this caregiver
14 and the Department shall decline to place or maintain
15 placement for the youth based on the caregiver's inability
16 to meet the required conduct obligations under this
17 Section. The Department shall not disclose a youth's lack
18 of affirmative expressed support to the prospective or
19 current caregiver. If a youth affirmatively expresses
20 support for being placed or remaining placed with a
21 caregiver who does not expressly commit to comply with the
22 conduct obligations under this Section or a caregiver who
23 committed conduct that violates the conduct required under
24 subsection (d) or is prohibited under subsection (e), and
25 the Department determines that such placement is in the
26 youth's best interest, the Department may place the youth

1 with this caregiver.

2 (2) If a youth is placed or remains placed with a
3 caregiver in such circumstances as permitted under
4 paragraph (1), the Department shall document the youth's
5 affirmative expression of support for placement with this
6 caregiver using age-appropriate and developmentally
7 appropriate methods, including, but not limited to:
8 interviews, written statements, structured surveys,
9 clinical evaluations or consultations, drawings, or guided
10 play. After affirmatively expressing such support for this
11 placement, the youth has the right to withdraw this
12 support at any time and the Department has an ongoing
13 obligation to monitor whether the youth maintains or
14 withdraws such support. The Department shall inform the
15 youth of that right and provide the youth simple options
16 for the youth to communicate withdrawal of support to the
17 Department.

18 (g) Clinical judgment and safety exception. Actions taken
19 in accordance with the good-faith exercise of clinical
20 judgment by a licensed professional, or actions necessary to
21 address immediate risk of serious harm to youth or others,
22 shall not constitute a violation of this Section, provided
23 that such actions are not based on bias against a protected
24 characteristic, are narrowly tailored to address the
25 identified risk, and are documented in the youth-specific
26 record, consistent with Department policy regarding

1 documentation of sensitive identity information.

2 (h) Licensure and contract conditions. Compliance with
3 this Section is a condition of obtaining and maintaining
4 licensure, approval, and continued eligibility to provide care
5 under this Act and the Child Care Act of 1969 and shall be a
6 condition of any contract, grant, or purchase-of-service
7 agreement with the Department, including subcontractors.

8 (i) Violations and enforcement.

9 (1) Violations of this Section may result in
10 corrective action, license suspension or revocation,
11 contract termination, removal of a youth, enhanced
12 monitoring, placement holds, or other remedies authorized
13 by law.

14 (2) Any known, alleged, or suspected violation of a
15 statutory requirement of this Section shall immediately be
16 reported to the Department's Office of the Inspector
17 General, the court presiding over the youth's case in
18 accordance with the Juvenile Court Act of 1987, and the
19 youth's attorney and guardian ad litem. A known, alleged,
20 or suspected violation of a statutory requirement of this
21 Section constitutes a significant event and requires a
22 significant event report by the Department as defined in
23 Section 35.1 of this Act and paragraph (14.2) of Section
24 1-3 of the Juvenile Court Act of 1987.

25 (3) Any youth aggrieved by conduct that violates
26 subparagraph (A) or (B) of paragraph (2) of subsection (e)

1 or paragraph (1) of subsection (f) may seek review under
2 subsection (1.3) of Section 2-28 of the Juvenile Court Act
3 of 1987.

4 (4) This subsection is in addition to and does not
5 limit any enforcement authority of the Department or
6 diminish any other remedies available to the youth under
7 the law or equity.

8 (j) Mandatory disclosure of rights and enforcement
9 options. Upon a youth's entry into the Department's care, and
10 every 6 months thereafter, the Department shall provide youth
11 with written notice:

12 (1) in plain language in the youth's primary language;
13 (2) in an age and developmentally appropriate format;
14 (3) in a manner accessible to individuals with
15 disabilities;

16 (4) describing the youth's rights under this Section
17 and the types of violations and conduct that may be
18 reported; and

19 (5) the contact information for and procedures by
20 which the youth can report alleged violations described in
21 accordance with paragraph (4) to the Department's
22 Inspector General, the Department's licensing division, or
23 the court presiding over the youth's case in accordance
24 with the Juvenile Court Act of 1987. The caseworker shall
25 document in the youth's case file that the required
26 disclosure of rights and enforcement options was provided

1 to the youth in a format that is age appropriate,
2 developmentally appropriate, and tailored to the youth's
3 individual needs.

4 (k)(1) This Section shall be construed broadly to promote
5 the safety, well-being, best interest, and equitable treatment
6 of youth, consistent with the State's compelling interest in
7 protecting youth.

8 (2) Nothing in this Section shall be construed to:

9 (A) compel an individual's beliefs or religious
10 practices;

11 (B) require the Department, service providers, or
12 caregivers to provide medical treatment beyond that
13 authorized by law, court order, parental or guardian
14 consent, or Department policy; or

15 (C) prohibit reasonable and developmentally
16 appropriate limits necessary to protect the safety of the
17 youth or others.

18 (3) Nothing in this Section shall be construed to limit or
19 diminish: (i) the rights of a youth to be free from
20 discrimination or to receive care consistent with the
21 protections guaranteed under State and federal law; (ii) the
22 Department's obligation to comply with subsection (o) of
23 Section 5 and rules and procedures developed in accordance
24 with that subsection (o); (iii) the Department's obligation to
25 act in the youth's best interests; or (iv) a youth's right to
26 seek any other enforcement or legal remedies for violations

1 available under law or equity.

2 (l) No later than July 1, 2027, the Department shall
3 propose rules for adoption to implement the statutory
4 protections under this Section. Rules shall address standards
5 and criteria for conduct required or prohibited under
6 subsections (d) and (e), including, but not limited to, the
7 application of the terms used in this Section. No later than
8 January 1, 2028, the Department shall adopt such rules.

9 (m) If any provision of this Section or its application to
10 any person or circumstance is held invalid, the invalidity of
11 that provision or application does not affect other provisions
12 or applications of this Section that can be given effect
13 without the invalid provision or application.

14 (n) The provisions under subsections (d), (e), (f), (g),
15 (h), (i), (j), and (k) apply on and after January 1, 2028.

16 (20 ILCS 505/7.30 new)

17 Sec. 7.30. Protecting access to lawful health care for
18 youth placed outside the State of Illinois.

19 (a) Findings. The General Assembly finds and declares
20 that:

21 (1) Youth in the care of the Department remain subject
22 to the jurisdiction of Illinois courts regardless of
23 placement location.

24 (2) Access to medically appropriate health care is
25 essential to youth safety and well-being. Denial or delay

1 of medically appropriate health care may result in serious
2 physical and mental health consequences.

3 (3) The Department has a continuing obligation to act
4 in the best interests of youth, including ensuring access
5 to lawful, medically appropriate health care permitted
6 under Illinois law, and protection from being forced to
7 receive care that has been prohibited under Illinois law.

8 (4) It is the policy of this State to ensure that all
9 youth in the care of the Department receive the full
10 measure of protections, rights, and services guaranteed
11 under Illinois law, regardless of where the youth is
12 placed by the Department.

13 (5) The General Assembly intends to protect the rights
14 of youth placed by the Department outside the State of
15 Illinois and require the Department to take affirmative
16 steps to protect these youth when they are the subjects of
17 a pending case under the Juvenile Court Act of 1987.

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

19 "Coordination of lawful health care" means activities
20 related to arranging, referring, facilitating access to,
21 monitoring, or advocating for health care services, including
22 mental health care, that is lawful in the State of Illinois.
23 This includes communications necessary to effectuate such
24 services, for youth placed outside the State of Illinois.

25 "Interstate placement" means the placement of a youth in a
26 relative home, foster home, residential facility, or other

1 placement located outside this State, including placements
2 made in accordance with the Interstate Compact on the
3 Placement of Children. It does not include living arrangements
4 involving youth returning to, or remaining in, the custody of
5 a parent out-of-state.

6 "Protected characteristic" has the meaning ascribed to
7 that term in subsection (b) of Section 7.29.

8 "Risk of adverse action" means a loss of a protection
9 available under Illinois law that would otherwise be available
10 to a youth if not for the placement of a youth outside the
11 physical boundaries of the State of Illinois that can be
12 reasonably predicted to have the effect of one or more of the
13 following: exposing a youth or a youth's caregiver to criminal
14 prosecution under the laws of another state related to the
15 youth procuring or receiving health care, including mental
16 health care, that is lawful in the State of Illinois;
17 depriving a youth of access to health care, including mental
18 health care, that is lawful in the State of Illinois;
19 subjecting a youth to mental health care in another state that
20 involves "sexual orientation change efforts"; denying a youth
21 the authority to consent to health care that the youth would
22 otherwise be permitted to consent to if the youth were in the
23 State of Illinois; or depriving a youth of the ability to
24 maintain the privacy of the youth's health care records that
25 the youth would otherwise be permitted to deny a parent's or
26 guardian's access to if the youth were participating in health

1 care services in Illinois.

2 "Sexual orientation change efforts" means any mental
3 health practices or treatments that seek to change an
4 individual's sexual orientation, as defined by subsection
5 (O-1) of Section 1-103 of the Illinois Human Rights Act,
6 including efforts to change behaviors or gender expressions or
7 to eliminate or reduce sexual or romantic attractions or
8 feelings toward individuals of the same sex. "Sexual
9 orientation change efforts" does not include counseling or
10 mental health services that provide acceptance, support, and
11 understanding of a person without seeking to change sexual
12 orientation or mental health services that facilitate a
13 person's coping, social support, and gender identity
14 exploration and development, including sexual orientation
15 neutral interventions to prevent or address unlawful conduct
16 or unsafe sexual practices, without seeking to change sexual
17 orientation.

18 "Youth" has the meaning ascribed to that term in
19 subsection (b) of Section 4e.

20 (c) The Department shall not determine that an interstate
21 placement is in a youth's best interests if:

22 (1) the interstate placement exposes a youth to risk
23 of adverse action, in light of the youth's specific
24 circumstances;

25 (2) the risk of adverse action cannot be sufficiently
26 and effectively mitigated, as determined by the

1 Department; and

2 (3) the youth does not affirmatively express support
3 for being placed or remaining placed in that interstate
4 placement.

5 The Department shall document the youth's preference
6 regarding being placed in or remaining in an interstate
7 placement using age-appropriate and developmentally
8 appropriate methods, including, but not limited to:
9 interviews, written statements, structured surveys, clinical
10 evaluations and consultations, drawings, or guided play.

11 After affirmatively expressing the youth's preference for
12 being placed or remaining placed in the interstate placement,
13 the youth maintains the right to withdraw support or
14 opposition at any time and the Department has an ongoing
15 obligation to monitor whether the youth continues or withdraws
16 support. The Department shall inform the youth of that right
17 and provide the youth simple options for the youth to
18 communicate withdrawal of support or opposition to the
19 Department. If a youth does not affirmatively express support
20 for being placed in or remaining placed in an interstate
21 placement that would expose the youth to unmitigated risk of
22 adverse action, as determined by the Department, the
23 Department shall not determine it is in a youth's best
24 interest to be placed or remain placed in the interstate
25 placement and the Department shall decline to place or
26 maintain placement based on unmitigated risk of adverse

1 action, as determined by the Department. The Department shall
2 not disclose a youth's lack of support for a placement that
3 exposes the youth to unmitigated risk of adverse action to the
4 prospective or current interstate placement.

5 (d) Individualized placement assessment for interstate
6 placements.

7 (1) Prior to interstate placement of a youth age 8 or
8 older outside the State of Illinois, the Department shall
9 conduct an individualized assessment of the suitability
10 and risks of adverse action posed by the proposed
11 placement for the specific youth. If the interstate
12 placement of a youth age 8 or older occurred before
13 January 1, 2028, the Department shall complete this
14 initial assessment before February 1, 2028 and begin
15 monitoring and reassessment of suitability and risk of
16 adverse action as provided under this Section while the
17 youth remains in an interstate placement. If a youth is
18 placed in an interstate placement before turning age 8,
19 the Department shall commence this initial assessment
20 within 30 days of the youth reaching age 8 and begin
21 monitoring and reassessment of suitability and risk of
22 adverse action as provided under this Section while the
23 youth remains in that placement. Assessments required
24 under this Section shall consider, as appropriate:

25 (A) the youth's age, development, and expressed
26 preferences;

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

4 (C) whether the laws and regulations in the
5 placement jurisdiction may limit or interfere with
6 access to care or services that would be lawful under
7 Illinois law, including, but not limited to,
8 reproductive health care as defined in Section 1-10 of
9 the Reproductive Health Act, lawful health care as
10 defined in Section 28-10 of the Lawful Health Care
11 Activity Act, a youth's authority to consent to care
12 under Sections 1, 3, 4, and 5 of the Consent by Minors
13 to Health Care Services Act, the privacy protections
14 afforded to youth under the Mental Health and
15 Developmental Disabilities Confidentiality Act, birth
16 control services and information available to youth
17 under the Birth Control Services to Minors Act, and
18 the ability of youth to request and receive outpatient
19 counseling services and psychotherapy under the Mental
20 Health and Developmental Disabilities Code;

21 (D) the youth's vulnerability to discrimination,
22 retaliation, or harm based on the youth's protected
23 characteristics or other individualized factors;

24 (E) whether the Department's plan to mitigate any
25 risk of adverse action is sufficient to meet the
26 youth's needs, which may include plans to arrange

1 equivalent protections or access to relevant health
2 care through contractual obligations and supplemental
3 services or by ensuring the youth's safe return to the
4 State of Illinois to access care; and

5 (F) the youth's best interest, taking into account
6 the factors listed in subsection (4.05) of Section 1-3
7 of the Juvenile Court Act of 1987.

8 The Department shall document the assessment in the
9 youth-specific record, including the basis for the
10 placement, the Department's determination that the
11 placement is or is not in the youth's best interest, the
12 assessment of protections available, risk of adverse
13 action, and the specific actions taken or to be taken, if
14 any, including protective measures to mitigate against any
15 risk of adverse action, as determined by the Department,
16 report this information to the court as required under
17 Sections 2-27.2, 2-27.4, and 2-28 of the Juvenile Court
18 Act of 1987, in a manner consistent with Department policy
19 regarding documentation of sensitive identity information.
20 If the Department places the youth age 8 or older
21 out-of-state, the Department shall continue to report this
22 information to the court at permanency hearings as part of
23 the Department's required efforts under Section 2-28 of
24 the Juvenile Court Act of 1987, in a manner consistent
25 with Department policy regarding documentation of
26 sensitive identity information. If the Department places a

1 youth under age 8 out-of-state, the Department shall begin
2 to report this information to the court as part of the
3 Department's required efforts under Sections 2-27.2 and
4 2-27.4 and at permanency hearings under Section 2-28 of
5 the Juvenile Court Act of 1987, in a manner consistent
6 with Department policy regarding documentation of
7 sensitive identity information, when the youth reaches the
8 age of 8.

9 The Department shall provide the youth's attorney or
10 guardian ad litem appointed under the Juvenile Court Act
11 of 1987 with a copy of the assessment within 10 days of the
12 assessment being finalized. If the Department plans to
13 move the youth to the interstate placement within 10 days
14 after the finalization of the assessment, the Department
15 shall provide the copy of the assessment to the youth's
16 attorney or guardian ad litem immediately upon completion.

17 (2) If the initial placement assessment for a youth
18 age 8 or older finds that the placement poses risk of
19 adverse action relevant to the youth's specific
20 circumstances and that risk cannot be sufficiently and
21 effectively mitigated for this youth's circumstances, as
22 determined by the Department, the Department shall not
23 place a youth age 8 or older in an interstate placement
24 unless the Department: (i) determines that the placement
25 is in the youth's best interest, (ii) documents that the
26 youth affirmatively expresses support for the placement,

1 as required by this Section, (iii) the youth has been
2 sufficiently advised of the diminished protections
3 available and the risk of action these diminished
4 protections pose in light of the youth's specific
5 circumstances, and (iv) the youth has been provided the
6 opportunity to consult with the attorney appointed to
7 represent the youth under the Juvenile Court Act of 1987.
8 If a youth who is affirmatively expressing support for
9 placement despite the unmitigated risk of adverse action
10 is not already represented by an attorney, the Department
11 shall notify the court hearing the youth's case in
12 accordance with the Juvenile Court Act of 1987 that an
13 attorney for the youth should be appointed in accordance
14 with subsection (a-5) of Section 2-27.2 or subsection (c)
15 of Section 2-27.4 of the Juvenile Court Act of 1987. The
16 Department shall provide notice to the court in a manner
17 consistent with Department policy regarding documentation
18 of sensitive identity information.

19 (3) If a youth was under age 8 at the time of
20 interstate placement and the initial placement assessment
21 required under this subsection for youth reaching the age
22 8 after interstate placement finds that the jurisdiction
23 in which the youth is placed poses a risk of adverse action
24 relevant to the youth's specific circumstances and that
25 risk of adverse action cannot be sufficiently and
26 effectively mitigated for the youth's circumstances, as

1 determined by the Department, the Department must confirm
2 whether the youth affirmatively expresses support for
3 remaining in the interstate placement.

4 If the youth indicates that the youth does not support
5 remaining in the interstate placement because there is
6 unmitigated risk of adverse action in light of the youth's
7 specific circumstances, the Department shall intervene by
8 returning the youth to Illinois or identifying alternative
9 placement options that comport with the requirements of
10 this Section, consistent with the youth's best interests.

11 If, in responding to the Department's inquiry, the
12 youth affirmatively expresses support for remaining in the
13 interstate placement despite the unmitigated risk of
14 adverse action the diminished protections pose in light of
15 the youth's specific circumstances, the Department shall
16 not maintain this interstate placement unless: (i) the
17 Department determines that the placement is in the youth's
18 best interest, (ii) the Department documents that the
19 youth affirmatively expresses support for the placement,
20 as required by this Section, (iii) the youth has been
21 sufficiently advised of the diminished protections
22 available and the risk of adverse action these diminished
23 protections pose in light of the youth's specific
24 circumstances, and (iv) the youth has been provided the
25 opportunity to consult with the attorney appointed to
26 represent the youth under the Juvenile Court Act of 1987.

1 If that youth is not already represented by an attorney,
2 the Department shall notify the court hearing the youth's
3 case in accordance with the Juvenile Court Act of 1987
4 that an attorney for the youth should be appointed in
5 accordance with subsection (a-5) of Section 2-27.2 or
6 subsection (c) of Section 2-27.4 of the Juvenile Court Act
7 of 1987. The Department shall provide notice to the court
8 in a manner consistent with Department policy regarding
9 documentation of sensitive identity information.

10 Following the Department's determination that the risk
11 of adverse action cannot be sufficiently and effectively
12 mitigated, the Department shall immediately notify the
13 attorney appointed to represent the youth under the
14 Juvenile Court Act of 1987 when the Department is
15 considering action under this paragraph to allow the
16 youth's attorney to consult with the youth.

17 (4) Nothing in this subsection requires court approval
18 prior to interstate placement unless otherwise required by
19 law.

20 (e) Ongoing duty for Illinois-based caseworker contact and
21 monitoring of interstate placement.

22 (1) For any youth age 8 or older placed outside the
23 State of Illinois, the Department shall ensure that an
24 Illinois-based caseworker maintains regular and meaningful
25 contact with the youth for the purpose of monitoring and
26 reassessing safety, well-being, access to medically

1 appropriate care, and risk of adverse action in light of
2 the youth's specific circumstances. At a minimum, such
3 contact shall include:

4 (A) direct communication, in person or via
5 videoconferencing, with the youth at intervals
6 consistent with Department policy, but not less
7 frequently than once per month in a manner that
8 permits the youth to speak freely, without the undue
9 influence of others and outside the presence of the
10 caregiver, about the youth's needs and concerns
11 related to health, safety, and well-being;

12 (B) in person visits at intervals consistent with
13 Department policy based on the youth's placement type
14 and level of need but not less than twice a year for
15 approved foster placements and relative caregivers and
16 not less than quarterly for residential or qualified
17 residential treatment program placements, completed by
18 Department-designated qualified staff;

19 (C) monitoring whether the youth's placement is
20 complying with the Department's plan to ensure the
21 youth is receiving care that meets or exceeds Illinois
22 standards for safety, well-being, permanency planning,
23 and the provision of, and access to, health care;

24 (D) identifying emerging or reasonably foreseeable
25 health care needs, including reproductive and sexual
26 health needs, in light of the youth's age,

1 development, and specific circumstances; and

2 (E) reassessing whether the placement continues to
3 meet the youth's needs, in light of any changes in the
4 youth's circumstances, and revising efforts to
5 mitigate risk of adverse action, as necessary, to
6 ensure the youth's interests are protected and needs
7 are being met. Caseworker contact required under this
8 subsection shall be documented in the case record and
9 reported to the court at permanency hearings as
10 required under Section 2-28 of the Juvenile Court Act
11 of 1987, in a manner consistent with Department policy
12 regarding documentation of sensitive identity
13 information.

14 Nothing in subparagraph (B) shall be construed to
15 require Department employees to incur personal expense to
16 fulfill in-person visits, as required by this subsection.
17 The Department shall provide advance payment of all
18 reasonable and necessary expenses associated with
19 conducting required in-person visits, as indicated in this
20 subsection.

21 (2) The ongoing monitoring and reassessment required
22 under this subsection shall recognize that a youth's
23 health care needs may change over time and shall not be
24 limited to conditions or needs identified at the time of
25 placement. The Department shall document such
26 reassessments in the youth's case-specific record and

1 include the reassessments in the youth's service plan, in
2 a manner consistent with Department policy regarding
3 documentation of sensitive identity information.

4 (3) The Department shall confirm whether the youth
5 affirmatively supports remaining in the interstate
6 placement if the:

7 (A) Department's ongoing monitoring and
8 reassessment required under this subsection finds that
9 the interstate placement poses risk of adverse action
10 relevant to the youth's specific circumstances and
11 that risk of adverse action cannot be sufficiently and
12 effectively mitigated for the youth's specific
13 circumstances, as determined by the Department, while
14 the youth remains in the interstate placement, as
15 required under this Section; or

16 (B) Department learns of a denial, delay, or
17 material interference with health care approved by the
18 Department, ordered by an Illinois court, or consented
19 to by the youth as permitted by Illinois law providing
20 youth the authority to consent.

21 If the youth no longer affirmatively expresses support
22 for remaining in the interstate placement, the Department
23 shall intervene by returning the youth to Illinois or
24 identifying alternative placement options that comport
25 with the requirements of this Section, consistent with the
26 youth's best interests.

1 If, in responding to the Department's inquiry, the
2 youth affirmatively expresses support for remaining in
3 that interstate placement despite unmitigated risk of
4 adverse action the diminished protections pose in light of
5 the youth's specific circumstances, the Department shall
6 not maintain this interstate placement unless: (i) the
7 Department determines it is in the youth's best interest,
8 (ii) the Department documents that the youth affirmatively
9 expresses support for the placement, as required by this
10 Section, (iii) the youth has been sufficiently advised of
11 the diminished protections available and the risk of
12 adverse action these diminished protections pose in light
13 of the youth's specific circumstances, and (iv) the youth
14 has been provided the opportunity to consult with the
15 attorney appointed to represent the youth under the
16 Juvenile Court Act of 1987.

17 If this youth is not already represented by an
18 attorney, the Department shall notify the court hearing
19 the youth's case in accordance with the Juvenile Court Act
20 of 1987 that an attorney for the youth should be appointed
21 in accordance with subsection (a-5) of Section 2-27.2 or
22 subsection (c) of Section 2-27.4 of the Juvenile Court Act
23 of 1987. The Department shall provide notice to the court
24 in a manner consistent with Department policy regarding
25 documentation of sensitive identity information.

26 Following the Department's determination that risk of

1 adverse action cannot be sufficiently and effectively
2 mitigated, the Department shall immediately notify the
3 attorney appointed to represent the youth under the
4 Juvenile Court Act of 1987 with sufficient notice to allow
5 the youth's attorney to consult with the youth.

6 (4) Ongoing reassessment under this subsection does
7 not require the completion of an assessment form; instead,
8 the Department's analysis and any revisions to the initial
9 assessment may be documented in the format of a case note.

10 (f) Protection of Department employees and service
11 provider employees. No employee of the Department or a service
12 provider responsible for coordination of lawful health care
13 shall be subject to discipline, retaliation, adverse
14 employment action, civil liability, or criminal liability
15 solely for the coordination of lawful health care for a youth
16 in an interstate placement, when such coordination is
17 undertaken in good faith and within the scope of the
18 employee's or agent's official duties in accordance with
19 Sections 7.29 and 7.30.

20 To the fullest extent State and federal law permit, the
21 Department shall not cooperate with or provide assistance to
22 any out-of-state investigation, enforcement action, subpoena,
23 or request that seeks to impose civil, criminal, or
24 professional penalties on an employee based solely on the
25 coordination of lawful health care.

26 (g) Enforcement. Failure to comply with this Section

1 constitutes grounds for the Department to deny or terminate
2 placement or take licensing action, corrective action, or
3 other remedial action authorized by law. A known, alleged, or
4 suspected violation of a statutory requirement in this Section
5 constitutes a significant event and requires a significant
6 event report by the Department as defined in Section 35.1 of
7 this Act and paragraph (14.2) of Section 1-3 of the Juvenile
8 Court Act of 1987.

9 (h) The Department shall retain authority, as guardian, to
10 consent to and authorize health care for youth in accordance
11 with Illinois law and applicable court orders. This authority
12 applies regardless of the youth's physical location, including
13 when a youth is placed in a residential, hospital, or other
14 interstate setting, unless a court of competent jurisdiction
15 grants such authority to another guardian or parent.

16 (i) The requirements of this Section apply to all
17 interstate placements.

18 (j) Construction.

19 (1) Nothing in this Section shall be construed to:

20 (A) provide immunity for any act or omission
21 unrelated to the coordination of lawful health care;

22 (B) require any person or entity to violate the
23 laws of another state;

24 (C) authorize conduct that is not otherwise lawful
25 under Illinois law;

26 (D) regulate the practice of medicine in another

1 state;

2 (E) limit the authority of Illinois courts over
3 youth for whom the Department retains legal custody;

4 (F) require another state to permit or provide
5 health care services; or

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

8 (2) Nothing in this Section shall be construed to
9 limit or diminish: (i) the rights of a youth to be free
10 from discrimination or to receive care consistent with the
11 protections guaranteed under State and federal law; (ii)
12 the Department's obligation to comply with subsection (o)
13 of Section 5 of this Act or rules and procedures developed
14 in accordance with that subsection (o), Section 2-27.2 and
15 subsection (2.5) of Section 2-28 of the Juvenile Court Act
16 of 1987, and applicable provisions of the Interstate
17 Compact on the Placement of Children; or (iii) the
18 Department's obligation to act in the youth's best
19 interests.

20 (3) This Section shall be construed broadly to promote
21 the safety, well-being, best interest, and equitable
22 treatment of youth, consistent with the State's compelling
23 interest in protecting youth.

24 (k) If any provision of this Section or its application to
25 any person or circumstance is held invalid, the invalidity of
26 that provision or application does not affect other provisions

1 or applications of this Section that can be given effect
2 without the invalid provision or application.

3 (1) The provisions of this Section apply on and after
4 January 1, 2028.

5 (20 ILCS 505/7.31 new)

6 Sec. 7.31. Public transparency and accountability
7 reporting.

8 (a) Beginning January 1, 2029, and annually every January
9 1 thereafter, the Department shall post on its website data
10 from the preceding State fiscal year regarding:

11 (1) The following information for each youth placed
12 out-of-state: age, gender, type of placement (relative,
13 foster home, adoptive home, institution, detention, or any
14 other type of placement), and the name of the state in
15 which the youth is placed.

16 (2) A list of the significant event reports the
17 Department received reporting alleged or known statutory
18 violations of Section 7.29 with a brief description of the
19 nature of each significant event, summarized in a manner
20 that protects the youth's identity from being revealed,
21 and whether the significant event involved the conduct of
22 the Department or a service provider.

23 (3) The number of youth reviewed under subsection
24 (1.3) of Section 2-28 of the Juvenile Court Act of 1987.
25 For each youth reviewed, a brief description of the

1 alleged violation, summarized in a manner that protects
2 the youth's identity from being revealed, and the court's
3 determination as to whether a violation occurred.

4 (4) A list of the significant event reports the
5 Department received reporting alleged or known statutory
6 violations of Section 7.30 with a brief description of the
7 nature of each significant event, summarized in a manner
8 that protects the youth's identity from being revealed,
9 and whether the significant event involved the conduct of
10 the Department or a service provider.

11 (5) A list of the enforcement actions taken by the
12 Department under Section 8.1b of the Child Care Act of
13 1969 with a brief description of the type of conduct
14 addressed, summarized in a manner that protects the
15 youth's identity from being revealed, and the type of
16 enforcement action taken by the Department.

17 (6) The number of youth appointed legal counsel for
18 purposes of subsections (d) and (e) of Section 7.30.

19 The Department shall include a description of the
20 methodology the Department used to collect the data for
21 paragraphs (1) through (6), indicate whether the Department
22 had any difficulties collecting the data, and indicate whether
23 there are concerns about the validity of the data. If any of
24 the data elements required to be disclosed under this Section
25 could reasonably be linked to an identified or identifiable
26 youth in combination with the other information due to small

1 sample size, the Department shall exclude the data elements
2 that could be used to identify the youth and report that the
3 specific data element was excluded for this reason.

4 (b) Performance audits. Three years after the effective
5 date of this amendatory Act of the 104th General Assembly, the
6 Auditor General shall commence a performance audit of the
7 Department to determine whether the Department is meeting the
8 requirements established by this amendatory Act of the 104th
9 General Assembly in Sections 5g, 6a, 7, 7.29, 7.30, and 35.5 of
10 this Act, Section 8.1b of the Child Care Act of 1969, and
11 Sections 2-27.2, 2-27.4, and 2-28 of the Juvenile Court Act of
12 1987. Within 3 years after the audit's release, the Auditor
13 General shall commence a follow-up performance audit to
14 determine whether the Department has implemented the
15 recommendations contained in the initial performance audit.

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

24 (c) The provisions of this Section apply on and after
25 January 1, 2028.

1 (20 ILCS 505/35.5)

2 Sec. 35.5. Inspector General.

3 (a) The Governor shall appoint, and the Senate shall
4 confirm, an Inspector General who shall have the authority to
5 conduct investigations into allegations of or incidents of
6 possible misconduct, misfeasance, malfeasance, or violations
7 of rules, procedures, or laws by any employee, foster parent,
8 service provider, or contractor of the Department of Children
9 and Family Services, except for allegations of violations of
10 the State Officials and Employees Ethics Act which shall be
11 referred to the Office of the Governor's Executive Inspector
12 General for investigation.

13 The Inspector General shall make recommendations to the
14 Director of Children and Family Services concerning sanctions
15 or disciplinary actions against Department employees or
16 providers of service under contract to the Department. The
17 Inspector General shall also make recommendations to the
18 Director concerning measures to be taken to remediate harm
19 caused to a youth who experienced harm due to conduct
20 violating a requirement in Section 7.29, including, but not
21 limited to, the provision of remedial services or other
22 remedies available under law or equity.

23 The Director of Children and Family Services shall provide
24 the Inspector General with an implementation report on the
25 status of any corrective actions taken on recommendations
26 under review and shall continue sending updated reports until

1 the corrective action is completed. The Director shall provide
2 a written response to the Inspector General indicating the
3 status of (i) any sanctions or disciplinary actions against
4 employees or providers of service involving any investigation
5 subject to review and (ii) any service provision or remedial
6 remedies recommended by the Inspector General to address harm
7 to a youth impacted by a violation of Section 7.29. In any
8 case, information included in the reports to the Inspector
9 General and Department responses shall be subject to the
10 public disclosure requirements of the Abused and Neglected
11 Child Reporting Act; however, any public disclosure pertaining
12 to violations of Section 7.29 shall be limited to information
13 that cannot reasonably be linked to an identified or
14 identifiable child in combination with other information, data
15 sets, or sources. Any investigation conducted by the Inspector
16 General shall be independent and separate from the
17 investigation mandated by the Abused and Neglected Child
18 Reporting Act. The Inspector General shall be appointed for a
19 term of 4 years. The Inspector General shall function
20 independently within the Department of Children and Family
21 Services with respect to the operations of the Office of
22 Inspector General, including the performance of investigations
23 and issuance of findings and recommendations, and shall report
24 to the Director of Children and Family Services and the
25 Governor and perform other duties the Director may designate.
26 The Inspector General shall adopt rules as necessary to carry

1 out the functions, purposes, and duties of the office of
2 Inspector General in the Department of Children and Family
3 Services, in accordance with the Illinois Administrative
4 Procedure Act and any other applicable law.

5 (b) The Inspector General shall have access to all
6 information and personnel necessary to perform the duties of
7 the office. To minimize duplication of efforts, and to assure
8 consistency and conformance with the requirements and
9 procedures established in the B.H. v. Suter consent decree and
10 to share resources when appropriate, the Inspector General
11 shall coordinate the Inspector General's activities with the
12 Bureau of Quality Assurance within the Department.

13 (c) The Inspector General shall be the primary liaison
14 between the Department and the Illinois State Police with
15 regard to investigations conducted under the Inspector
16 General's auspices. If the Inspector General determines that a
17 possible criminal act has been committed, or that special
18 expertise is required in the investigation, the Inspector
19 General shall immediately notify the Illinois State Police.
20 All investigations conducted by the Inspector General shall be
21 conducted in a manner designed to ensure the preservation of
22 evidence for possible use in a criminal prosecution.

23 (d) The Inspector General may recommend to the Department
24 of Children and Family Services, the Department of Public
25 Health, or any other appropriate agency, sanctions to be
26 imposed against service providers under the jurisdiction of or

1 under contract with the Department for the protection of
2 children in the custody or under the guardianship of the
3 Department who received services from those providers. The
4 Inspector General may seek the assistance of the Attorney
5 General or any of the several State's Attorneys in imposing
6 sanctions.

7 (e) The Inspector General shall at all times be granted
8 access to any foster home, facility, or program operated for
9 or licensed or funded by the Department.

10 (f) Nothing in this Section shall limit investigations by
11 the Department of Children and Family Services that may
12 otherwise be required by law or that may be necessary in that
13 Department's capacity as the central administrative authority
14 for child welfare.

15 (g) The Inspector General shall have the power to subpoena
16 witnesses and compel the production of books and papers
17 pertinent to an investigation authorized by this Act. The
18 power to subpoena or to compel the production of books and
19 papers, however, shall not extend to the person or documents
20 of a labor organization or its representatives insofar as the
21 person or documents of a labor organization relate to the
22 function of representing an employee subject to investigation
23 under this Act. Any person who fails to appear in response to a
24 subpoena or to answer any question or produce any books or
25 papers pertinent to an investigation under this Act, except as
26 otherwise provided in this Section, or who knowingly gives

1 false testimony in relation to an investigation under this Act
2 is guilty of a Class A misdemeanor.

3 (h) The Inspector General shall provide to the General
4 Assembly and the Governor, no later than January 1 of each
5 year, a summary of reports and investigations made under this
6 Section for the prior fiscal year. The summaries shall detail
7 the imposition of sanctions and the final disposition of those
8 recommendations. For investigations involving violations of
9 Section 7.29, the summaries shall detail: (i) the type of
10 alleged violation; (ii) the type of entity alleged to have
11 committed the conduct violation; (iii) whether any remedial
12 services or interventions were provided to the youth to remedy
13 harm related to the violation, if any; (iv) the final
14 disposition of investigative recommendations the Inspector
15 General provided to the Director and any reason provided to
16 the Inspector General for declining to follow a
17 recommendation, if any; and (v) any recommendations for
18 systemic improvement to prevent future violations, including
19 any enforcement mechanisms needed to ensure accountability for
20 violations. The Inspector General shall also provide a summary
21 of any reports received alleging conduct violating a
22 requirement under Section 7.29 or 7.30 that the Inspector
23 General chose not to investigate, if any, and the reason for
24 that decision. The summaries shall not contain any
25 confidential or identifying information concerning the
26 subjects of the reports and investigations. The summaries also

1 shall include detailed recommended administrative actions and
2 matters for consideration by the General Assembly.

3 (i) The changes made to this Section by this amendatory
4 Act of the 104th General Assembly apply on and after January 1,
5 2028.

6 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23.)

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

9 (225 ILCS 10/8.1b new)

10 Sec. 8.1b. Supportive care for youth placed; licensure and
11 contractual compliance.

12 (a) Any child care institution, group home, residential
13 treatment center, foster home, or child placing agency
14 licensed under this Act that serves a child in the care of the
15 Department of Children and Family Services shall comply with
16 Sections 5g, 6a, 7, 7.29, and 7.30 of the Children and Family
17 Services Act. As a condition of licensure under this Act and of
18 eligibility to contract with or receive placement referrals
19 from the Department, an entity licensed under this Act that
20 provides care to a child in the care of the Department shall
21 comply with Sections 5g, 6a, 7, 7.29, and 7.30 of the Children
22 and Family Services Act and agree, by contract or written
23 agreement, to comply with those Sections.

24 (b) Enforcement. Failure to comply with this Section 8.1b

1 constitutes grounds for the Department to deny or terminate
2 placement or take licensing action, corrective action, or
3 other remedial action authorized by law. Nothing in this
4 subsection relieves the Department of its obligations to
5 comply with the requirements of subsection (o) of Section 5 of
6 the Children and Family Services Act or rules and procedures
7 developed in accordance with that subsection (o).

8 (c) If any provision of this Section or its application to
9 any person or circumstance is held invalid, the invalidity of
10 that provision or application does not affect other provisions
11 or applications of this Section that can be given effect
12 without the invalid provision or application.

13 (d) The provisions of this Section apply on and after
14 January 1, 2028.

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

18 (705 ILCS 405/2-27.2)

19 Sec. 2-27.2. Placement; out-of-state residential treatment
20 center.

21 (a) In addition to the provisions of subsection (3) of
22 Section 2-27 of this Act, no placement by any probation
23 officer or agency whose representative is an appointed
24 guardian of the person or legal custodian of the minor may be

1 made in an out-of-state residential treatment center unless
2 the court has determined that the out-of-state residential
3 placement is in the best interest and is the least
4 restrictive, most family-like setting for the minor. The
5 Department's application to the court to place a minor in an
6 out-of-state residential treatment center shall include:

7 (1) an explanation of what in State resources, if any,
8 were considered for the minor and why the minor cannot be
9 placed in a residential treatment center or other
10 placement in this State;

11 (2) an explanation as to how the out-of-state
12 residential treatment center will impact the minor's
13 relationships with family and other individuals important
14 to the minor in and what steps the Department will take to
15 preserve those relationships;

16 (3) an explanation as to how the Department will
17 ensure the safety and well-being of the minor in the
18 out-of-state residential treatment center; ~~and~~

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

24 (5) if the minor is 8 years of age or older, consistent
25 with Department policy regarding documentation of
26 sensitive identity information, as that term is defined in

1 the Children and Family Services Act, an overview of the
2 individualized placement assessment required under
3 subsection (d) of Section 7.30 of the Children and Family
4 Services Act, including any risk of adverse action
5 identified, as determined by the Department, the
6 Department's plan to mitigate such risk of adverse action;
7 and

8 (6) an affirmative statement of the minor's
9 preferences regarding placement.

10 (a-5) In addition to any rights the minor may have under
11 Section 1-5 of this Act, if the minor is not already
12 represented by an attorney, the court shall appoint an
13 attorney for the minor upon notification from the Department
14 that the minor requires appointment of an attorney in
15 accordance with subsection (d) or (e) of Section 7.30 of the
16 Children and Family Services Act.

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

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

1 (d) The changes made to this Section by this amendatory
2 Act of the 104th General Assembly apply on and after January 1,
3 2028.

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

5 (705 ILCS 405/2-27.4 new)
6 Sec. 2-27.4. Assessment and monitoring for minors in
7 out-of-state placements.

8 (a) Applicability. This Section applies to minors age 8 or
9 older who are placed in out-of-state placements other than
10 residential treatment centers. This does not apply to minors
11 returned to, or remaining in, the custody of their parents.

12 (b) Court notification. No later than 5 days prior to the
13 Department of Children and Family Services' submission of an
14 Interstate Compact on the Placement of Children request to
15 place a minor, the Department shall submit a written report to
16 the court, consistent with Department policy regarding
17 documentation of sensitive identity information, as the term
18 is defined in the Children and Family Services Act,
19 explaining:

20 (1) the findings of the assessment required under
21 subsection (d) of Section 7.30 of the Children and Family
22 Services Act;

23 (2) the necessity and justification for the
24 out-of-state placement;

25 (3) the efforts of the Department of Children and

1 Family Services to identify an appropriate in-state
2 placement;

3 (4) the anticipated duration of the placement, if this
4 placement is not with a relative, as defined under Section
5 4d of the Children and Family Services Act;

6 (5) the Department's plan for maintaining regular and
7 meaningful contact between the Illinois-based assigned
8 caseworker and the minor as required under subsections (d)
9 and (e) of Section 7.30 of the Children and Family
10 Services Act;

11 (6) why the Department determined it to be in the
12 minor's best interest to be placed in the identified
13 placement and an affirmative statement of the minor's
14 preferences regarding the placement; and

15 (7) whether the minor is in need of an attorney in
16 accordance with subsection (d) or (e) of Section 7.30 of
17 the Children and Family Services Act.

18 (c) In addition to any rights the minor may have under
19 Section 1-5 of this Act, if the minor is not already
20 represented by an attorney, the court shall appoint an
21 attorney for the minor upon notification from the Department
22 that the minor requires appointment of an attorney in
23 accordance with subsection (d) or (e) of Section 7.30 of the
24 Children and Family Services Act.

25 (d) The provisions of this Section apply on and after
26 January 1, 2028.

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,

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

10 (1.3) (A) As used in this subsection:

11 "Direct case management, care, or placement" means work or
12 services of individual workers or caregivers employed,
13 contracted, or licensed by the Department or its service
14 providers for child welfare services provided directly to
15 individual minors, including, but not limited to, case
16 management, clinical services, foster or relative caregiver
17 services, and other placement services.

18 "Service provider" has the meaning ascribed to that term
19 in subsection (b) of Section 7.29 of the Children and Family
20 Services Act.

21 (B) Upon motion by any party or sua sponte the court shall
22 schedule a hearing to determine whether an individual
23 employed, contracted, or licensed to provide the minor's
24 direct case management, care, or placement by the Department
25 or its service providers has engaged in conduct that violates
26 the obligations of the Department or service provider set

1 forth in subparagraph (A) or (B) of paragraph (1) of
2 subsection (e) of Section 7.29 of the Children and Family
3 Services Act. Upon motion by any party or sua sponte the court
4 shall schedule a hearing to determine whether an individual
5 employed, contracted, or licensed to provide the minor's
6 direct case management, care, or placement by the Department
7 or its service providers has engaged in conduct that violates
8 the obligations of the Department or service provider set
9 forth in paragraph (1) of subsection (f) of Section 7.29 of the
10 Children and Family Services Act. The hearing shall be
11 scheduled with no later than 10 days of notice to the parties.

12 (C) The Department shall facilitate the minor's presence
13 for any proceedings regarding the alleged violation if the
14 minor wants to be present.

15 (D) If the minor does not have an attorney, the court shall
16 appoint one for the purposes of the hearing initiated under
17 this subsection.

18 (E) If, after reviewing evidence, including evidence from
19 the Department, the court determines that the individual
20 employed, contracted, or licensed to provide the minor's
21 direct case management, care, or placement by the Department
22 or its service providers has violated its obligations to the
23 minor under subparagraph (A) or (B) of paragraph (1) of
24 subsection (e) of Section 7.29 of the Children and Family
25 Services Act or under paragraph (1) of subsection (f) of
26 Section 7.29 of the Children and Family Services Act, the

1 court shall put in writing the factual basis supporting its
2 findings. Consistent with its findings, the court shall:

3 (i) order reasonable conditions of conduct to be
4 demonstrated by the violating employee, contractor, or
5 licensee for a specified period of time and may require
6 the Department to make periodic reports to the court
7 containing such information as the court in its discretion
8 may prescribe;

9 (ii) require the Department to show why the
10 Department's oversight may have failed to prevent conduct
11 that violated subparagraph (A) or (B) of paragraph (1) of
12 subsection (e) of Section 7.29 of the Children and Family
13 Services Act or paragraph (1) of subsection (f) of Section
14 7.29 of the Children and Family Services Act; and

15 (iii) require the Department to refer the allegation
16 of conduct in violation of subparagraph (A) or (B) of
17 paragraph (1) of subsection (e) of Section 7.29 of the
18 Children and Family Services Act or paragraph (1) of
19 subsection (f) of Section 7.29 of the Children and Family
20 Services Act to the Department's Inspector General for
21 investigation under Section 35.5 of the Children and
22 Family Services Act, if the Department has not done so
23 already.

24 (F) In addition to the required actions under paragraph
25 (E), within the scope of the existing expressly permitted
26 relief under the Juvenile Court Act of 1987, the court may

1 enter any and all reasonable orders to remediate harm and
2 prevent future harm to the minor, including, but not limited
3 to:

4 (i) services or finding a placement not appropriate
5 for the minor;

6 (ii) requiring the Department to submit a plan to
7 remedy the harm that resulted from the violation;

8 (iii) requiring the Department to investigate the
9 conduct of the individual or service provider responsible
10 or contributing to the conditions that resulted in the
11 violation; and

12 (iv) requiring the Department to implement a
13 recommendation by the minor's treating clinician, a
14 clinician contracted by the Department to evaluate the
15 minor, a recommendation made by the Department, or a
16 reasonable and relevant request for specific support made
17 by the minor.

18 In addition to any applicable finding, if the court
19 determines that the Department violated its obligations under
20 paragraph (1) of subsection (f) of Section 7.29 of the
21 Children and Family Services Act, the court shall put in
22 writing the factual basis supporting its determination and
23 enter specific findings based on the evidence that the minor's
24 placement is contrary to the minor's best interest and is not
25 necessary or appropriate. The court shall require the
26 Department to take immediate action to remedy the violation in

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

16 (G) Any order entered under this subsection shall be
17 directly related to the employed, contracted, or licensed
18 individual's violation of subparagraph (A) or (B) of paragraph
19 (1) of subsection (e) of Section 7.29 of the Children and
20 Family Services Act or paragraph (1) of subsection (f) of
21 Section 7.29 of the Children and Family Services Act and
22 intended to remediate harm caused by that minor-specific
23 violation or prevent future harm to the minor. Nothing in this
24 subsection diminishes a minor's right to seek any other remedy
25 and relief available to the minor at law or equity.

26 (1.5) The public agency that is the custodian or guardian

1 of the minor shall file a written report with the court no
2 later than 15 days after a minor in the agency's care remains:

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

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

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

10 The report shall explain the steps the agency is taking to
11 ensure the minor is placed appropriately, how the minor's
12 needs are being met in the minor's shelter placement, and if a
13 future placement has been identified by the Department, why
14 the anticipated placement is appropriate for the needs of the
15 minor and the anticipated placement date.

16 (1.6) Within 30 days after placing a minor ~~child~~ in its
17 care in a qualified residential treatment program, as defined
18 by the federal Social Security Act, the Department of Children
19 and Family Services shall prepare a written report for filing
20 with the court and send copies of the report to all parties.
21 Within 20 days of the filing of the report, or as soon
22 thereafter as the court's schedule allows but not more than 60
23 days from the date of placement, the court shall hold a hearing
24 to consider the Department's report and determine whether
25 placement of the minor ~~child~~ in a qualified residential
26 treatment program provides the most effective and appropriate

1 level of care for the minor child in the least restrictive
2 environment and if the placement is consistent with the
3 short-term and long-term goals for the minor child, as
4 specified in the permanency plan for the minor child. The
5 court shall approve or disapprove the placement. If
6 applicable, the requirements of Sections 2-27.1 and 2-27.2 of
7 this Act and Section 7.30 of the Children and Family Services
8 Act must also be met. The Department's written report and the
9 court's written determination shall be included in and made
10 part of the case plan for the minor child. If the minor child
11 remains placed in a qualified residential treatment program,
12 the Department shall submit evidence at each status and
13 permanency hearing:

14 (A) demonstrating that ongoing ~~on-going~~ assessment of
15 the strengths and needs of the minor child continues to
16 support the determination that the minor's child's needs
17 cannot be met through placement in a foster family home,
18 that the placement provides the most effective and
19 appropriate level of care for the minor child in the least
20 restrictive, appropriate environment, and that the
21 placement is consistent with the short-term and long-term
22 permanency goal for the minor child, as specified in the
23 permanency plan for the minor child;

24 (B) documenting the specific treatment or service
25 needs that should be met for the minor child in the
26 placement and the length of time the minor child is

1 expected to need the treatment or services;

2 (C) the efforts made by the agency to prepare the
3 minor child to return home or to be placed with a fit and
4 willing relative, a legal guardian, or an adoptive parent,
5 or in a foster family home; ~~and~~

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

9 (E) if applicable, consistent with the Department
10 policy regarding documentation of sensitive identity
11 information, as that term is defined in Section 4d of the
12 Children and Family Services Act, the efforts made by the
13 Department to monitor and mitigate the risk of adverse
14 action, as defined in subsection (b) of Section 7.30 of
15 the Children and Family Services Act, relevant to the
16 minor's circumstances in an out-of-state placement.

17 (2) The first permanency hearing shall be conducted by the
18 judge. Subsequent permanency hearings may be heard by a judge
19 or by hearing officers appointed or approved by the court in
20 the manner set forth in Section 2-28.1 of this Act. The initial
21 hearing shall be held (a) within 12 months from the date
22 temporary custody was taken, regardless of whether an
23 adjudication or dispositional hearing has been completed
24 within that time frame, (b) if the parental rights of both
25 parents have been terminated in accordance with the procedure
26 described in subsection (5) of Section 2-21, within 30 days of

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

23 The public agency that is the custodian or guardian of the
24 minor, or another agency responsible for the minor's care,
25 shall ensure that all parties to the permanency hearings are
26 provided a copy of the most recent service plan prepared

1 within the prior 6 months at least 14 days in advance of the
2 hearing. If not contained in the agency's service plan, the
3 agency shall also include a report setting forth the
4 following:

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

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

17 (C) whether a minor is placed in a licensed child care
18 facility under a corrective plan by the Department due to
19 concerns impacting the minor's safety and well-being. The
20 report shall explain the steps the Department is taking to
21 ensure the safety and well-being of the minor and that the
22 minor's needs are met in the facility;

23 (C-1) if the minor, age 8 or older, is placed outside
24 the State of Illinois, an explanation of any risk of
25 adverse action and efforts made by the Department to meet
26 its obligations under Section 7.30 of the Children and

1 Family Services Act, stated in a manner consistent with
2 Department policy regarding documentation of sensitive
3 identity information;

4 (C-2) an explanation of the minor's preferences
5 regarding placement; and

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

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

23 (ii) confirmation that the caseworker has
24 discussed with the minor's caregivers, the minor's
25 parents, as appropriate, and the minor as
26 age-appropriate, the distinctions between guardianship

1 and adoption, including, but not limited to, that
2 guardianship does not require termination of the
3 parent's rights or the consent of the parent;

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

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

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

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

24 (2.3) At the permanency hearing, the court shall determine
25 the permanency goal of the minor ~~child~~. The court shall set one
26 of the following permanency goals:

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

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

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

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

1 (C) The guardianship of the minor shall be transferred
2 to an individual or couple on a permanent basis. Prior to
3 changing the goal to guardianship, the court shall
4 consider the following:

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

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

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

15 (iv) whether the minor is placed with a relative⁷
16 and ~~beginning July 1, 2025,~~ whether the minor is
17 placed in a relative home as defined in Section 4d of
18 the Children and Family Services Act or in a certified
19 relative caregiver home as defined in Section 2.36 of
20 the Child Care Act of 1969; and

21 (v) 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 (D) The minor will be in substitute care pending court
26 determination on termination of parental rights. Prior to

1 changing the goal to substitute care pending court
2 determination on termination of parental rights, the court
3 shall consider the following:

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

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

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

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

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

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

1 (E) Adoption, provided that parental rights have been
2 terminated or relinquished.

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

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

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

1 provide services consistent with the goal selected.

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

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

7 (2) The court has deemed all other permanency
8 goals inappropriate based on the minor's ~~child's~~ best
9 interest;

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

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

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

22 (c) the minor ~~child~~ who is the subject of the
23 permanency hearing has existing close and strong
24 bonds with a sibling, and achievement of another
25 permanency goal would substantially interfere with
26 the subject minor's ~~child's~~ sibling relationship,

1 taking into consideration the nature and extent of
2 the relationship, and whether ongoing contact is
3 in the subject minor's ~~child's~~ best interest,
4 including long-term emotional interest, as
5 compared with the legal and emotional benefit of
6 permanence;

7 (4) The minor ~~child~~ has lived with the relative,
8 certified relative caregiver, or foster parent for at
9 least one year; and

10 (5) The relative, certified relative caregiver, or
11 foster parent currently caring for the minor ~~child~~ is
12 willing and capable of providing the minor ~~child~~ with
13 a stable and permanent environment.

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

20 (A) Age of the minor ~~child~~.

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

23 (C) Current placement of the minor ~~child~~ and the
24 intent of the family regarding subsidized guardianship and
25 adoption.

26 (D) Emotional, physical, and mental status or

1 condition of the minor ~~child~~.

2 (E) Types of services previously offered and whether
3 or not the services were successful and, if not
4 successful, the reasons the services failed.

5 (F) Availability of services currently needed and
6 whether the services exist.

7 (G) Status of siblings of the minor.

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

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

22 The court shall make findings as to whether, in violation
23 of Section 8.2 of the Abused and Neglected Child Reporting
24 Act, any portion of the service plan compels a minor ~~child~~ or
25 parent to engage in any activity or refrain from any activity
26 that is not reasonably related to remedying a condition or

1 conditions that gave rise or which could give rise to any
2 finding of child abuse or neglect. The services contained in
3 the service plan shall include services reasonably related to
4 remedy the conditions that gave rise to removal of the minor
5 ~~child~~ from the home of the minor's ~~child's~~ parents, guardian,
6 or legal custodian or that the court has found must be remedied
7 prior to returning the minor ~~child~~ home. Any tasks the court
8 requires of the parents, guardian, or legal custodian or minor
9 ~~child~~ prior to returning the minor ~~child~~ home must be
10 reasonably related to remedying a condition or conditions that
11 gave rise to or which could give rise to any finding of child
12 abuse or neglect.

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

21 The court shall review the Sibling Contact Support Plan
22 developed or modified under subsection (f) of Section 7.4 of
23 the Children and Family Services Act, if applicable. If the
24 Department has not convened a meeting to develop or modify a
25 Sibling Contact Support Plan, or if the court finds that the
26 existing Plan is not in the minor's ~~child's~~ best interest, the

1 court may enter an order requiring the Department to develop,
2 modify, or implement a Sibling Contact Support Plan, or order
3 mediation.

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

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

13 If, after receiving evidence, the court determines that
14 the services contained in the plan are not reasonably
15 calculated to facilitate achievement of the permanency goal,
16 the court shall put in writing the factual basis supporting
17 the determination and enter specific findings based on the
18 evidence. The court also shall enter an order for the
19 Department to develop and implement a new service plan or to
20 implement changes to the current service plan consistent with
21 the court's findings. The new service plan shall be filed with
22 the court and served on all parties within 45 days of the date
23 of the order. The court shall continue the matter until the new
24 service plan is filed. Except as authorized by subsection
25 (2.5) of this Section and as otherwise specifically authorized
26 by law, the court is not empowered under this Section to order

1 specific placements, specific services, or specific service
2 providers to be included in the service plan.

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

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

9 (2.5) If, after reviewing the evidence, including evidence
10 from the Department, the court determines that the minor's
11 current or planned placement is not necessary or appropriate
12 to facilitate achievement of the permanency goal, the court
13 shall put in writing the factual basis supporting its
14 determination and enter specific findings based on the
15 evidence. If the court finds that the minor's current or
16 planned placement is not necessary or appropriate, the court
17 may enter an order directing the Department to implement a
18 recommendation by the minor's treating clinician or a
19 clinician contracted by the Department to evaluate the minor
20 or a recommendation made by the Department. If the Department
21 places a minor in a placement under an order entered under this
22 subsection (2.5), the Department has the authority to remove
23 the minor from that placement when a change in circumstances
24 necessitates the removal to protect the minor's health,
25 safety, and best interest. If the Department determines
26 removal is necessary, the Department shall notify the parties

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

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

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

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

21 (i) (Blank).

22 (ii) Whether the services required by the court
23 and by any service plan prepared within the prior 6
24 months have been provided and (A) if so, whether the
25 services were reasonably calculated to facilitate the
26 achievement of the permanency goal or (B) if not

1 provided, why the services were not provided.

2 (iii) Whether the minor's current or planned
3 placement is necessary, and appropriate to the plan
4 and goal, recognizing the right of minors to the least
5 restrictive (most family-like) setting available and
6 in close proximity to the parents' home consistent
7 with the health, safety, best interest, and special
8 needs of the minor and, if the minor is placed
9 out-of-state, whether the out-of-state placement
10 continues to be appropriate and consistent with the
11 health, safety, and best interest of the minor with
12 sufficient measures to mitigate any risk of adverse
13 action taken by the Department, as required under
14 Section 7.30 of the Children and Family Services Act.

15 (iv) (Blank).

16 (v) (Blank).

17 (4) The minor or any person interested in the minor may
18 apply to the court for a change in custody of the minor and the
19 appointment of a new custodian or guardian of the person or for
20 the restoration of the minor to the custody of the minor's
21 parents or former guardian or custodian.

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

23 (a) The Department, the minor, or the current foster
24 parent or relative caregiver seeking private guardianship
25 may file a motion for private guardianship of the minor.
26 Appointment of a guardian under this Section requires

1 approval of the court.

2 (b) The State's Attorney may file a motion to
3 terminate parental rights of any parent who has failed to
4 make reasonable efforts to correct the conditions which
5 led to the removal of the minor ~~child~~ or reasonable
6 progress toward the return of the minor ~~child~~, as defined
7 in subdivision (D)(m) of Section 1 of the Adoption Act or
8 for whom any other unfitness ground for terminating
9 parental rights as defined in subdivision (D) of Section 1
10 of the Adoption Act exists.

11 When parental rights have been terminated for a
12 minimum of 3 years and the minor ~~child~~ who is the subject
13 of the permanency hearing is 13 years old or older and is
14 not currently placed in a placement likely to achieve
15 permanency, the Department of Children and Family Services
16 shall make reasonable efforts to locate parents whose
17 rights have been terminated, except when the Court
18 determines that those efforts would be futile or
19 inconsistent with the subject minor's ~~child's~~ best
20 interests. The Department of Children and Family Services
21 shall assess the appropriateness of the parent whose
22 rights have been terminated, and shall, as appropriate,
23 foster and support connections between the parent whose
24 rights have been terminated and the minor ~~youth~~. The
25 Department of Children and Family Services shall document
26 its determinations and efforts to foster connections in

1 the minor's ~~child's~~ case plan.

2 Custody of the minor shall not be restored to any parent,
3 guardian, or legal custodian in any case in which the minor is
4 found to be neglected or abused under Section 2-3 or dependent
5 under Section 2-4 of this Act, unless the minor can be cared
6 for at home without endangering the minor's health or safety
7 and it is in the best interest of the minor, and if such
8 neglect, abuse, or dependency is found by the court under
9 paragraph (1) of Section 2-21 of this Act to have come about
10 due to the acts or omissions or both of such parent, guardian,
11 or legal custodian, until such time as an investigation is
12 made as provided in paragraph (5) and a hearing is held on the
13 issue of the health, safety, and best interest of the minor and
14 the fitness of such parent, guardian, or legal custodian to
15 care for the minor and the court enters an order that such
16 parent, guardian, or legal custodian is fit to care for the
17 minor. If a motion is filed to modify or vacate a private
18 guardianship order and return the minor ~~child~~ to a parent,
19 guardian, or legal custodian, the court may order the
20 Department of Children and Family Services to assess the
21 minor's current and proposed living arrangements and to
22 provide ongoing monitoring of the health, safety, and best
23 interest of the minor during the pendency of the motion to
24 assist the court in making that determination. In the event
25 that the minor has attained 18 years of age and the guardian or
26 custodian petitions the court for an order terminating the

1 minor's guardianship or custody, guardianship or custody shall
2 terminate automatically 30 days after the receipt of the
3 petition unless the court orders otherwise. No legal custodian
4 or guardian of the person may be removed without the legal
5 custodian's or guardian's consent until given notice and an
6 opportunity to be heard by the court.

7 When the court orders a minor ~~child~~ restored to the
8 custody of the parent or parents, the court shall order the
9 parent or parents to cooperate with the Department of Children
10 and Family Services and comply with the terms of an aftercare
11 ~~after-care~~ plan, or risk the loss of custody of the minor ~~child~~
12 and possible termination of their parental rights. The court
13 may also enter an order of protective supervision in
14 accordance with Section 2-24.

15 If the minor is being restored to the custody of a parent,
16 legal custodian, or guardian who lives outside of Illinois,
17 and an Interstate Compact has been requested and refused, the
18 court may order the Department of Children and Family Services
19 to arrange for an assessment of the minor's proposed living
20 arrangement and for ongoing monitoring of the health, safety,
21 and best interest of the minor and compliance with any order of
22 protective supervision entered in accordance with Section
23 2-24.

24 (5) Whenever a parent, guardian, or legal custodian files
25 a motion for restoration of custody of the minor, and the minor
26 was adjudicated neglected, abused, or dependent as a result of

1 physical abuse, the court shall cause to be made an
2 investigation as to whether the movant has ever been charged
3 with or convicted of any criminal offense which would indicate
4 the likelihood of any further physical abuse to the minor.
5 Evidence of such criminal convictions shall be taken into
6 account in determining whether the minor can be cared for at
7 home without endangering the minor's health or safety and
8 fitness of the parent, guardian, or legal custodian.

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

12 (b) The information derived from the investigation and
13 any conclusions or recommendations derived from the
14 information shall be provided to the parent, guardian, or
15 legal custodian seeking restoration of custody prior to
16 the hearing on fitness and the movant shall have an
17 opportunity at the hearing to refute the information or
18 contest its significance.

19 (c) All information obtained from any investigation
20 shall be confidential as provided in Section 5-150 of this
21 Act.

22 (6) The changes made to this Section by this amendatory
23 Act of the 104th General Assembly apply on and after January 1,
24 2028.

25 (Source: P.A. 103-22, eff. 8-8-23; 103-154, eff. 6-30-23;
26 103-171, eff. 1-1-24; 103-605, eff. 7-1-24; 103-1061, eff.

1 2-5-25; 104-2, eff. 6-16-25; revised 8-20-25.)

2 (Text of Section after 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,

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

10 (1.3) (A) As used in this subsection:

11 "Direct case management, care, or placement" means work or
12 services of individual workers or caregivers employed,
13 contracted, or licensed by the Department or its service
14 providers for child welfare services provided directly to
15 individual minors, including, but not limited to, case
16 management, clinical services, foster or relative caregiver
17 services, and other placement services.

18 "Service provider" has the meaning ascribed to that term
19 in subsection (b) of Section 7.29 of the Children and Family
20 Services Act.

21 (B) Upon motion by any party or sua sponte the court shall
22 schedule a hearing to determine whether an individual
23 employed, contracted, or licensed to provide the minor's
24 direct case management, care, or placement by the Department
25 or its service providers has engaged in conduct that violates
26 the obligations of the Department or service provider set

1 forth in subparagraph (A) or (B) of paragraph (1) of
2 subsection (e) of Section 7.29 of the Children and Family
3 Services Act. Upon motion by any party or sua sponte the court
4 shall schedule a hearing to determine whether an individual
5 employed, contracted, or licensed to provide the minor's
6 direct case management, care, or placement by the Department
7 or its Service Providers has engaged in conduct that violates
8 the obligations of the Department or service provider set
9 forth in paragraph (1) of subsection (f) of Section 7.29 of the
10 Children and Family Services Act. The hearing shall be
11 scheduled with no later than 10 days of notice to the parties.

12 (C) The Department shall facilitate the minor's presence
13 for any proceedings regarding the alleged violation if the
14 minor wants to be present.

15 (D) If the minor does not have an attorney, the court shall
16 appoint one for the purposes of the hearing initiated under
17 this subsection.

18 (E) If, after reviewing evidence, including evidence from
19 the Department, the court determines that the individual
20 employed, contracted, or licensed to provide the minor's
21 direct case management, care, or placement by the Department
22 or its Service Providers has violated its obligations to the
23 minor under subparagraph (A) or (B) of paragraph (1) of
24 subsection (e) of Section 7.29 of the Children and Family
25 Services Act or paragraph (1) of subsection (f) of Section
26 7.29 of the Children and Family Services Act, the court shall

1 put in writing the factual basis supporting its findings.

2 Consistent with its findings, the court shall:

3 (i) order reasonable conditions of conduct to be
4 demonstrated by the violating employee, contractor, or
5 licensee for a specified period of time and may require
6 the Department to make periodic reports to the court
7 containing such information as the court in its discretion
8 may prescribe;

9 (ii) require the Department to show why the
10 Department's oversight may have failed to prevent conduct
11 that violated subparagraph (A) or (B) of paragraph (1) of
12 subsection (e) of Section 7.29 of the Children and Family
13 Services Act or paragraph (1) of subsection (f) of Section
14 7.29 of the Children and Family Services Act; and

15 (iii) require the Department to refer the allegation
16 of conduct in violation of subparagraph (A) or (B) of
17 paragraph (1) of subsection (e) of Section 7.29 of the
18 Children and Family Services Act or paragraph (1) of
19 subsection (f) of Section 7.29 of the Children and Family
20 Services Act to the Department's inspector general for
21 investigation under Section 35.5 of the Children and
22 Family Services Act, if the Department has not done so
23 already.

24 (F) In addition to the required actions under paragraph
25 (E), within the scope of the existing expressly permitted
26 relief under the Juvenile Court Act of 1987, the court may

1 enter any and all reasonable orders to remediate harm and
2 prevent future harm to the minor, including but not limited
3 to:

4 (i) services or finding a placement not appropriate
5 for the minor;

6 (ii) requiring the Department to submit a plan to
7 remedy the harm that resulted from the violation;

8 (iii) requiring the Department to investigate the
9 conduct of the individual or service provider responsible
10 or contributing to the conditions that resulted in the
11 violation; and

12 (iv) requiring the Department to implement a
13 recommendation by the minor's treating clinician, a
14 clinician contracted by the Department to evaluate the
15 minor, a recommendation made by the Department, or a
16 reasonable and relevant request for specific support made
17 by the minor.

18 In addition to any applicable finding, if the court
19 determines that the Department violated its obligations under
20 paragraph (1) of subsection (f) of Section 7.29 of the
21 Children and Family Services Act, the court shall put in
22 writing the factual basis supporting its determination and
23 enter specific findings based on the evidence that the minor's
24 placement is contrary to the minor's best interest and is not
25 necessary or appropriate. The court shall require the
26 Department to take immediate action to remedy the violation in

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

16 (G) Any order entered under this subsection shall be
17 directly related to the employed, contracted, or licensed
18 individual's violation of subparagraph (A) or (B) of paragraph
19 (1) of subsection (e) of Section 7.29 of the Children and
20 Family Services Act or paragraph (1) of subsection (f) of
21 Section 7.29 of the Children and Family Services Act and
22 intended to remediate harm caused by that minor-specific
23 violation or prevent future harm to the minor. Nothing in this
24 subsection diminishes a minor's right to seek any other remedy
25 and relief available to the minor at law or equity.

26 (1.5) The public agency that is the custodian or guardian

1 of the minor shall file a written report with the court no
2 later than 15 days after a minor in the agency's care remains:

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

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

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

10 The report shall explain the steps the agency is taking to
11 ensure the minor is placed appropriately, how the minor's
12 needs are being met in the minor's shelter placement, and if a
13 future placement has been identified by the Department, why
14 the anticipated placement is appropriate for the needs of the
15 minor and the anticipated placement date.

16 (1.6) Within 30 days after placing a minor ~~child~~ in its
17 care in a qualified residential treatment program, as defined
18 by the federal Social Security Act, the Department of Children
19 and Family Services shall prepare a written report for filing
20 with the court and send copies of the report to all parties.
21 Within 20 days of the filing of the report, or as soon
22 thereafter as the court's schedule allows but not more than 60
23 days from the date of placement, the court shall hold a hearing
24 to consider the Department's report and determine whether
25 placement of the minor ~~child~~ in a qualified residential
26 treatment program provides the most effective and appropriate

1 level of care for the minor child in the least restrictive
2 environment and if the placement is consistent with the
3 short-term and long-term goals for the minor child, as
4 specified in the permanency plan for the minor child. The
5 court shall approve or disapprove the placement. If
6 applicable, the requirements of Sections 2-27.1 and 2-27.2 of
7 this Act and Sections 7.30 and 7.31 of the Children and Family
8 Services Act must also be met. The Department's written report
9 and the court's written determination shall be included in and
10 made part of the case plan for the minor child. If the minor
11 ~~child~~ remains placed in a qualified residential treatment
12 program, the Department shall submit evidence at each status
13 and permanency hearing:

14 (A) demonstrating that ongoing ~~on-going~~ assessment of
15 the strengths and needs of the minor child continues to
16 support the determination that the minor's ~~child's~~ needs
17 cannot be met through placement in a foster family home,
18 that the placement provides the most effective and
19 appropriate level of care for the minor child in the least
20 restrictive, appropriate environment, and that the
21 placement is consistent with the short-term and long-term
22 permanency goal for the minor child, as specified in the
23 permanency plan for the minor child;

24 (B) documenting the specific treatment or service
25 needs that should be met for the minor child in the
26 placement and the length of time the minor child is

1 expected to need the treatment or services;

2 (C) detailing the efforts made by the agency to
3 prepare the minor child to return home or to be placed with
4 a fit and willing relative, a legal guardian, or an
5 adoptive parent, or in a foster family home;

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

9 (E) detailing efforts to ensure the minor is engaged
10 in age and developmentally appropriate activities to
11 develop life skills, which may include extracurricular
12 activities, coaching by caregivers, or instruction in
13 individual or group settings. For minors who have
14 participated in life skills assessments, the results of
15 such assessments and how the minor's identified needs are
16 being addressed; ~~and-~~

17 (F) if applicable, consistent with Department policy
18 regarding documentation of sensitive identity information,
19 as defined in Section 4d of the Children and Family
20 Services Act, the efforts made by the Department to
21 monitor and mitigate the risk of adverse action, as
22 defined in subsection (b) of Section 7.30 of the Children
23 and Family Services Act, relevant to the minor's
24 circumstances in an out-of-state placement.

25 (2) The first permanency hearing shall be conducted by the
26 judge. Subsequent permanency hearings may be heard by a judge

1 or by hearing officers appointed or approved by the court in
2 the manner set forth in Section 2-28.1 of this Act. The initial
3 hearing shall be held (a) within 12 months from the date
4 temporary custody was taken, regardless of whether an
5 adjudication or dispositional hearing has been completed
6 within that time frame, (b) if the parental rights of both
7 parents have been terminated in accordance with the procedure
8 described in subsection (5) of Section 2-21, within 30 days of
9 the order for termination of parental rights and appointment
10 of a guardian with power to consent to adoption, or (c) in
11 accordance with subsection (2) of Section 2-13.1. Subsequent
12 permanency hearings shall be held every 6 months or more
13 frequently if necessary in the court's determination following
14 the initial permanency hearing, in accordance with the
15 standards set forth in this Section, until the court
16 determines that the plan and goal have been achieved. Once the
17 plan and goal have been achieved, if the minor remains in
18 substitute care, the case shall be reviewed at least every 6
19 months thereafter, subject to the provisions of this Section,
20 unless the minor is placed in the guardianship of a suitable
21 relative or other person and the court determines that further
22 monitoring by the court does not further the health, safety,
23 or best interest of the minor ~~child~~ and that this is a stable
24 permanent placement. The permanency hearings must occur within
25 the time frames set forth in this subsection and may not be
26 delayed in anticipation of a report from any source or due to

1 the agency's failure to timely file its written report (this
2 written report means the one required under the next paragraph
3 and does not mean the service plan also referred to in that
4 paragraph).

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

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

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

25 (C) whether a minor is placed in a licensed child care
26 facility under a corrective plan by the Department due to

1 concerns impacting the minor's safety and well-being. The
2 report shall explain the steps the Department is taking to
3 ensure the safety and well-being of the minor and that the
4 minor's needs are met in the facility;

5 (C-1) if the minor, age 8 or older, is placed outside
6 the State of Illinois, an explanation of risk of adverse
7 action, an explanation of the adverse action and the
8 efforts made by the Department to meet its obligations
9 under Section 7.30 of the Children and Family Services
10 Act, stated in a manner consistent with Department policy
11 regarding documentation of sensitive identity information
12 as that term is defined in the Children and Family
13 Services Act;

14 (C-2) an explanation of the minor's preferences
15 regarding placement; and

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

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

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

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

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

26 (v) state the recommended permanency goal, why

1 that goal is recommended, and why the other potential
2 goals were not recommended.

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

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

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

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

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

1 adjudication during which the parent's progress will again
2 be reviewed.

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

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

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

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

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

25 (iv) whether the minor is placed with a relative,
26 and ~~beginning July 1, 2025,~~ whether the minor is

1 placed in a relative home as defined in Section 4d of
2 the Children and Family Services Act or in a certified
3 relative caregiver home as defined in Section 2.36 of
4 the Child Care Act of 1969; and

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

9 (D) The minor will be in substitute care pending court
10 determination on termination of parental rights. Prior to
11 changing the goal to substitute care pending court
12 determination on termination of parental rights, the court
13 shall 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 minor ~~child~~
23 values 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, in a certified
2 relative caregiver home as defined in Section 2.36 of
3 the Child Care Act of 1969;

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

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

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

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

23 (G) The minor will be in substitute care because the
24 minor cannot be provided for in a home environment due to
25 developmental disabilities or mental illness or because
26 the minor is a danger to self or others, provided that

1 goals (A) through (E) have been deemed inappropriate and
2 not in the minor's ~~child's~~ best interests.

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

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

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

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

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

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

1 foster care placement;

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

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

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

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

24 (2.4) The court shall set a permanency goal that is in the
25 best interest of the minor ~~child~~. In determining that goal,
26 the court shall consult with the minor in an age-appropriate

1 manner regarding the proposed permanency or transition plan
2 for the minor. The court's determination shall include the
3 following factors:

4 (A) Age of the minor ~~child~~.

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

7 (C) Current placement of the minor ~~child~~ and the
8 intent of the family regarding subsidized guardianship and
9 adoption.

10 (D) Emotional, physical, and mental status or
11 condition of the minor ~~child~~.

12 (E) Types of services previously offered and whether
13 or not the services were successful and, if not
14 successful, the reasons the services failed.

15 (F) Availability of services currently needed and
16 whether the services exist.

17 (G) Status of siblings of the minor.

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

23 The court shall consider (i) the permanency goal contained
24 in the service plan, (ii) the appropriateness of the services
25 contained in the plan and whether those services have been
26 provided, (iii) whether reasonable efforts have been made by

1 all the parties to the service plan to achieve the goal, and
2 (iv) whether the plan and goal have been achieved. All
3 evidence relevant to determining these questions, including
4 oral and written reports, may be admitted and may be relied on
5 to the extent of their probative value.

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

23 If the permanency goal is to return home, the court shall
24 make findings that identify any problems that are causing
25 continued placement of the minors ~~children~~ away from the home
26 and identify what outcomes would be considered a resolution to

1 these problems. The court shall explain to the parents that
2 these findings are based on the information that the court has
3 at that time and may be revised, should additional evidence be
4 presented to the court.

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

14 The court shall review the Department's efforts to provide
15 the minor with age and developmentally appropriate life
16 skills. If the court finds the Department's efforts are not in
17 the minor's best interest, the court may enter an order
18 requiring the Department to develop, modify, or implement the
19 service plan to develop the minor's life skills in an age and
20 developmentally appropriate manner.

21 ~~The Beginning July 1, 2025, the~~ court shall review the
22 Ongoing Family Finding and Relative Engagement Plan required
23 under Section 2-27.3. If the court finds that the plan is not
24 in the minor's best interest, the court shall enter specific
25 factual findings and order the Department to modify the plan
26 consistent with the court's findings.

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

4 If, after receiving evidence, the court determines that
5 the services contained in the plan are not reasonably
6 calculated to facilitate achievement of the permanency goal,
7 the court shall put in writing the factual basis supporting
8 the determination and enter specific findings based on the
9 evidence. The court also shall enter an order for the
10 Department to develop and implement a new service plan or to
11 implement changes to the current service plan consistent with
12 the court's findings. The new service plan shall be filed with
13 the court and served on all parties within 45 days of the date
14 of the order. The court shall continue the matter until the new
15 service plan is filed. Except as authorized by subsection
16 (2.5) of this Section and as otherwise specifically authorized
17 by law, the court is not empowered under this Section to order
18 specific placements, specific services, or specific service
19 providers to be included in the service plan.

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

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

26 (2.5) If, after reviewing the evidence, including evidence

1 from the Department, the court determines that the minor's
2 current or planned placement is not necessary or appropriate
3 to facilitate achievement of the permanency goal, the court
4 shall put in writing the factual basis supporting its
5 determination and enter specific findings based on the
6 evidence. If the court finds that the minor's current or
7 planned placement is not necessary or appropriate, the court
8 may enter an order directing the Department to implement a
9 recommendation by the minor's treating clinician or a
10 clinician contracted by the Department to evaluate the minor
11 or a recommendation made by the Department. If the Department
12 places a minor in a placement under an order entered under this
13 subsection (2.5), the Department has the authority to remove
14 the minor from that placement when a change in circumstances
15 necessitates the removal to protect the minor's health,
16 safety, and best interest. If the Department determines
17 removal is necessary, the Department shall notify the parties
18 of the planned placement change in writing no later than 10
19 days prior to the implementation of its determination unless
20 remaining in the placement poses an imminent risk of harm to
21 the minor, in which case the Department shall notify the
22 parties of the placement change in writing immediately
23 following the implementation of its decision. The Department
24 shall notify others of the decision to change the minor's
25 placement as required by Department rule.

26 (3) Following the permanency hearing, the court shall

1 enter a written order that includes the determinations
2 required under subsections (2) and (2.3) of this Section and
3 sets forth the following:

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

7 (b) If the permanency goal of the minor cannot be
8 achieved immediately, the specific reasons for continuing
9 the minor in the care of the Department of Children and
10 Family Services or other agency for short-term placement,
11 and the following determinations:

12 (i) (Blank).

13 (ii) Whether the services required by the court
14 and by any service plan prepared within the prior 6
15 months have been provided and (A) if so, whether the
16 services were reasonably calculated to facilitate the
17 achievement of the permanency goal or (B) if not
18 provided, why the services were not provided.

19 (iii) Whether the minor's current or planned
20 placement is necessary, and appropriate to the plan
21 and goal, recognizing the right of minors to the least
22 restrictive (most family-like) setting available and
23 in close proximity to the parents' home consistent
24 with the health, safety, best interest, and special
25 needs of the minor and, if the minor is placed
26 out-of-state, whether the out-of-state placement

1 continues to be appropriate and consistent with the
2 health, safety, and best interest of the minor with
3 sufficient measures to mitigate any risk of adverse
4 action taken by the Department as required under
5 Section 7.30 of the Children and Family Services Act,
6 if such circumstances are applicable.

7 (iv) (Blank).

8 (v) (Blank).

9 If the court sets a permanency goal of independence or if
10 the minor is 17 years of age or older, the court shall schedule
11 a Successful Transition to Adulthood Review hearing in
12 accordance with Section 2-28.2.

13 (4) The minor or any person interested in the minor may
14 apply to the court for a change in custody of the minor and the
15 appointment of a new custodian or guardian of the person or for
16 the restoration of the minor to the custody of the minor's
17 parents or former guardian or custodian.

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

19 (a) The Department, the minor, or the current foster
20 parent or relative caregiver seeking private guardianship
21 may file a motion for private guardianship of the minor.
22 Appointment of a guardian under this Section requires
23 approval of the court.

24 (b) The State's Attorney may file a motion to
25 terminate parental rights of any parent who has failed to
26 make reasonable efforts to correct the conditions which

1 led to the removal of the minor ~~child~~ or reasonable
2 progress toward the return of the minor ~~child~~, as defined
3 in subdivision (D)(m) of Section 1 of the Adoption Act or
4 for whom any other unfitness ground for terminating
5 parental rights as defined in subdivision (D) of Section 1
6 of the Adoption Act exists.

7 When parental rights have been terminated for a
8 minimum of 3 years and the minor ~~child~~ who is the subject
9 of the permanency hearing is 13 years old or older and is
10 not currently placed in a placement likely to achieve
11 permanency, the Department of Children and Family Services
12 shall make reasonable efforts to locate parents whose
13 rights have been terminated, except when the Court
14 determines that those efforts would be futile or
15 inconsistent with the subject minor's ~~child's~~ best
16 interests. The Department of Children and Family Services
17 shall assess the appropriateness of the parent whose
18 rights have been terminated, and shall, as appropriate,
19 foster and support connections between the parent whose
20 rights have been terminated and the youth. The Department
21 of Children and Family Services shall document its
22 determinations and efforts to foster connections in the
23 minor's ~~child's~~ case plan.

24 Custody of the minor shall not be restored to any parent,
25 guardian, or legal custodian in any case in which the minor is
26 found to be neglected or abused under Section 2-3 or dependent

1 under Section 2-4 of this Act, unless the minor can be cared
2 for at home without endangering the minor's health or safety
3 and it is in the best interest of the minor, and if such
4 neglect, abuse, or dependency is found by the court under
5 paragraph (1) of Section 2-21 of this Act to have come about
6 due to the acts or omissions or both of such parent, guardian,
7 or legal custodian, until such time as an investigation is
8 made as provided in paragraph (5) and a hearing is held on the
9 issue of the health, safety, and best interest of the minor and
10 the fitness of such parent, guardian, or legal custodian to
11 care for the minor and the court enters an order that such
12 parent, guardian, or legal custodian is fit to care for the
13 minor. If a motion is filed to modify or vacate a private
14 guardianship order and return the minor ~~child~~ to a parent,
15 guardian, or legal custodian, the court may order the
16 Department of Children and Family Services to assess the
17 minor's current and proposed living arrangements and to
18 provide ongoing monitoring of the health, safety, and best
19 interest of the minor during the pendency of the motion to
20 assist the court in making that determination. In the event
21 that the minor has attained 18 years of age and the guardian or
22 custodian petitions the court for an order terminating the
23 minor's guardianship or custody, guardianship or custody shall
24 terminate automatically 30 days after the receipt of the
25 petition unless the court orders otherwise. No legal custodian
26 or guardian of the person may be removed without the legal

1 custodian's or guardian's consent until given notice and an
2 opportunity to be heard by the court.

3 When the court orders a minor ~~child~~ restored to the
4 custody of the parent or parents, the court shall order the
5 parent or parents to cooperate with the Department of Children
6 and Family Services and comply with the terms of an aftercare
7 ~~after-care~~ plan, or risk the loss of custody of the minor ~~child~~
8 and possible termination of their parental rights. The court
9 may also enter an order of protective supervision in
10 accordance with Section 2-24.

11 If the minor is being restored to the custody of a parent,
12 legal custodian, or guardian who lives outside of Illinois,
13 and an Interstate Compact has been requested and refused, the
14 court may order the Department of Children and Family Services
15 to arrange for an assessment of the minor's proposed living
16 arrangement and for ongoing monitoring of the health, safety,
17 and best interest of the minor and compliance with any order of
18 protective supervision entered in accordance with Section
19 2-24.

20 (5) Whenever a parent, guardian, or legal custodian files
21 a motion for restoration of custody of the minor, and the minor
22 was adjudicated neglected, abused, or dependent as a result of
23 physical abuse, the court shall cause to be made an
24 investigation as to whether the movant has ever been charged
25 with or convicted of any criminal offense which would indicate
26 the likelihood of any further physical abuse to the minor.

1 Evidence of such criminal convictions shall be taken into
2 account in determining whether the minor can be cared for at
3 home without endangering the minor's health or safety and
4 fitness of the parent, guardian, or legal custodian.

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

8 (b) The information derived from the investigation and
9 any conclusions or recommendations derived from the
10 information shall be provided to the parent, guardian, or
11 legal custodian seeking restoration of custody prior to
12 the hearing on fitness and the movant shall have an
13 opportunity at the hearing to refute the information or
14 contest its significance.

15 (c) All information obtained from any investigation
16 shall be confidential as provided in Section 5-150 of this
17 Act.

18 (6) The changes made to this Section by this amendatory
19 Act of the 104th General Assembly apply on and after January 1,
20 2028.

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

25 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text
2 that is not yet or no longer in effect (for example, a Section
3 represented by multiple versions), the use of that text does
4 not accelerate or delay the taking effect of (i) the changes
5 made by this Act or (ii) provisions derived from any other
6 Public Act.

7 Section 97. Severability. The provisions of this Act are
8 severable under Section 1.31 of the Statute on Statutes."