

1 AN ACT concerning children.

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

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

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

9 (1) Youth in the care 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.

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

21 (4) Youth in foster care may present with higher rates of  
22 trauma and a range of unmet medical, reproductive, sexual, and  
23 gender-related health needs that may evolve over time and

1 require ongoing monitoring and appropriate treatment care.

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

4 (6) When making placement decisions, the State of  
5 Illinois, including the Department of Children and Family  
6 Services, must solicit and meaningfully consider a youth's  
7 expressed preferences in its evaluation of placement options  
8 while conducting transparent, individualized risk assessments  
9 of potential harms to the youth based on the youth's specific  
10 circumstances.

11 (7) Regular Illinois-based caseworker contact is  
12 necessary, among other important reasons, to identify the  
13 emerging needs of youth, including pregnancy-related care,  
14 contraception, and treatment for sexually transmitted  
15 infections.

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

20 (9) Contracted providers and caregivers receiving State  
21 funds from the Department of Children and Family Services must  
22 comply with Illinois standards for care, including, but not  
23 limited to, laws, rules, and policies, as a condition of  
24 licensure and contracting.

25 (10) To protect youth in the Department's care from harm  
26 resulting from violations of specified provisions of this Act

1 and to ensure effective enforcement of this Act, the General  
2 Assembly intends to provide the juvenile court with review  
3 authority and the Department's Inspector General with  
4 investigative authority to address alleged statutory  
5 violations as tools for enforcement.

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

9 Section 5. The Children and Family Services Act is amended  
10 by changing Sections 4d, 6a, 7, and 35.5 and by adding Sections  
11 5g, 7.29, 7.30, and 7.31 as follows:

12 (20 ILCS 505/4d)

13 Sec. 4d. Definitions.

14 (a) As used in this Act:

15 "Caregiver" means a certified relative caregiver, relative  
16 caregiver, or foster parent with whom a youth in care is  
17 placed.

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

20 "Certified relative caregiver home" has the meaning  
21 ascribed to that term in Section 2.37 of the Child Care Act of  
22 1969.

23 "Child-specific record" and "youth-specific record" means  
24 documentation maintained separately for an individual child or

1 youth within a family's case file.

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

6 "Relative" means a person who is: (i) related to a child by  
7 blood, marriage, tribal custom, adoption, or to a child's  
8 sibling in any of the foregoing ways, even though the person is  
9 not related to the child, when the child and the child's  
10 sibling are placed together with that person or (ii) fictive  
11 kin. For children who have been in the guardianship of the  
12 Department following the termination of their parents'  
13 parental rights, been adopted or placed in subsidized or  
14 unsubsidized guardianship, and are subsequently returned to  
15 the temporary custody or guardianship of the Department,  
16 "relative" includes any person who would have qualified as a  
17 relative under this Section prior to the termination of the  
18 parents' parental rights if the Department determines, and  
19 documents, or the court finds that it would be in the child's  
20 best interests to consider this person a relative, based upon  
21 the factors for determining best interests set forth in  
22 subsection (4.05) of Section 1-3 of the Juvenile Court Act of  
23 1987.

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

1 "Relative home" means a home of a relative that is not a  
2 foster family home or a certified relative caregiver home but  
3 provides care to a child placed by the Department who is a  
4 relative of a household member of the relative's home.

5 "Sensitive identity information" means personal data that  
6 is linked or reasonably linkable to a child or youth and  
7 identifies the child's or youth's sexual orientation, as the  
8 term is defined in subsection (O-1) of Section 1-103 of the  
9 Illinois Human Rights Act.

10 "Subsidized guardian" means a person who signs a  
11 subsidized guardianship agreement prior to being appointed as  
12 plenary guardian of the person of a minor.

13 "Subsidized guardianship" means a permanency outcome when  
14 a caregiver is appointed as a plenary guardian of the person of  
15 a minor exiting the foster care system, who receives  
16 guardianship assistance program payments. Payments may be  
17 funded through State funds, federal funds, or both State and  
18 federal funds.

19 "Third party" means any entity other than the Department  
20 of Children and Family Services.

21 "Youth in care" means persons placed in the temporary  
22 custody or guardianship of the Department pursuant to the  
23 Juvenile Court Act of 1987.

24 (b) The changes made to this Section by this amendatory  
25 Act of the 104th General Assembly apply on and after January 1,  
26 2028.

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

2 (20 ILCS 505/5g new)

3 Sec. 5g. Administrative safeguards for sensitive identity  
4 information.

5 (a) The Department shall protect a child from unnecessary  
6 and unapproved disclosure of the child's sensitive identity  
7 information. Before the child discloses the child's sensitive  
8 identity information to the Department or its service  
9 providers, the Department shall notify the child of the  
10 circumstances in which the Department or its service providers  
11 are permitted or required to share the child's sensitive  
12 identity information without the child's knowledge and  
13 agreement; however, if disclosure of the child's sensitive  
14 identity information to the Department or its service  
15 providers has already occurred, the Department shall ensure  
16 that the child is informed of the circumstances in which the  
17 Department or its service providers are permitted or required  
18 to share the child's sensitive identity information, at the  
19 soonest opportunity, but no later than 14 days after the  
20 disclosure occurs. The Department shall document this  
21 discussion with the child in the Department's records, in a  
22 manner consistent with Department policy regarding  
23 documentation of sensitive identity information.

24 As used in this Section, "service provider" means an  
25 entity providing services or care for youth on behalf of the

1 Department pursuant to a contract, grant agreement, or  
2 purchase-of-service agreement or any other entity  
3 subcontracted or otherwise engaged in the furtherance of those  
4 services, including, but not limited to, academic and research  
5 institutions and entities that collect, process, analyze,  
6 store, share, or otherwise use Department data that includes  
7 personal data that is or can be reasonably linked to an  
8 identified or identifiable individual served by the  
9 Department.

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

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

17 (2) narrow, limit, or de-identify that information to  
18 the fullest extent legally permitted before such  
19 disclosure;

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

23 (4) document the date the Department made the  
24 disclosure, the scope of disclosure, the recipient party  
25 of the disclosure, and the activities completed by the  
26 Department to fulfill the obligations of paragraphs (1),

1           (2), and (3).

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

6           (c) Deidentified sensitive information.

7           (1) Datasets and aggregated data, including data  
8 related to a child's sensitive identity information that  
9 cannot reasonably be used to infer information about,  
10 reidentify, or otherwise be linked to an identified or  
11 identifiable child, is not considered a child's sensitive  
12 identity information for the purposes of this Section if  
13 the Department:

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

17           (B) contractually obligates any third party  
18 recipient to process such data only in a de-identified  
19 manner; and

20           (C) prohibits any attempts to re-identify  
21 de-identified data.

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

24           (A) the information is gathered and maintained as  
25 de-identified sensitive information, as provided under  
26 paragraph (1); or

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

4           (3) Any third party granted access to Department data  
5           systems or records that include a child's sensitive  
6           identity information shall be prohibited from aggregating  
7           children's sensitive identity information in any manner  
8           that is not de-identified as prescribed under paragraph  
9           (1).

10          (d) Child-specific documentation requirement. The  
11          Department shall:

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

14           (2) ensure that sensitive identity information  
15           concerning one child is not included in generalized family  
16           summaries or a sibling's child-specific record unless  
17           materially relevant to the safety or placement of that  
18           child's sibling or siblings or the permanency goal; and

19           (3) ensure a child is aware that the child's sensitive  
20           identity information is necessary for court reporting if  
21           the sensitive identity information is materially relevant  
22           to advance the child's permanency goal or ensure the  
23           child's safety or appropriate service provision.

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

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

4           (2) segregate sensitive identity information fields  
5           from general case summaries where technologically  
6           feasible.

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

9           (20 ILCS 505/6a) (from Ch. 23, par. 5006a)

10          Sec. 6a. Case plan.

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

1 ensure that incarcerated parents are able to participate in  
2 case plan reviews via teleconference or videoconference. Where  
3 appropriate, the case plan shall include recommendations  
4 concerning alcohol or drug abuse evaluation.

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

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

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

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

18 (2) The case plan shall include tasks addressing the  
19 responsibilities of a youth in care's caregiver regarding  
20 safe, proper, and supportive care based on the youth in care's  
21 needs and consistent with the youth in care's best interests,  
22 including, but not limited to, the youth in care's protected  
23 characteristics, and in alignment with the requirements of  
24 Sections 7, 7.29, and 7.30.

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

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

4           (B) maintain an environment providing supportive care  
5           to treat the youth in care in a manner that meets the youth  
6           in care's need for safety and security and is free from  
7           harassment and abuse;

8           (C) collaborate with the youth in care's parents, the  
9           Department, and service providers, when appropriate and  
10           consistent with the youth in care's safety, best  
11           interests, as determined by the Department or juvenile  
12           court, and permanency plan, to promote the youth in care's  
13           well-being and connection to family and community; and

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

15           As needed, the youth in care's case plan shall identify  
16           specific actions the caregiver must take to fulfill these  
17           responsibilities.

18           (4) Case plans shall address each youth in care's health  
19           care needs and specify steps the Department and caregivers  
20           shall take to ensure timely provision of health care,  
21           including, but not limited to, arranging transportation and  
22           ensuring the youth in care can attend appointments. If the  
23           Department is placing or has placed a youth in care in a  
24           jurisdiction outside the State of Illinois, and that  
25           jurisdiction exposes a youth in care to risk of adverse action  
26           as defined in subsection (b) of Section 7.30 and as determined

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

21 (5) The Department shall provide guidance and support to  
22 caregivers to ensure they have the resources necessary to meet  
23 the responsibilities described in this subsection, including  
24 culturally responsive and trauma-informed care practices. The  
25 Department shall monitor the caregiver's fulfillment of the  
26 caregiver's responsibilities and document it as part of the

1 youth in care's case review and permanency hearing process  
2 required under this Act and report this information to the  
3 court as part of the Department's required efforts under  
4 Sections 2-27.2, 2-27.4, and 2-28 of the Juvenile Court Act of  
5 1987, in a manner consistent with the Department's policy  
6 regarding documentation of a youth's sensitive identity  
7 information.

8 (6) Nothing in this subsection shall be construed to limit  
9 or diminish:

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

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

15 (C) the Department's obligation to pursue  
16 reunification with a parent when the permanency goal is  
17 return home.

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

1 demonstration project is implemented.

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

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

6 (20 ILCS 505/7) (from Ch. 23, par. 5007)

7 Sec. 7. Placement of children; considerations.

8 (a) In placing any child under this Act, the Department  
9 shall place the child, as far as possible, in the care and  
10 custody of some individual holding the same religious belief  
11 as the parents of the child, or with some child care facility  
12 which is operated by persons of like religious faith as the  
13 parents of such child.

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

23 (b) In placing a child under this Act, the Department  
24 shall place a child with a relative if the Department  
25 determines that the relative will be able to adequately

1 provide for the child's safety and welfare based on the  
2 factors set forth in the Department's rules governing such  
3 placements, and that the placement is consistent with the  
4 child's best interests, taking into consideration the factors  
5 set out in subsection (4.05) of Section 1-3 of the Juvenile  
6 Court Act of 1987.

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

20 (1) The Department shall conduct an investigation in  
21 order to identify and locate all grandparents, parents of  
22 a sibling of the child, if the parent has legal custody of  
23 the sibling, adult siblings, other adult relatives of the  
24 child ~~minor~~ including any other adult relatives suggested  
25 by the parents, and, if it is known or there is reason to  
26 know the child is an Indian child, any extended family

1 members, as defined in Section 4 of the Indian Child  
2 Welfare Act of 1978 (25 U.S.C. 1903). The Department shall  
3 make diligent efforts to investigate the names and  
4 locations of the relatives, including, but not limited to,  
5 asking the child in an age-appropriate manner and  
6 consistent with the child's best interest about any  
7 parent, alleged parent, and relatives important to the  
8 child, and obtaining information regarding the location of  
9 the child's parents, alleged parents, and adult relatives.

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

1 under Section 2-27.3 of the Juvenile Court Act of 1987,  
2 including determining the manner in which efforts may or  
3 may not be appropriate, consistent with the best interests  
4 of the child.

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

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

12 (ii) an explanation of the various options to  
13 participate in the care and placement of the child  
14 ~~minor~~ and support for the child's ~~minor's~~ family,  
15 including any options that may expire by failing to  
16 respond. The notice shall provide information about  
17 providing care for the child ~~minor~~ while the family  
18 receives reunification services with the goal of  
19 returning the child to the parent or guardian, how to  
20 become a certified relative caregiver home, and  
21 additional services and support that are available in  
22 substitute care. The notice shall also include  
23 information regarding, adoption and subsidized  
24 guardianship assistance options, health care coverage  
25 for a child ~~youth in care~~ under the medical assistance  
26 program established under Article V of the Illinois

1 Public Aid Code, and other options for contact with  
2 the child ~~minor~~, including, but not limited to,  
3 visitation. Upon establishing the Department's kinship  
4 navigator program, the notice shall also include  
5 information regarding that benefit.

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

10 (b-5) (1) If the Department determines that a placement  
11 with any identified relative is not in the child's best  
12 interests or that the relative does not meet the requirements  
13 to be a relative caregiver, as set forth in Department rules or  
14 by statute, the Department must document the basis for that  
15 decision, maintain the documentation in the child's case file,  
16 inform the identified relative of the relative's right to  
17 reconsideration of the decision to deny placement with the  
18 identified relative, provide the identified relative with a  
19 description of the reconsideration process established in  
20 accordance with subsection (o) of Section 5 of this Act, and  
21 report this information to the court in accordance with the  
22 requirements of Section 2-27.3 of the Juvenile Court Act of  
23 1987.

24 If, pursuant to the Department's rules, any person files  
25 an administrative appeal of the Department's decision not to  
26 place a child with a relative, it is the Department's burden to

1 prove that the decision is consistent with the child's best  
2 interests. The Department shall report information related to  
3 these appeals pursuant to Section 46 of this Act.

4 When the Department determines that the child requires  
5 placement in an environment, other than a home environment,  
6 the Department shall continue to make reasonable efforts to  
7 identify and locate relatives to serve as visitation resources  
8 for the child and potential future placement resources, unless  
9 excused by the court, as outlined in Section 2-27.3 of the  
10 Juvenile Court Act of 1987.

11 If the Department determines that efforts to identify and  
12 locate relatives would be futile or inconsistent with the  
13 child's best interests, the Department shall document the  
14 basis of its determination and maintain the documentation in  
15 the child's case file.

16 If the Department determines that an individual or a group  
17 of relatives are inappropriate to serve as visitation  
18 resources or possible placement resources, the Department  
19 shall document the basis of its determination, maintain the  
20 documentation in the child's case file, inform the identified  
21 relative of the relative's right to a reconsideration of the  
22 decision to deny visitation with the identified relative,  
23 provide the identified relative with a description of the  
24 reconsideration process established in accordance with  
25 subsection (o) of Section 5 of this Act, and report this  
26 information to the court in accordance with the requirements

1 of Section 2-27.3 of the Juvenile Court Act of 1987.

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

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

23 (A) The prospective relative caregiver and all other  
24 adults in the home must authorize and submit to a  
25 background screening that includes the components set  
26 forth in subsection (c) of Section 3.4 of the Child Care

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

25 (B) The home safety and needs assessment requirements  
26 set forth in paragraph (1) of subsection (b) of Section

1           3.4 of the Child Care Act of 1969 are satisfied.

2           (C) The prospective relative caregiver is able to meet  
3           the physical, emotional, medical, and educational needs of  
4           the specific child or children being placed by the  
5           Department.

6           The ~~No later than July 1, 2025,~~ the Department shall adopt  
7           rules or amend existing rules to implement the provisions of  
8           this subsection (b-5). The rules shall outline the essential  
9           elements of each form used in the implementation and  
10          enforcement of the provisions of this amendatory Act of the  
11          103rd General Assembly.

12          Relative ~~No later than July 1, 2025,~~ relative caregiver  
13          payments shall be made to relative caregiver homes as provided  
14          under Section 5 of this Act. A relative with whom a child is  
15          placed pursuant to this subsection may, but is not required  
16          to, apply for licensure as a foster family home pursuant to the  
17          Child Care Act of 1969; provided, however, that as of July 1,  
18          1995, foster care payments shall be made only to licensed  
19          foster family homes pursuant to the terms of Section 5 of this  
20          Act.

21          The provisions added to this subsection (b) by Public Act  
22          98-846 shall become operative on and after June 1, 2015.

23          (c) In placing a child under this Act, the Department  
24          shall ensure that the child's health, safety, and best  
25          interests are met. In rejecting placement of a child with an  
26          identified relative, the Department shall (i) ensure that the

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

14 The Department shall consider the individual needs of the  
15 child and the capacity of the prospective caregivers or  
16 prospective adoptive parents to meet the needs of the child.  
17 When a child must be placed outside the child's home and cannot  
18 be immediately returned to the child's parents or guardian, a  
19 comprehensive, individualized assessment shall be performed of  
20 that child at which time the needs of the child shall be  
21 determined. The Department shall assess the prospective  
22 caregivers' or prospective adoptive parents' ability to meet  
23 the child's specific needs for safety, well-being, and  
24 supportive care, as defined in subsection (b) of Section 7.29.  
25 The prospective caregivers or prospective adoptive parents  
26 shall expressly commit that they will comply with Sections 6a,

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

20 Nothing in this subsection shall be construed to limit or  
21 diminish: (i) the rights of a child to be free from  
22 discrimination or to receive care consistent with the  
23 protections guaranteed under State and federal law, (ii) the  
24 Department's obligation to act in the best interests of a  
25 child, or (iii) the Department's obligation to pursue  
26 reunification with a parent when the permanency goal is return

1 home.

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

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

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

22 (f) 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; 103-1061, eff. 7-1-25.)

1 (20 ILCS 505/7.29 new)

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

4 (a) Legislative findings and intent. The General Assembly  
5 finds and declares:

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

13 (2) The State has a compelling interest in ensuring  
14 the safety, well-being, and development of all youth in  
15 the Department's care. The State's duty to protect youth  
16 in its care is continuous and is not extinguished by  
17 placement with foster parents, relative caregivers, or  
18 contracted service providers. Out-of-state placement of a  
19 youth in the Department's care does not diminish the  
20 State's ultimate responsibility for ensuring lawful, safe,  
21 supportive care, and equitable treatment.

22 (3) Youth under the Department's care are entitled to  
23 supportive care, services, and treatment free from  
24 discrimination, arbitrary decision-making, and unequal  
25 protection. The vulnerability inherent in State custody  
26 requires heightened attention to fairness, neutrality, and

1 the protection of individual rights.

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

6 (5) It is the purpose of this Section to clarify and  
7 reinforce the obligations of the State and those acting  
8 under its authority to ensure that youth receive  
9 nondiscriminatory and supportive care consistent with  
10 principles of safety, dignity, stability, and equal  
11 treatment, and to provide clear mechanisms for  
12 accountability where those obligations are violated.

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

14 "Protected characteristic" means any characteristic  
15 included in the definition of unlawful discrimination as  
16 defined in Section 1-103 of the Illinois Human Rights Act,  
17 including, but not limited to, actual or perceived race,  
18 color, religion, sex, sexual orientation, gender-related  
19 identity, national origin, ancestry, disability, pregnancy,  
20 reproductive health decisions, or marital status.

21 "Service provider" means an entity providing services or  
22 care for youth on behalf of the Department in accordance with a  
23 contract, grant agreement, or purchase-of-service agreement or  
24 any other entity subcontracted or otherwise engaged in the  
25 furtherance of those services.

26 "Supportive care" means Department, service provider, and

1 caregiver practices that are supportive of and responsive to a  
2 youth's lived experience, needs, and protected characteristics  
3 and do not subject the youth to rejection or hostility based  
4 on, or coercive efforts to change, a protected characteristic.

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

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

9 (d) Department, service provider, and caregiver conduct  
10 requirements to protect youth rights. The Department, service  
11 providers, and caregivers shall:

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

15 (2) adhere to privacy-protective documentation  
16 practices regarding the youth, consistent with Department  
17 policy regarding documentation of sensitive identity  
18 information; and

19 (3) provide supportive care consistent with the  
20 youth's case plan and best interests.

21 (e) Prohibited conduct.

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

24 (A) demeans, harasses, rejects, intentionally  
25 disregards, discriminates against, or retaliates  
26 against a youth based on a youth's protected

1 characteristic or characteristics;

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

5 (C) discloses or compels disclosure of a youth's  
6 sensitive identity information, without the youth's  
7 expressed consent, consistent with Department policy  
8 regarding documentation of sensitive identity  
9 information.

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

11 (A) exclude a youth from participation in, deny a  
12 youth the benefits of, or subject a youth to  
13 discrimination under any program or activity based on  
14 that youth's protected characteristic or  
15 characteristics;

16 (B) utilize criteria or methods of administration  
17 that have the effect of subjecting youth to  
18 discrimination because of the youth's protected  
19 characteristic or characteristics; or

20 (C) discourage, interfere with, or retaliate  
21 against a person who seeks to report a suspected or  
22 known statutory violation of this Section to an  
23 enforcement entity.

24 (f) Scope and limitations.

25 (1) If a youth does not affirmatively express support  
26 for being placed or remaining placed with a caregiver who

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

21 (2) If a youth is placed or remains placed with a  
22 caregiver in such circumstances as permitted under  
23 paragraph (1), the Department shall document the youth's  
24 affirmative expression of support for placement with this  
25 caregiver using age-appropriate and developmentally  
26 appropriate methods, including, but not limited to:

1 interviews, written statements, structured surveys,  
2 clinical evaluations or consultations, drawings, or guided  
3 play. After affirmatively expressing such support for this  
4 placement, the youth has the right to withdraw this  
5 support at any time and the Department has an ongoing  
6 obligation to monitor whether the youth maintains or  
7 withdraws such support. The Department shall inform the  
8 youth of that right and provide the youth simple options  
9 for the youth to communicate withdrawal of support to the  
10 Department.

11 (g) Clinical judgment and safety exception. Actions taken  
12 in accordance with the good-faith exercise of clinical  
13 judgment by a licensed professional, or actions necessary to  
14 address immediate risk of serious harm to youth or others,  
15 shall not constitute a violation of this Section, provided  
16 that such actions are not based on bias against a protected  
17 characteristic, are narrowly tailored to address the  
18 identified risk, and are documented in the youth-specific  
19 record, consistent with Department policy regarding  
20 documentation of sensitive identity information.

21 (h) Licensure and contract conditions. Compliance with  
22 this Section is a condition of obtaining and maintaining  
23 licensure, approval, and continued eligibility to provide care  
24 under this Act and the Child Care Act of 1969 and shall be a  
25 condition of any contract, grant, or purchase-of-service  
26 agreement with the Department, including subcontractors.

1       (i) Violations and enforcement.

2           (1) Violations of this Section may result in  
3 corrective action, license suspension or revocation,  
4 contract termination, removal of a youth, enhanced  
5 monitoring, placement holds, or other remedies authorized  
6 by law.

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

18           (3) Any youth aggrieved by conduct that violates  
19 subparagraph (A) or (B) of paragraph (2) of subsection (e)  
20 or paragraph (1) of subsection (f) may seek review under  
21 subsection (1.3) of Section 2-28 of the Juvenile Court Act  
22 of 1987.

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

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

5           (1) in plain language in the youth's primary language;

6           (2) in an age and developmentally appropriate format;

7           (3) in a manner accessible to individuals with  
8 disabilities;

9           (4) describing the youth's rights under this Section  
10 and the types of violations and conduct that may be  
11 reported; and

12           (5) the contact information for and procedures by  
13 which the youth can report alleged violations described in  
14 accordance with paragraph (4) to the Department's  
15 Inspector General, the Department's licensing division, or  
16 the court presiding over the youth's case in accordance  
17 with the Juvenile Court Act of 1987. The caseworker shall  
18 document in the youth's case file that the required  
19 disclosure of rights and enforcement options was provided  
20 to the youth in a format that is age appropriate,  
21 developmentally appropriate, and tailored to the youth's  
22 individual needs.

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

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

2 (A) compel an individual's beliefs or religious  
3 practices;

4 (B) require the Department, service providers, or  
5 caregivers to provide medical treatment beyond that  
6 authorized by law, court order, parental or guardian  
7 consent, or Department policy; or

8 (C) prohibit reasonable and developmentally  
9 appropriate limits necessary to protect the safety of the  
10 youth or others.

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

21 (1) No later than July 1, 2027, the Department shall  
22 propose rules for adoption to implement the statutory  
23 protections under this Section. Rules shall address standards  
24 and criteria for conduct required or prohibited under  
25 subsections (d) and (e), including, but not limited to, the  
26 application of the terms used in this Section. No later than

1 January 1, 2028, the Department shall adopt such rules.

2 (m) If any provision of this Section or its application to  
3 any person or circumstance is held invalid, the invalidity of  
4 that provision or application does not affect other provisions  
5 or applications of this Section that can be given effect  
6 without the invalid provision or application.

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

9 (20 ILCS 505/7.30 new)

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

12 (a) Findings. The General Assembly finds and declares  
13 that:

14 (1) Youth in the care of the Department remain subject  
15 to the jurisdiction of Illinois courts regardless of  
16 placement location.

17 (2) Access to medically appropriate health care is  
18 essential to youth safety and well-being. Denial or delay  
19 of medically appropriate health care may result in serious  
20 physical and mental health consequences.

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

1           (4) It is the policy of this State to ensure that all  
2           youth in the care of the Department receive the full  
3           measure of protections, rights, and services guaranteed  
4           under Illinois law, regardless of where the youth is  
5           placed by the Department.

6           (5) The General Assembly intends to protect the rights  
7           of youth placed by the Department outside the State of  
8           Illinois and require the Department to take affirmative  
9           steps to protect these youth when they are the subjects of  
10          a pending case under the Juvenile Court Act of 1987.

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

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

18          "Interstate placement" means the placement of a youth in a  
19          relative home, foster home, residential facility, or other  
20          placement located outside this State, including placements  
21          made in accordance with the Interstate Compact on the  
22          Placement of Children. It does not include living arrangements  
23          involving youth returning to, or remaining in, the custody of  
24          a parent out-of-state.

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

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

21       "Sexual orientation change efforts" means any mental  
22 health practices or treatments that seek to change an  
23 individual's sexual orientation, as defined by subsection  
24 (O-1) of Section 1-103 of the Illinois Human Rights Act,  
25 including efforts to change behaviors or gender expressions or  
26 to eliminate or reduce sexual or romantic attractions or

1 feelings toward individuals of the same sex. "Sexual  
2 orientation change efforts" does not include counseling or  
3 mental health services that provide acceptance, support, and  
4 understanding of a person without seeking to change sexual  
5 orientation or mental health services that facilitate a  
6 person's coping, social support, and gender identity  
7 exploration and development, including sexual orientation  
8 neutral interventions to prevent or address unlawful conduct  
9 or unsafe sexual practices, without seeking to change sexual  
10 orientation.

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

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

15 (1) the interstate placement exposes a youth to risk  
16 of adverse action, in light of the youth's specific  
17 circumstances;

18 (2) the risk of adverse action cannot be sufficiently  
19 and effectively mitigated, as determined by the  
20 Department; and

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

24 The Department shall document the youth's preference  
25 regarding being placed in or remaining in an interstate  
26 placement using age-appropriate and developmentally

1 appropriate methods, including, but not limited to:  
2 interviews, written statements, structured surveys, clinical  
3 evaluations and consultations, drawings, or guided play.

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

24 (d) Individualized placement assessment for interstate  
25 placements.

26 (1) Prior to interstate placement of a youth age 8 or

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

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

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

23 (C) whether the laws and regulations in the  
24 placement jurisdiction may limit or interfere with  
25 access to care or services that would be lawful under  
26 Illinois law, including, but not limited to,

1 reproductive health care as defined in Section 1-10 of  
2 the Reproductive Health Act, lawful health care as  
3 defined in Section 28-10 of the Lawful Health Care  
4 Activity Act, a youth's authority to consent to care  
5 under Sections 1, 3, 4, and 5 of the Consent by Minors  
6 to Health Care Services Act, the privacy protections  
7 afforded to youth under the Mental Health and  
8 Developmental Disabilities Confidentiality Act, birth  
9 control services and information available to youth  
10 under the Birth Control Services to Minors Act, and  
11 the ability of youth to request and receive outpatient  
12 counseling services and psychotherapy under the Mental  
13 Health and Developmental Disabilities Code;

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

17 (E) whether the Department's plan to mitigate any  
18 risk of adverse action is sufficient to meet the  
19 youth's needs, which may include plans to arrange  
20 equivalent protections or access to relevant health  
21 care through contractual obligations and supplemental  
22 services or by ensuring the youth's safe return to the  
23 State of Illinois to access care; and

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

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

1 age of 8.

2 The Department shall provide the youth's attorney or  
3 guardian ad litem appointed under the Juvenile Court Act  
4 of 1987 with a copy of the assessment within 10 days of the  
5 assessment being finalized. If the Department plans to  
6 move the youth to the interstate placement within 10 days  
7 after the finalization of the assessment, the Department  
8 shall provide the copy of the assessment to the youth's  
9 attorney or guardian ad litem immediately upon completion.

10 (2) If the initial placement assessment for a youth  
11 age 8 or older finds that the placement poses risk of  
12 adverse action relevant to the youth's specific  
13 circumstances and that risk cannot be sufficiently and  
14 effectively mitigated for this youth's circumstances, as  
15 determined by the Department, the Department shall not  
16 place a youth age 8 or older in an interstate placement  
17 unless the Department: (i) determines that the placement  
18 is in the youth's best interest, (ii) 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 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 a youth who is affirmatively expressing support for  
2 placement despite the unmitigated risk of adverse action  
3 is not already represented by an attorney, the Department  
4 shall notify the court hearing the youth's case in  
5 accordance with the Juvenile Court Act of 1987 that an  
6 attorney for the youth should be appointed in accordance  
7 with subsection (a-5) of Section 2-27.2 or subsection (c)  
8 of Section 2-27.4 of the Juvenile Court Act of 1987. The  
9 Department shall provide notice to the court in a manner  
10 consistent with Department policy regarding documentation  
11 of sensitive identity information.

12 (3) If a youth was under age 8 at the time of  
13 interstate placement and the initial placement assessment  
14 required under this subsection for youth reaching the age  
15 8 after interstate placement finds that the jurisdiction  
16 in which the youth is placed poses a risk of adverse action  
17 relevant to the youth's specific circumstances and that  
18 risk of adverse action cannot be sufficiently and  
19 effectively mitigated for the youth's circumstances, as  
20 determined by the Department, the Department must confirm  
21 whether the youth affirmatively expresses support for  
22 remaining in the interstate placement.

23 If the youth indicates that the youth does not support  
24 remaining in the interstate placement because there is  
25 unmitigated risk of adverse action in light of the youth's  
26 specific circumstances, the Department shall intervene by

1 returning the youth to Illinois or identifying alternative  
2 placement options that comport with the requirements of  
3 this Section, consistent with the youth's best interests.

4 If, in responding to the Department's inquiry, the  
5 youth affirmatively expresses support for remaining in the  
6 interstate placement despite the unmitigated risk of  
7 adverse action the diminished protections pose in light of  
8 the youth's specific circumstances, the Department shall  
9 not maintain this interstate placement unless: (i) the  
10 Department determines that the placement is in the youth's  
11 best interest, (ii) the Department documents that the  
12 youth affirmatively expresses support for the placement,  
13 as required by this Section, (iii) the youth has been  
14 sufficiently advised of the diminished protections  
15 available and the risk of adverse action these diminished  
16 protections pose in light of the youth's specific  
17 circumstances, and (iv) the youth has been provided the  
18 opportunity to consult with the attorney appointed to  
19 represent the youth under the Juvenile Court Act of 1987.  
20 If that youth is not already represented by an attorney,  
21 the Department shall notify the court hearing the youth's  
22 case in accordance with the Juvenile Court Act of 1987  
23 that an attorney for the youth should be appointed in  
24 accordance with subsection (a-5) of Section 2-27.2 or  
25 subsection (c) of Section 2-27.4 of the Juvenile Court Act  
26 of 1987. The Department shall provide notice to the court

1 in a manner consistent with Department policy regarding  
2 documentation of sensitive identity information.

3 Following the Department's determination that the risk  
4 of adverse action cannot be sufficiently and effectively  
5 mitigated, the Department shall immediately notify the  
6 attorney appointed to represent the youth under the  
7 Juvenile Court Act of 1987 when the Department is  
8 considering action under this paragraph to allow the  
9 youth's attorney to consult with the youth.

10 (4) Nothing in this subsection requires court approval  
11 prior to interstate placement unless otherwise required by  
12 law.

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

15 (1) For any youth age 8 or older placed outside the  
16 State of Illinois, the Department shall ensure that an  
17 Illinois-based caseworker maintains regular and meaningful  
18 contact with the youth for the purpose of monitoring and  
19 reassessing safety, well-being, access to medically  
20 appropriate care, and risk of adverse action in light of  
21 the youth's specific circumstances. At a minimum, such  
22 contact shall include:

23 (A) direct communication, in person or via  
24 videoconferencing, with the youth at intervals  
25 consistent with Department policy, but not less  
26 frequently than once per month in a manner that

1 permits the youth to speak freely, without the undue  
2 influence of others and outside the presence of the  
3 caregiver, about the youth's needs and concerns  
4 related to health, safety, and well-being;

5 (B) in-person visits at intervals consistent with  
6 Department policy based on the youth's placement type  
7 and level of need but not less than twice a year for  
8 approved foster placements and relative caregivers and  
9 not less than quarterly for residential or qualified  
10 residential treatment program placements, completed by  
11 Department-designated qualified staff;

12 (C) monitoring whether the youth's placement is  
13 complying with the Department's plan to ensure the  
14 youth is receiving care that meets or exceeds Illinois  
15 standards for safety, well-being, permanency planning,  
16 and the provision of, and access to, health care;

17 (D) identifying emerging or reasonably foreseeable  
18 health care needs, including reproductive and sexual  
19 health needs, in light of the youth's age,  
20 development, and specific circumstances; and

21 (E) reassessing whether the placement continues to  
22 meet the youth's needs, in light of any changes in the  
23 youth's circumstances, and revising efforts to  
24 mitigate risk of adverse action, as necessary, to  
25 ensure the youth's interests are protected and needs  
26 are being met. Caseworker contact required under this

1           subsection shall be documented in the case record and  
2           reported to the court at permanency hearings as  
3           required under Section 2-28 of the Juvenile Court Act  
4           of 1987, in a manner consistent with Department policy  
5           regarding documentation of sensitive identity  
6           information.

7           Nothing in subparagraph (B) shall be construed to  
8           require Department employees to incur personal expense to  
9           fulfill in-person visits, as required by this subsection.  
10          The Department shall provide advance payment of all  
11          reasonable and necessary expenses associated with  
12          conducting required in-person visits, as indicated in this  
13          subsection.

14          (2) The ongoing monitoring and reassessment required  
15          under this subsection shall recognize that a youth's  
16          health care needs may change over time and shall not be  
17          limited to conditions or needs identified at the time of  
18          placement. The Department shall document such  
19          reassessments in the youth's case-specific record and  
20          include the reassessments in the youth's service plan, in  
21          a manner consistent with Department policy regarding  
22          documentation of sensitive identity information.

23          (3) The Department shall confirm whether the youth  
24          affirmatively supports remaining in the interstate  
25          placement if the:

26                 (A) Department's ongoing monitoring and

1           reassessment required under this subsection finds that  
2           the interstate placement poses risk of adverse action  
3           relevant to the youth's specific circumstances and  
4           that risk of adverse action cannot be sufficiently and  
5           effectively mitigated for the youth's specific  
6           circumstances, as determined by the Department, while  
7           the youth remains in the interstate placement, as  
8           required under this Section; or

9           (B) Department learns of a denial, delay, or  
10           material interference with health care approved by the  
11           Department, ordered by an Illinois court, or consented  
12           to by the youth as permitted by Illinois law providing  
13           youth the authority to consent.

14           If the youth no longer affirmatively expresses support  
15           for remaining in the interstate placement, the Department  
16           shall intervene by returning the youth to Illinois or  
17           identifying alternative placement options that comport  
18           with the requirements of this Section, consistent with the  
19           youth's best interests.

20           If, in responding to the Department's inquiry, the  
21           youth affirmatively expresses support for remaining in  
22           that interstate placement despite unmitigated risk of  
23           adverse action the diminished protections pose in light of  
24           the youth's specific circumstances, the Department shall  
25           not maintain this interstate placement unless: (i) the  
26           Department determines it is in the youth's best interest,

1       (ii) the Department documents that the youth affirmatively  
2       expresses support for the placement, as required by this  
3       Section, (iii) the youth has been sufficiently advised of  
4       the diminished protections available and the risk of  
5       adverse action these diminished protections pose in light  
6       of the youth's specific circumstances, and (iv) the youth  
7       has been provided the opportunity to consult with the  
8       attorney appointed to represent the youth under the  
9       Juvenile Court Act of 1987.

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

19       Following the Department's determination that risk of  
20       adverse action cannot be sufficiently and effectively  
21       mitigated, the Department shall immediately notify the  
22       attorney appointed to represent the youth under the  
23       Juvenile Court Act of 1987 with sufficient notice to allow  
24       the youth's attorney to consult with the youth.

25       (4) Ongoing reassessment under this subsection does  
26       not require the completion of an assessment form; instead,

1 the Department's analysis and any revisions to the initial  
2 assessment may be documented in the format of a case note.

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

13 To the fullest extent State and federal law permit, the  
14 Department shall not cooperate with or provide assistance to  
15 any out-of-state investigation, enforcement action, subpoena,  
16 or request that seeks to impose civil, criminal, or  
17 professional penalties on an employee based solely on the  
18 coordination of lawful health care.

19 (g) Enforcement. Failure to comply with this Section  
20 constitutes grounds for the Department to deny or terminate  
21 placement or take licensing action, corrective action, or  
22 other remedial action authorized by law. A known, alleged, or  
23 suspected violation of a statutory requirement in this Section  
24 constitutes a significant event and requires a significant  
25 event report by the Department as defined in Section 35.1 of  
26 this Act and paragraph (14.2) of Section 1-3 of the Juvenile

1 Court Act of 1987.

2 (h) The Department shall retain authority, as guardian, to  
3 consent to and authorize health care for youth in accordance  
4 with Illinois law and applicable court orders. This authority  
5 applies regardless of the youth's physical location, including  
6 when a youth is placed in a residential, hospital, or other  
7 interstate setting, unless a court of competent jurisdiction  
8 grants such authority to another guardian or parent.

9 (i) The requirements of this Section apply to all  
10 interstate placements.

11 (j) Construction.

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

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

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

17 (C) authorize conduct that is not otherwise lawful  
18 under Illinois law;

19 (D) regulate the practice of medicine in another  
20 state;

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

23 (F) require another state to permit or provide  
24 health care services; or

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

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

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

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

22           (l) The provisions of this Section apply on and after  
23           January 1, 2028.

24           (20 ILCS 505/7.31 new)

25           Sec. 7.31. Public transparency and accountability

1 reporting.

2 (a) Beginning January 1, 2029, and annually every January  
3 1 thereafter, the Department shall post on its website data  
4 from the preceding State fiscal year regarding:

5 (1) The following information for each youth placed  
6 out-of-state: age, gender, type of placement (relative,  
7 foster home, adoptive home, institution, detention, or any  
8 other type of placement), and the name of the state in  
9 which the youth is placed.

10 (2) A list of the significant event reports the  
11 Department received reporting alleged or known statutory  
12 violations of Section 7.29 with a brief description of the  
13 nature of each significant event, summarized in a manner  
14 that protects the youth's identity from being revealed,  
15 and whether the significant event involved the conduct of  
16 the Department or a service provider.

17 (3) The number of youth reviewed under subsection  
18 (1.3) of Section 2-28 of the Juvenile Court Act of 1987.  
19 For each youth reviewed, a brief description of the  
20 alleged violation, summarized in a manner that protects  
21 the youth's identity from being revealed, and the court's  
22 determination as to whether a violation occurred.

23 (4) A list of the significant event reports the  
24 Department received reporting alleged or known statutory  
25 violations of Section 7.30 with a brief description of the  
26 nature of each significant event, summarized in a manner

1 that protects the youth's identity from being revealed,  
2 and whether the significant event involved the conduct of  
3 the Department or a service provider.

4 (5) A list of the enforcement actions taken by the  
5 Department under Section 8.1b of the Child Care Act of  
6 1969 with a brief description of the type of conduct  
7 addressed, summarized in a manner that protects the  
8 youth's identity from being revealed, and the type of  
9 enforcement action taken by the Department.

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

12 The Department shall include a description of the  
13 methodology the Department used to collect the data for  
14 paragraphs (1) through (6), indicate whether the Department  
15 had any difficulties collecting the data, and indicate whether  
16 there are concerns about the validity of the data. If any of  
17 the data elements required to be disclosed under this Section  
18 could reasonably be linked to an identified or identifiable  
19 youth in combination with the other information due to small  
20 sample size, the Department shall exclude the data elements  
21 that could be used to identify the youth and report that the  
22 specific data element was excluded for this reason.

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

1 requirements established by this amendatory Act of the 104th  
2 General Assembly in Sections 5g, 6a, 7, 7.29, 7.30, and 35.5 of  
3 this Act, Section 8.1b of the Child Care Act of 1969, and  
4 Sections 2-27.2, 2-27.4, and 2-28 of the Juvenile Court Act of  
5 1987. Within 3 years after the audit's release, the Auditor  
6 General shall commence a follow-up performance audit to  
7 determine whether the Department has implemented the  
8 recommendations contained in the initial performance audit.

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

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

19 (20 ILCS 505/35.5)

20 Sec. 35.5. Inspector General.

21 (a) The Governor shall appoint, and the Senate shall  
22 confirm, an Inspector General who shall have the authority to  
23 conduct investigations into allegations of or incidents of  
24 possible misconduct, misfeasance, malfeasance, or violations  
25 of rules, procedures, or laws by any employee, foster parent,

1 service provider, or contractor of the Department of Children  
2 and Family Services, except for allegations of violations of  
3 the State Officials and Employees Ethics Act which shall be  
4 referred to the Office of the Governor's Executive Inspector  
5 General for investigation.

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

16 The Director of Children and Family Services shall provide  
17 the Inspector General with an implementation report on the  
18 status of any corrective actions taken on recommendations  
19 under review and shall continue sending updated reports until  
20 the corrective action is completed. The Director shall provide  
21 a written response to the Inspector General indicating the  
22 status of (i) any sanctions or disciplinary actions against  
23 employees or providers of service involving any investigation  
24 subject to review and (ii) any service provision or remedial  
25 remedies recommended by the Inspector General to address harm  
26 to a youth impacted by a violation of Section 7.29. In any

1 case, information included in the reports to the Inspector  
2 General and Department responses shall be subject to the  
3 public disclosure requirements of the Abused and Neglected  
4 Child Reporting Act; however, any public disclosure pertaining  
5 to violations of Section 7.29 shall be limited to information  
6 that cannot reasonably be linked to an identified or  
7 identifiable child in combination with other information, data  
8 sets, or sources. Any investigation conducted by the Inspector  
9 General shall be independent and separate from the  
10 investigation mandated by the Abused and Neglected Child  
11 Reporting Act. The Inspector General shall be appointed for a  
12 term of 4 years. The Inspector General shall function  
13 independently within the Department of Children and Family  
14 Services with respect to the operations of the Office of  
15 Inspector General, including the performance of investigations  
16 and issuance of findings and recommendations, and shall report  
17 to the Director of Children and Family Services and the  
18 Governor and perform other duties the Director may designate.  
19 The Inspector General shall adopt rules as necessary to carry  
20 out the functions, purposes, and duties of the office of  
21 Inspector General in the Department of Children and Family  
22 Services, in accordance with the Illinois Administrative  
23 Procedure Act and any other applicable law.

24 (b) The Inspector General shall have access to all  
25 information and personnel necessary to perform the duties of  
26 the office. To minimize duplication of efforts, and to assure

1 consistency and conformance with the requirements and  
2 procedures established in the B.H. v. Suter consent decree and  
3 to share resources when appropriate, the Inspector General  
4 shall coordinate the Inspector General's activities with the  
5 Bureau of Quality Assurance within the Department.

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

16 (d) The Inspector General may recommend to the Department  
17 of Children and Family Services, the Department of Public  
18 Health, or any other appropriate agency, sanctions to be  
19 imposed against service providers under the jurisdiction of or  
20 under contract with the Department for the protection of  
21 children in the custody or under the guardianship of the  
22 Department who received services from those providers. The  
23 Inspector General may seek the assistance of the Attorney  
24 General or any of the several State's Attorneys in imposing  
25 sanctions.

26 (e) The Inspector General shall at all times be granted

1 access to any foster home, facility, or program operated for  
2 or licensed or funded by the Department.

3 (f) Nothing in this Section shall limit investigations by  
4 the Department of Children and Family Services that may  
5 otherwise be required by law or that may be necessary in that  
6 Department's capacity as the central administrative authority  
7 for child welfare.

8 (g) The Inspector General shall have the power to subpoena  
9 witnesses and compel the production of books and papers  
10 pertinent to an investigation authorized by this Act. The  
11 power to subpoena or to compel the production of books and  
12 papers, however, shall not extend to the person or documents  
13 of a labor organization or its representatives insofar as the  
14 person or documents of a labor organization relate to the  
15 function of representing an employee subject to investigation  
16 under this Act. Any person who fails to appear in response to a  
17 subpoena or to answer any question or produce any books or  
18 papers pertinent to an investigation under this Act, except as  
19 otherwise provided in this Section, or who knowingly gives  
20 false testimony in relation to an investigation under this Act  
21 is guilty of a Class A misdemeanor.

22 (h) The Inspector General shall provide to the General  
23 Assembly and the Governor, no later than January 1 of each  
24 year, a summary of reports and investigations made under this  
25 Section for the prior fiscal year. The summaries shall detail  
26 the imposition of sanctions and the final disposition of those

1 recommendations. For investigations involving violations of  
2 Section 7.29, the summaries shall detail: (i) the type of  
3 alleged violation; (ii) the type of entity alleged to have  
4 committed the conduct violation; (iii) whether any remedial  
5 services or interventions were provided to the youth to remedy  
6 harm related to the violation, if any; (iv) the final  
7 disposition of investigative recommendations the Inspector  
8 General provided to the Director and any reason provided to  
9 the Inspector General for declining to follow a  
10 recommendation, if any; and (v) any recommendations for  
11 systemic improvement to prevent future violations, including  
12 any enforcement mechanisms needed to ensure accountability for  
13 violations. The Inspector General shall also provide a summary  
14 of any reports received alleging conduct violating a  
15 requirement under Section 7.29 or 7.30 that the Inspector  
16 General chose not to investigate, if any, and the reason for  
17 that decision. The summaries shall not contain any  
18 confidential or identifying information concerning the  
19 subjects of the reports and investigations. The summaries also  
20 shall include detailed recommended administrative actions and  
21 matters for consideration by the General Assembly.

22 (i) 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. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23.)

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

3 (225 ILCS 10/8.1b new)

4 Sec. 8.1b. Supportive care for youth placed; licensure and  
5 contractual compliance.

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

18 (b) Enforcement. Failure to comply with this Section 8.1b  
19 constitutes grounds for the Department to deny or terminate  
20 placement or take licensing action, corrective action, or  
21 other remedial action authorized by law. Nothing in this  
22 subsection relieves the Department of its obligations to  
23 comply with the requirements of subsection (o) of Section 5 of  
24 the Children and Family Services Act or rules and procedures  
25 developed in accordance with that subsection (o).

1       (c) If any provision of this Section or its application to  
2       any person or circumstance is held invalid, the invalidity of  
3       that provision or application does not affect other provisions  
4       or applications of this Section that can be given effect  
5       without the invalid provision or application.

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

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

11           (705 ILCS 405/2-27.2)

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

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

24           (1) an explanation of what in State resources, if any,

1           were considered for the minor and why the minor cannot be  
2           placed in a residential treatment center or other  
3           placement in this State;

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

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

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

17          (5) if the minor is 8 years of age or older, consistent  
18          with Department policy regarding documentation of  
19          sensitive identity information, as that term is defined in  
20          the Children and Family Services Act, an overview of the  
21          individualized placement assessment required under  
22          subsection (d) of Section 7.30 of the Children and Family  
23          Services Act, including any risk of adverse action  
24          identified, as determined by the Department, the  
25          Department's plan to mitigate such risk of adverse action;  
26          and

1           (6) an affirmative statement of the minor's  
2           preferences regarding placement.

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

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

15           (c) This Section does not apply to an out-of-state  
16           placement of a minor in a family foster home, relative foster  
17           home, a home of a parent, or a dormitory or independent living  
18           setting of a minor attending a post-secondary educational  
19           institution.

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

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

24           (705 ILCS 405/2-27.4 new)

25           Sec. 2-27.4. Assessment and monitoring for minors in

1 out-of-state placements.

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

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

14 (1) the findings of the assessment required under  
15 subsection (d) of Section 7.30 of the Children and Family  
16 Services Act;

17 (2) the necessity and justification for the  
18 out-of-state placement;

19 (3) the efforts of the Department of Children and  
20 Family Services to identify an appropriate in-state  
21 placement;

22 (4) the anticipated duration of the placement, if this  
23 placement is not with a relative, as defined under Section  
24 4d of the Children and Family Services Act;

25 (5) the Department's plan for maintaining regular and  
26 meaningful contact between the Illinois-based assigned

1 caseworker and the minor as required under subsections (d)  
2 and (e) of Section 7.30 of the Children and Family  
3 Services Act;

4 (6) why the Department determined it to be in the  
5 minor's best interest to be placed in the identified  
6 placement and an affirmative statement of the minor's  
7 preferences regarding the placement; and

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

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

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

20 (705 ILCS 405/2-28)

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

22 Sec. 2-28. Court review.

23 (1) The court may require any legal custodian or guardian  
24 of the person appointed under this Act to report periodically  
25 to the court or may cite the legal custodian or guardian into

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

1 parent, guardian, or legal custodian is fit to care for the  
2 minor.

3 (1.3) (A) As used in this subsection:

4 "Direct case management, care, or placement" means work or  
5 services of individual workers or caregivers employed,  
6 contracted, or licensed by the Department or its service  
7 providers for child welfare services provided directly to  
8 individual minors, including, but not limited to, case  
9 management, clinical services, foster or relative caregiver  
10 services, and other placement services.

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

14 (B) Upon motion by any party or sua sponte the court shall  
15 schedule a hearing to determine whether an individual  
16 employed, contracted, or licensed to provide the minor's  
17 direct case management, care, or placement by the Department  
18 or its service providers has engaged in conduct that violates  
19 the obligations of the Department or service provider set  
20 forth in subparagraph (A) or (B) of paragraph (1) of  
21 subsection (e) of Section 7.29 of the Children and Family  
22 Services Act. Upon motion by any party or sua sponte, the court  
23 shall schedule a hearing to determine whether an individual  
24 employed, contracted, or licensed to provide the minor's  
25 direct case management, care, or placement by the Department  
26 or its service providers has engaged in conduct that violates

1 the obligations of the Department or service provider set  
2 forth in paragraph (1) of subsection (f) of Section 7.29 of the  
3 Children and Family Services Act. The hearing shall be  
4 scheduled with no later than 10 days of notice to the parties.

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

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

11 (E) If, after reviewing evidence, including evidence from  
12 the Department, the court determines that the individual  
13 employed, contracted, or licensed to provide the minor's  
14 direct case management, care, or placement by the Department  
15 or its service providers has violated its obligations to the  
16 minor under subparagraph (A) or (B) of paragraph (1) of  
17 subsection (e) of Section 7.29 of the Children and Family  
18 Services Act or under paragraph (1) of subsection (f) of  
19 Section 7.29 of the Children and Family Services Act, the  
20 court shall put in writing the factual basis supporting its  
21 findings. Consistent with its findings, the court shall:

22 (i) order reasonable conditions of conduct to be  
23 demonstrated by the violating employee, contractor, or  
24 licensee for a specified period of time and may require  
25 the Department to make periodic reports to the court  
26 containing such information as the court in its discretion

1 may prescribe;

2 (ii) require the Department to show why the  
3 Department's oversight may have failed to prevent conduct  
4 that violated subparagraph (A) or (B) of paragraph (1) of  
5 subsection (e) of Section 7.29 of the Children and Family  
6 Services Act or paragraph (1) of subsection (f) of Section  
7 7.29 of the Children and Family Services Act; and

8 (iii) require the Department to refer the allegation  
9 of conduct in violation of subparagraph (A) or (B) of  
10 paragraph (1) of subsection (e) of Section 7.29 of the  
11 Children and Family Services Act or paragraph (1) of  
12 subsection (f) of Section 7.29 of the Children and Family  
13 Services Act to the Department's Inspector General for  
14 investigation under Section 35.5 of the Children and  
15 Family Services Act, if the Department has not done so  
16 already.

17 (F) In addition to the required actions under paragraph  
18 (E), within the scope of the existing expressly permitted  
19 relief under the Juvenile Court Act of 1987, the court may  
20 enter any and all reasonable orders to remediate harm and  
21 prevent future harm to the minor, including, but not limited  
22 to:

23 (i) services or finding a placement not appropriate  
24 for the minor;

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

1           (iii) requiring the Department to investigate the  
2           conduct of the individual or service provider responsible  
3           or contributing to the conditions that resulted in the  
4           violation; and

5           (iv) requiring the Department to implement a  
6           recommendation by the minor's treating clinician, a  
7           clinician contracted by the Department to evaluate the  
8           minor, a recommendation made by the Department, or a  
9           reasonable and relevant request for specific support made  
10          by the minor.

11          In addition to any applicable finding, if the court  
12          determines that the Department violated its obligations under  
13          paragraph (1) of subsection (f) of Section 7.29 of the  
14          Children and Family Services Act, the court shall put in  
15          writing the factual basis supporting its determination and  
16          enter specific findings based on the evidence that the minor's  
17          placement is contrary to the minor's best interest and is not  
18          necessary or appropriate. The court shall require the  
19          Department to take immediate action to remedy the violation in  
20          accordance with this subsection. If the Department places a  
21          minor in a placement under an order entered under this  
22          Section, the Department has the authority to remove the minor  
23          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 (G) Any order entered under this subsection shall be  
10 directly related to the employed, contracted, or licensed  
11 individual's violation of subparagraph (A) or (B) of paragraph  
12 (1) of subsection (e) of Section 7.29 of the Children and  
13 Family Services Act or paragraph (1) of subsection (f) of  
14 Section 7.29 of the Children and Family Services Act and  
15 intended to remediate harm caused by that minor-specific  
16 violation or prevent future harm to the minor. Nothing in this  
17 subsection diminishes a minor's right to seek any other remedy  
18 and relief available to the minor at law or equity.

19 (1.5) The public agency that is the custodian or guardian  
20 of the minor shall file a written report with the court no  
21 later than 15 days after a minor in the agency's care remains:

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

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

26 (3) in a detention center or Department of Juvenile

1 Justice facility solely because the public agency cannot  
2 find an appropriate placement for the minor.

3 The report shall explain the steps the agency is taking to  
4 ensure the minor is placed appropriately, how the minor's  
5 needs are being met in the minor's shelter placement, and if a  
6 future placement has been identified by the Department, why  
7 the anticipated placement is appropriate for the needs of the  
8 minor and the anticipated placement date.

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

1 Act must also be met. The Department's written report and the  
2 court's written determination shall be included in and made  
3 part of the case plan for the minor child. If the minor child  
4 remains placed in a qualified residential treatment program,  
5 the Department shall submit evidence at each status and  
6 permanency hearing:

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

17 (B) documenting the specific treatment or service  
18 needs that should be met for the minor child in the  
19 placement and the length of time the minor child is  
20 expected to need the treatment or services;

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

25 (D) ~~beginning July 1, 2025,~~ documenting the  
26 Department's efforts regarding ongoing family finding and

1 relative engagement required under Section 2-27.3; ~~and-~~

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

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

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

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

24 (A) any special physical, psychological, educational,  
25 medical, emotional, or other needs of the minor or the  
26 minor's family that are relevant to a permanency or

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

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

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

16 (C-1) if the minor, age 8 or older, is placed outside  
17 the State of Illinois, an explanation of any risk of  
18 adverse action and efforts made by the Department to meet  
19 its obligations under Section 7.30 of the Children and  
20 Family Services Act, stated in a manner consistent with  
21 Department policy regarding documentation of sensitive  
22 identity information;

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

25 (D) detail regarding what progress or lack of progress  
26 the parent has made in correcting the conditions requiring

1 the minor child to be in care; whether the minor child can  
2 be returned home without jeopardizing the minor's child's  
3 health, safety, and welfare, what permanency goal is  
4 recommended to be in the best interests of the minor  
5 ~~child~~, and the reasons for the recommendation. If a  
6 permanency goal under paragraph (A), (B), or (B-1) of  
7 subsection (2.3) have been deemed inappropriate and not in  
8 the minor's best interest, the report must include the  
9 following information:

10 (i) confirmation that the caseworker has discussed  
11 the permanency options and subsidies available for  
12 guardianship and adoption with the minor's caregivers,  
13 the minor's parents, as appropriate, and has discussed  
14 the available permanency options with the minor in an  
15 age-appropriate manner;

16 (ii) confirmation that the caseworker has  
17 discussed with the minor's caregivers, the minor's  
18 parents, as appropriate, and the minor as  
19 age-appropriate, the distinctions between guardianship  
20 and adoption, including, but not limited to, that  
21 guardianship does not require termination of the  
22 parent's rights or the consent of the parent;

23 (iii) a description of the stated preferences and  
24 concerns, if any, the minor, the parent as  
25 appropriate, and the caregiver expressed relating to  
26 the options of guardianship and adoption, and the

1 reasons for the preferences;

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

9 (v) state the recommended permanency goal, why  
10 that goal is recommended, and why the other potential  
11 goals were not recommended.

12 The caseworker must appear and testify at the permanency  
13 hearing. If a permanency hearing has not previously been  
14 scheduled by the court, the moving party shall move for the  
15 setting of a permanency hearing and the entry of an order  
16 within the time frames set forth in this subsection.

17 (2.3) At the permanency hearing, the court shall determine  
18 the permanency goal of the minor ~~child~~. The court shall set one  
19 of the following permanency goals:

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

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

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

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

20 (C) The guardianship of the minor shall be transferred  
21 to an individual or couple on a permanent basis. Prior to  
22 changing the goal to guardianship, the court shall  
23 consider the following:

24 (i) whether the agency has discussed adoption and  
25 guardianship with the caregiver and what preference,  
26 if any, the caregiver has as to the permanency goal;

1           (ii) whether the agency has discussed adoption and  
2           guardianship with the minor, as age-appropriate, and  
3           what preference, if any, the minor has as to the  
4           permanency goal;

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

8           (iv) whether the minor is placed with a relative,  
9           and ~~beginning July 1, 2025,~~ whether the minor is  
10          placed in a relative home as defined in Section 4d of  
11          the Children and Family Services Act or in a certified  
12          relative caregiver home as defined in Section 2.36 of  
13          the Child Care Act of 1969; and

14          (v) whether the parent or parents have been  
15          informed about guardianship and adoption, and, if  
16          appropriate, what preferences, if any, the parent or  
17          parents have as to the permanency goal.

18          (D) The minor will be in substitute care pending court  
19          determination on termination of parental rights. Prior to  
20          changing the goal to substitute care pending court  
21          determination on termination of parental rights, the court  
22          shall consider the following:

23               (i) whether the agency has discussed adoption and  
24               guardianship with the caregiver and what preference,  
25               if any, the caregiver has as to the permanency goal;

26               (ii) whether the agency has discussed adoption and

1 guardianship with the minor, as age-appropriate, and  
2 what preference, if any, the minor has as to the  
3 permanency goal;

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

7 (iv) whether the minor is placed with a relative,  
8 and ~~beginning July 1, 2025, whether~~ the minor is  
9 placed in a relative home as defined in Section 4d of  
10 the Children and Family Services Act, in a certified  
11 relative caregiver home as defined in Section 2.36 of  
12 the Child Care Act of 1969;

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

16 (vi) whether the parent or parents have been  
17 informed about guardianship and adoption, and, if  
18 appropriate, what preferences, if any, the parent or  
19 parents have as to the permanency goal.

20 (E) Adoption, provided that parental rights have been  
21 terminated or relinquished.

22 (F) Provided that permanency goals (A) through (E)  
23 have been deemed inappropriate and not in the minor's best  
24 interests, the minor over age 15 will be in substitute  
25 care pending independence. In selecting this permanency  
26 goal, the Department of Children and Family Services may

1 provide services to enable reunification and to strengthen  
2 the minor's connections with family, fictive kin, and  
3 other responsible adults, provided the services are in the  
4 minor's best interest. The services shall be documented in  
5 the service plan.

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

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

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

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

26 (2) The court has deemed all other permanency

1 goals inappropriate based on the minor's ~~child's~~ best  
2 interest;

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

7 (a) the minor ~~child~~ does not wish to be  
8 adopted or to be placed in the guardianship of the  
9 minor's relative, certified relative caregiver, or  
10 foster care placement;

11 (b) the minor ~~child~~ exhibits an extreme level  
12 of need such that the removal of the minor ~~child~~  
13 from the minor's placement would be detrimental to  
14 the minor ~~child~~; or

15 (c) the minor ~~child~~ who is the subject of the  
16 permanency hearing has existing close and strong  
17 bonds with a sibling, and achievement of another  
18 permanency goal would substantially interfere with  
19 the subject minor's ~~child's~~ sibling relationship,  
20 taking into consideration the nature and extent of  
21 the relationship, and whether ongoing contact is  
22 in the subject minor's ~~child's~~ best interest,  
23 including long-term emotional interest, as  
24 compared with the legal and emotional benefit of  
25 permanence;

26 (4) The minor ~~child~~ has lived with the relative,

1 certified relative caregiver, or foster parent for at  
2 least one year; and

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

7 (2.4) The court shall set a permanency goal that is in the  
8 best interest of the minor ~~child~~. In determining that goal,  
9 the court shall consult with the minor in an age-appropriate  
10 manner regarding the proposed permanency or transition plan  
11 for the minor. The court's determination shall include the  
12 following factors:

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

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

16 (C) Current placement of the minor ~~child~~ and the  
17 intent of the family regarding subsidized guardianship and  
18 adoption.

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

21 (E) Types of services previously offered and whether  
22 or not the services were successful and, if not  
23 successful, the reasons the services failed.

24 (F) Availability of services currently needed and  
25 whether the services exist.

26 (G) Status of siblings of the minor.

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

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

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

1 requires of the parents, guardian, or legal custodian or minor  
2 ~~child~~ prior to returning the minor ~~child~~ home must be  
3 reasonably related to remedying a condition or conditions that  
4 gave rise to or which could give rise to any finding of child  
5 abuse or neglect.

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

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

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

1 factual findings and order the Department to modify the plan  
2 consistent with the court's findings.

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

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

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

25 Rights of wards of the court under this Act are  
26 enforceable against any public agency by complaints for relief

1 by mandamus filed in any proceedings brought under this Act.

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

1 placement as required by Department rule.

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

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

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

14 (i) (Blank).

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

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

1 needs of the minor and, if the minor is placed  
2 out-of-state, whether the out-of-state placement  
3 continues to be appropriate and consistent with the  
4 health, safety, and best interest of the minor with  
5 sufficient measures to mitigate any risk of adverse  
6 action taken by the Department, as required under  
7 Section 7.30 of the Children and Family Services Act.

8 (iv) (Blank).

9 (v) (Blank).

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

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

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

21 (b) The State's Attorney may file a motion to  
22 terminate parental rights of any parent who has failed to  
23 make reasonable efforts to correct the conditions which  
24 led to the removal of the minor ~~child~~ or reasonable  
25 progress toward the return of the minor ~~child~~, as defined  
26 in subdivision (D) (m) of Section 1 of the Adoption Act or

1 for whom any other unfitness ground for terminating  
2 parental rights as defined in subdivision (D) of Section 1  
3 of the Adoption Act exists.

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

21 Custody of the minor shall not be restored to any parent,  
22 guardian, or legal custodian in any case in which the minor is  
23 found to be neglected or abused under Section 2-3 or dependent  
24 under Section 2-4 of this Act, unless the minor can be cared  
25 for at home without endangering the minor's health or safety  
26 and it is in the best interest of the minor, and if such

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

26 When the court orders a minor ~~child~~ restored to the

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

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

17 (5) Whenever a parent, guardian, or legal custodian files  
18 a motion for restoration of custody of the minor, and the minor  
19 was adjudicated neglected, abused, or dependent as a result of  
20 physical abuse, the court shall cause to be made an  
21 investigation as to whether the movant has ever been charged  
22 with or convicted of any criminal offense which would indicate  
23 the likelihood of any further physical abuse to the minor.  
24 Evidence of such criminal convictions shall be taken into  
25 account in determining whether the minor can be cared for at  
26 home without endangering the minor's health or safety and

1 fitness of the parent, guardian, or legal custodian.

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

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

12 (c) All information obtained from any investigation  
13 shall be confidential as provided in Section 5-150 of this  
14 Act.

15 (6) The changes made to this Section by this amendatory  
16 Act of the 104th General Assembly apply on and after January 1,  
17 2028.

18 (Source: P.A. 103-22, eff. 8-8-23; 103-154, eff. 6-30-23;  
19 103-171, eff. 1-1-24; 103-605, eff. 7-1-24; 103-1061, eff.  
20 2-5-25; 104-2, eff. 6-16-25; revised 8-20-25.)

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

22 Sec. 2-28. Court review.

23 (1) The court may require any legal custodian or guardian  
24 of the person appointed under this Act to report periodically  
25 to the court or may cite the legal custodian or guardian into

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

1 parent, guardian, or legal custodian is fit to care for the  
2 minor.

3 (1.3) (A) As used in this subsection:

4 "Direct case management, care, or placement" means work or  
5 services of individual workers or caregivers employed,  
6 contracted, or licensed by the Department or its service  
7 providers for child welfare services provided directly to  
8 individual minors, including, but not limited to, case  
9 management, clinical services, foster or relative caregiver  
10 services, and other placement services.

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

14 (B) Upon motion by any party or sua sponte the court shall  
15 schedule a hearing to determine whether an individual  
16 employed, contracted, or licensed to provide the minor's  
17 direct case management, care, or placement by the Department  
18 or its service providers has engaged in conduct that violates  
19 the obligations of the Department or service provider set  
20 forth in subparagraph (A) or (B) of paragraph (1) of  
21 subsection (e) of Section 7.29 of the Children and Family  
22 Services Act. Upon motion by any party or sua sponte the court  
23 shall schedule a hearing to determine whether an individual  
24 employed, contracted, or licensed to provide the minor's  
25 direct case management, care, or placement by the Department  
26 or its Service Providers has engaged in conduct that violates

1 the obligations of the Department or service provider set  
2 forth in paragraph (1) of subsection (f) of Section 7.29 of the  
3 Children and Family Services Act. The hearing shall be  
4 scheduled with no later than 10 days of notice to the parties.

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

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

11 (E) If, after reviewing evidence, including evidence from  
12 the Department, the court determines that the individual  
13 employed, contracted, or licensed to provide the minor's  
14 direct case management, care, or placement by the Department  
15 or its Service Providers has violated its obligations to the  
16 minor under subparagraph (A) or (B) of paragraph (1) of  
17 subsection (e) of Section 7.29 of the Children and Family  
18 Services Act or paragraph (1) of subsection (f) of Section  
19 7.29 of the Children and Family Services Act, the court shall  
20 put in writing the factual basis supporting its findings.  
21 Consistent with its findings, the court shall:

22 (i) order reasonable conditions of conduct to be  
23 demonstrated by the violating employee, contractor, or  
24 licensee for a specified period of time and may require  
25 the Department to make periodic reports to the court  
26 containing such information as the court in its discretion

1 may prescribe;

2 (ii) require the Department to show why the  
3 Department's oversight may have failed to prevent conduct  
4 that violated subparagraph (A) or (B) of paragraph (1) of  
5 subsection (e) of Section 7.29 of the Children and Family  
6 Services Act or paragraph (1) of subsection (f) of Section  
7 7.29 of the Children and Family Services Act; and

8 (iii) require the Department to refer the allegation  
9 of conduct in violation of subparagraph (A) or (B) of  
10 paragraph (1) of subsection (e) of Section 7.29 of the  
11 Children and Family Services Act or paragraph (1) of  
12 subsection (f) of Section 7.29 of the Children and Family  
13 Services Act to the Department's inspector general for  
14 investigation under Section 35.5 of the Children and  
15 Family Services Act, if the Department has not done so  
16 already.

17 (F) In addition to the required actions under paragraph  
18 (E), within the scope of the existing expressly permitted  
19 relief under the Juvenile Court Act of 1987, the court may  
20 enter any and all reasonable orders to remediate harm and  
21 prevent future harm to the minor, including, but not limited  
22 to:

23 (i) services or finding a placement not appropriate  
24 for the minor;

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

1           (iii) requiring the Department to investigate the  
2           conduct of the individual or service provider responsible  
3           or contributing to the conditions that resulted in the  
4           violation; and

5           (iv) requiring the Department to implement a  
6           recommendation by the minor's treating clinician, a  
7           clinician contracted by the Department to evaluate the  
8           minor, a recommendation made by the Department, or a  
9           reasonable and relevant request for specific support made  
10          by the minor.

11          In addition to any applicable finding, if the court  
12          determines that the Department violated its obligations under  
13          paragraph (1) of subsection (f) of Section 7.29 of the  
14          Children and Family Services Act, the court shall put in  
15          writing the factual basis supporting its determination and  
16          enter specific findings based on the evidence that the minor's  
17          placement is contrary to the minor's best interest and is not  
18          necessary or appropriate. The court shall require the  
19          Department to take immediate action to remedy the violation in  
20          accordance with this subsection. If the Department places a  
21          minor in a placement under an order entered under this  
22          Section, the Department has the authority to remove the minor  
23          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 (G) Any order entered under this subsection shall be  
10 directly related to the employed, contracted, or licensed  
11 individual's violation of subparagraph (A) or (B) of paragraph  
12 (1) of subsection (e) of Section 7.29 of the Children and  
13 Family Services Act or paragraph (1) of subsection (f) of  
14 Section 7.29 of the Children and Family Services Act and  
15 intended to remediate harm caused by that minor-specific  
16 violation or prevent future harm to the minor. Nothing in this  
17 subsection diminishes a minor's right to seek any other remedy  
18 and relief available to the minor at law or equity.

19 (1.5) The public agency that is the custodian or guardian  
20 of the minor shall file a written report with the court no  
21 later than 15 days after a minor in the agency's care remains:

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

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

26 (3) in a detention center or Department of Juvenile

1 Justice facility solely because the public agency cannot  
2 find an appropriate placement for the minor.

3 The report shall explain the steps the agency is taking to  
4 ensure the minor is placed appropriately, how the minor's  
5 needs are being met in the minor's shelter placement, and if a  
6 future placement has been identified by the Department, why  
7 the anticipated placement is appropriate for the needs of the  
8 minor and the anticipated placement date.

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

1 Services Act must also be met. The Department's written report  
2 and the court's written determination shall be included in and  
3 made part of the case plan for the minor child. If the minor  
4 ~~child~~ remains placed in a qualified residential treatment  
5 program, the Department shall submit evidence at each status  
6 and permanency hearing:

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

17 (B) documenting the specific treatment or service  
18 needs that should be met for the minor child in the  
19 placement and the length of time the minor child is  
20 expected to need the treatment or services;

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

25 (D) ~~beginning July 1, 2025,~~ documenting the  
26 Department's efforts regarding ongoing family finding and

1 relative engagement required under Section 2-27.3; ~~and~~

2 (E) detailing efforts to ensure the minor is engaged  
3 in age and developmentally appropriate activities to  
4 develop life skills, which may include extracurricular  
5 activities, coaching by caregivers, or instruction in  
6 individual or group settings. For minors who have  
7 participated in life skills assessments, the results of  
8 such assessments and how the minor's identified needs are  
9 being addressed; ~~and-~~

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

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

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

24 The public agency that is the custodian or guardian of the  
25 minor, or another agency responsible for the minor's care,  
26 shall ensure that all parties to the permanency hearings are

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

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

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

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

24 (C-1) if the minor, age 8 or older, is placed outside  
25 the State of Illinois, an explanation of risk of adverse  
26 action, an explanation of the adverse action and the

1 efforts made by the Department to meet its obligations  
2 under Section 7.30 of the Children and Family Services  
3 Act, stated in a manner consistent with Department policy  
4 regarding documentation of sensitive identity information  
5 as that term is defined in the Children and Family  
6 Services Act;

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

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

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

26 (ii) confirmation that the caseworker has

1 discussed with the minor's caregivers, the minor's  
2 parents, as appropriate, and the minor as  
3 age-appropriate, the distinctions between guardianship  
4 and adoption, including, but not limited to, that  
5 guardianship does not require termination of the  
6 parent's rights or the consent of the parent;

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

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

19 (v) state the recommended permanency goal, why  
20 that goal is recommended, and why the other potential  
21 goals were not recommended.

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

1 (2.3) At the permanency hearing, the court shall determine  
2 the permanency goal of the minor child. The court shall set one  
3 of the following permanency goals:

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

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

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

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

1 The court shall determine the appropriate goal for the  
2 minor based on best interest factors and any  
3 considerations outlined in that goal.

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

8 (i) whether the agency has discussed adoption and  
9 guardianship with the caregiver and what preference,  
10 if any, the caregiver has as to the permanency goal;

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

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

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

24 (v) whether the parent or parents have been  
25 informed about guardianship and adoption, and, if  
26 appropriate, what preferences, if any, the parent or

1 parents have as to the permanency goal.

2 (D) The minor will be in substitute care pending court  
3 determination on termination of parental rights. Prior to  
4 changing the goal to substitute care pending court  
5 determination on termination of parental rights, the court  
6 shall consider the following:

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

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

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

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

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

26 (vi) whether the parent or parents have been

1 informed about guardianship and adoption, and, if  
2 appropriate, what preferences, if any, the parent or  
3 parents have as to the permanency goal.

4 (E) Adoption, provided that parental rights have been  
5 terminated or relinquished.

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

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

22 In selecting any permanency goal, the court shall  
23 indicate in writing the reasons the goal was selected and  
24 why the preceding goals were deemed inappropriate and not  
25 in the minor's ~~child's~~ best interest. Where the court has  
26 selected a permanency goal other than (A), (B), or (B-1),

1 the Department of Children and Family Services shall not  
2 provide further reunification services, except as provided  
3 in paragraph (F) of this subsection (2.3), but shall  
4 provide services consistent with the goal selected.

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

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

10 (2) The court has deemed all other permanency  
11 goals inappropriate based on the minor's ~~child's~~ best  
12 interest;

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

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

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

25 (c) the minor ~~child~~ who is the subject of the  
26 permanency hearing has existing close and strong

1 bonds with a sibling, and achievement of another  
2 permanency goal would substantially interfere with  
3 the subject minor's ~~child's~~ sibling relationship,  
4 taking into consideration the nature and extent of  
5 the relationship, and whether ongoing contact is  
6 in the subject minor's ~~child's~~ best interest,  
7 including long-term emotional interest, as  
8 compared with the legal and emotional benefit of  
9 permanence;

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

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

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

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

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

26 (C) Current placement of the minor ~~child~~ and the

1 intent of the family regarding subsidized guardianship and  
2 adoption.

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

5 (E) Types of services previously offered and whether  
6 or not the services were successful and, if not  
7 successful, the reasons the services failed.

8 (F) Availability of services currently needed and  
9 whether the services exist.

10 (G) Status of siblings of the minor.

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

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

25 The court shall make findings as to whether, in violation  
26 of Section 8.2 of the Abused and Neglected Child Reporting

1 Act, any portion of the service plan compels a minor ~~child~~ or  
2 parent to engage in any activity or refrain from any activity  
3 that is not reasonably related to remedying a condition or  
4 conditions that gave rise or which could give rise to any  
5 finding of child abuse or neglect. The services contained in  
6 the service plan shall include services reasonably related to  
7 remedy the conditions that gave rise to removal of the minor  
8 ~~child~~ from the home of the minor's ~~child's~~ parents, guardian,  
9 or legal custodian or that the court has found must be remedied  
10 prior to returning the minor ~~child~~ home. Any tasks the court  
11 requires of the parents, guardian, or legal custodian or minor  
12 ~~child~~ prior to returning the minor ~~child~~ home must be  
13 reasonably related to remedying a condition or conditions that  
14 gave rise to or which could give rise to any finding of child  
15 abuse or neglect.

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

24 The court shall review the Sibling Contact Support Plan  
25 developed or modified under subsection (f) of Section 7.4 of  
26 the Children and Family Services Act, if applicable. If the

1 Department has not convened a meeting to develop or modify a  
2 Sibling Contact Support Plan, or if the court finds that the  
3 existing Plan is not in the minor's ~~child's~~ best interest, the  
4 court may enter an order requiring the Department to develop,  
5 modify, or implement a Sibling Contact Support Plan, or order  
6 mediation.

7 The court shall review the Department's efforts to provide  
8 the minor with age and developmentally appropriate life  
9 skills. If the court finds the Department's efforts are not in  
10 the minor's best interest, the court may enter an order  
11 requiring the Department to develop, modify, or implement the  
12 service plan to develop the minor's life skills in an age and  
13 developmentally appropriate manner.

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

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

23 If, after receiving evidence, the court determines that  
24 the services contained in the plan are not reasonably  
25 calculated to facilitate achievement of the permanency goal,  
26 the court shall put in writing the factual basis supporting

1 the determination and enter specific findings based on the  
2 evidence. The court also shall enter an order for the  
3 Department to develop and implement a new service plan or to  
4 implement changes to the current service plan consistent with  
5 the court's findings. The new service plan shall be filed with  
6 the court and served on all parties within 45 days of the date  
7 of the order. The court shall continue the matter until the new  
8 service plan is filed. Except as authorized by subsection  
9 (2.5) of this Section and as otherwise specifically authorized  
10 by law, the court is not empowered under this Section to order  
11 specific placements, specific services, or specific service  
12 providers to be included in the service plan.

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

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

19 (2.5) If, after reviewing the evidence, including evidence  
20 from the Department, the court determines that the minor's  
21 current or planned placement is not necessary or appropriate  
22 to facilitate achievement of the permanency goal, the court  
23 shall put in writing the factual basis supporting its  
24 determination and enter specific findings based on the  
25 evidence. If the court finds that the minor's current or  
26 planned placement is not necessary or appropriate, the court

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

19 (3) Following the permanency hearing, the court shall  
20 enter a written order that includes the determinations  
21 required under subsections (2) and (2.3) of this Section and  
22 sets forth the following:

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

26 (b) If the permanency goal of the minor cannot be

1           achieved immediately, the specific reasons for continuing  
2           the minor in the care of the Department of Children and  
3           Family Services or other agency for short-term placement,  
4           and the following determinations:

5                   (i) (Blank).

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

12                  (iii) Whether the minor's current or planned  
13                  placement is necessary, and appropriate to the plan  
14                  and goal, recognizing the right of minors to the least  
15                  restrictive (most family-like) setting available and  
16                  in close proximity to the parents' home consistent  
17                  with the health, safety, best interest, and special  
18                  needs of the minor and, if the minor is placed  
19                  out-of-state, whether the out-of-state placement  
20                  continues to be appropriate and consistent with the  
21                  health, safety, and best interest of the minor with  
22                  sufficient measures to mitigate any risk of adverse  
23                  action taken by the Department as required under  
24                  Section 7.30 of the Children and Family Services Act,  
25                  if such circumstances are applicable.

26                   (iv) (Blank).

1 (v) (Blank).

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

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

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

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

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

26 When parental rights have been terminated for a

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

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

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

22 When the court orders a minor ~~child~~ restored to the  
23 custody of the parent or parents, the court shall order the  
24 parent or parents to cooperate with the Department of Children  
25 and Family Services and comply with the terms of an aftercare  
26 ~~after-care~~ plan, or risk the loss of custody of the minor ~~child~~

1 and possible termination of their parental rights. The court  
2 may also enter an order of protective supervision in  
3 accordance with Section 2-24.

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

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

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

1 (b) The information derived from the investigation and  
2 any conclusions or recommendations derived from the  
3 information shall be provided to the parent, guardian, or  
4 legal custodian seeking restoration of custody prior to  
5 the hearing on fitness and the movant shall have an  
6 opportunity at the hearing to refute the information or  
7 contest its significance.

8 (c) All information obtained from any investigation  
9 shall be confidential as provided in Section 5-150 of this  
10 Act.

11 (6) The changes made to this Section by this amendatory  
12 Act of the 104th General Assembly apply on and after January 1,  
13 2028.

14 (Source: P.A. 103-22, eff. 8-8-23; 103-154, eff. 6-30-23;  
15 103-171, eff. 1-1-24; 103-605, eff. 7-1-24; 103-1061, eff.  
16 2-5-25; 104-2, eff. 6-16-25; 104-107, eff. 7-1-26; revised  
17 8-20-25.)

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

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