

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 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 2-4b as follows:

6 (705 ILCS 405/2-4b)

7 Sec. 2-4b. Publicly funded community and residential
8 Family Support Program services; hearing.

9 (a) The purpose of this Section is to ensure that minors
10 who come to the attention of the court because they need
11 treatment for complex behavioral and mental health needs are
12 removed from the custody of their parents only as a last resort
13 unless abuse or neglect is alleged, based upon facts other
14 than the minor was left at a psychiatric hospital beyond
15 medical necessity. If the respondent was in the process of
16 attempting to obtain publicly funded services before the minor
17 comes to the court's attention and those services become
18 available, this Section will allow the court (i) to determine
19 whether the parent is able to address all of the minor's needs
20 without the minor being placed in or continuing in the custody
21 or guardianship of the Department and (ii) to consider whether
22 the minor should be returned to the respondent with such
23 services in place, consistent with the minor's best interest.

1 Any minor who is placed in the custody or guardianship of
2 the Department of Children and Family Services under Article
3 II of this Act on the basis of a petition alleging that the
4 minor is neglected or dependent because the minor was left at a
5 psychiatric hospital beyond medical necessity, and for whom an
6 eligibility determination for publicly funded community or
7 residential services is pending or under active review
8 ~~application for the Family Support Program was pending with~~
9 ~~the Department of Healthcare and Family Services or an active~~
10 ~~application was being reviewed by the Department of Healthcare~~
11 ~~and Family Services~~ at the time the petition was filed, shall
12 be able to continue with the eligibility determination process
13 for such publicly funded community or residential ~~continue to~~
14 ~~be considered eligible for services if all other eligibility~~
15 ~~criteria are met.~~

16 (b) If the minor is determined eligible for publicly
17 funded community or residential services and the necessary
18 publicly funded community or residential services are
19 available for the minor, the ~~The~~ court shall conduct a hearing
20 within 14 days upon notification to all parties:

21 (1) For minors in the temporary custody of the
22 Department, the court shall determine whether urgent and
23 immediate necessity exists pursuant to paragraph (9) of
24 Section 2-10 to continue the minor in the custody of the
25 Department and whether the Department's custody of the
26 minor should be vacated.

1 (2) For minors in the guardianship of the Department,
2 the court shall determine whether the respondent is fit,
3 willing, and able to care for the minor and whether it is
4 in the minor's best interest to return to the custody of
5 the respondent. ~~that an application for the Family Support~~
6 ~~Program services has been approved and services are~~
7 ~~available. At the hearing, the court shall determine~~
8 ~~whether to vacate the custody or guardianship of the~~
9 ~~Department of Children and Family Services and return the~~
10 ~~minor to the custody of the respondent with Family Support~~
11 ~~Program services or whether the minor shall continue to be~~
12 ~~in the custody or guardianship of the Department of~~
13 ~~Children and Family Services and decline the Family~~
14 ~~Support Program services.~~

15 In making its determination pursuant to paragraphs (1) and
16 (2), the court shall consider the minor's best interest, the
17 availability of publicly funded community or residential
18 services for the minor, the involvement of the respondent in
19 proceedings under this Act, the involvement of the respondent
20 in the minor's treatment, the relationship between the minor
21 and the respondent, whether placement of the minor in the
22 custody of the Department is the least restrictive means to
23 support the minor and the minor's relationship with the
24 respondent, and any other factor the court deems relevant.

25 (b-1) If the court vacates the Department's temporary
26 custody of the minor pursuant to paragraph (1) of subsection

1 (b) and Section 2-10, or vacates the Department's ~~or~~
2 guardianship of the minor pursuant paragraph (2) of subsection
3 (b) or Section 2-23 ~~Department of Children and Family Services~~
4 and returns the minor to the custody and guardianship of the
5 respondent with publicly funded community or residential
6 services, the State agency affiliated with the services ~~Family~~
7 ~~Support Services, the Department of Healthcare and Family~~
8 ~~Services~~ shall become fiscally responsible for providing
9 services to the minor. If the court determines that the minor
10 shall continue in the custody of the Department of Children
11 and Family Services, the Department of Children and Family
12 Services shall remain fiscally responsible for providing
13 services to the minor, ~~the Family Support Services shall be~~
14 ~~declined, and the minor shall no longer be eligible for Family~~
15 ~~Support Services.~~

16 (c) This Section does not apply to ~~a minor~~:

17 (1) a minor for whom the court has not yet completed an
18 adjudicatory hearing and for whom a petition has been
19 filed under this Act alleging that the minor is a ~~an abused~~
20 ~~or~~ neglected minor, other than a minor left at a
21 psychiatric hospital beyond medical necessity, or an
22 abused minor;

23 (2) a minor who ~~for whom~~ the court has adjudicated
24 under this Act as either (i) a neglected minor, unless the
25 primary basis for the finding is that the respondent left
26 the minor at a psychiatric hospital beyond medical

1 necessity, or (ii) an abused minor ~~made a finding that the~~
2 ~~minor is an abused or neglected minor~~ under this Act; or

3 (3) a minor who is in the temporary custody of the
4 Department of Children and Family Services and the minor
5 has been the subject of an indicated allegation of abuse
6 or neglect, other than for psychiatric lockout, where a
7 respondent was the perpetrator within 5 years of the
8 filing of the pending petition.

9 (Source: P.A. 103-22, eff. 8-8-23.)