

1 AN ACT concerning State government.

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

4 Section 5. The Children and Family Services Act is amended
5 by changing Sections 5 and 35.10 as follows:

6 (20 ILCS 505/5)

7 (Text of Section before amendment by P.A. 103-1061)

8 Sec. 5. Direct child welfare services; Department of
9 Children and Family Services. To provide direct child welfare
10 services when not available through other public or private
11 child care or program facilities.

12 (a) For purposes of this Section:

13 (1) "Children" means persons found within the State
14 who are under the age of 18 years. The term also includes
15 persons under age 21 who:

16 (A) were committed to the Department pursuant to
17 the Juvenile Court Act or the Juvenile Court Act of
18 1987 and who continue under the jurisdiction of the
19 court; or

20 (B) were accepted for care, service and training
21 by the Department prior to the age of 18 and whose best
22 interest in the discretion of the Department would be
23 served by continuing that care, service and training

1 because of severe emotional disturbances, physical
2 disability, social adjustment or any combination
3 thereof, or because of the need to complete an
4 educational or vocational training program.

5 (2) "Homeless youth" means persons found within the
6 State who are under the age of 19, are not in a safe and
7 stable living situation and cannot be reunited with their
8 families.

9 (3) "Child welfare services" means public social
10 services which are directed toward the accomplishment of
11 the following purposes:

12 (A) protecting and promoting the health, safety
13 and welfare of children, including homeless,
14 dependent, or neglected children;

15 (B) remedying, or assisting in the solution of
16 problems which may result in, the neglect, abuse,
17 exploitation, or delinquency of children;

18 (C) preventing the unnecessary separation of
19 children from their families by identifying family
20 problems, assisting families in resolving their
21 problems, and preventing the breakup of the family
22 where the prevention of child removal is desirable and
23 possible when the child can be cared for at home
24 without endangering the child's health and safety;

25 (D) restoring to their families children who have
26 been removed, by the provision of services to the

1 child and the families when the child can be cared for
2 at home without endangering the child's health and
3 safety;

4 (E) placing children in suitable permanent family
5 arrangements, through guardianship or adoption, in
6 cases where restoration to the birth family is not
7 safe, possible, or appropriate;

8 (F) at the time of placement, conducting
9 concurrent planning, as described in subsection (1-1)
10 of this Section, so that permanency may occur at the
11 earliest opportunity. Consideration should be given so
12 that if reunification fails or is delayed, the
13 placement made is the best available placement to
14 provide permanency for the child;

15 (G) (blank);

16 (H) (blank); and

17 (I) placing and maintaining children in facilities
18 that provide separate living quarters for children
19 under the age of 18 and for children 18 years of age
20 and older, unless a child 18 years of age is in the
21 last year of high school education or vocational
22 training, in an approved individual or group treatment
23 program, in a licensed shelter facility, or secure
24 child care facility. The Department is not required to
25 place or maintain children:

26 (i) who are in a foster home, or

1 (ii) who are persons with a developmental
2 disability, as defined in the Mental Health and
3 Developmental Disabilities Code, or

4 (iii) who are female children who are
5 pregnant, pregnant and parenting, or parenting, or

6 (iv) who are siblings, in facilities that
7 provide separate living quarters for children 18
8 years of age and older and for children under 18
9 years of age.

10 (b) (Blank).

11 (b-5) The Department shall adopt rules to establish a
12 process for all licensed residential providers in Illinois to
13 submit data as required by the Department if they contract or
14 receive reimbursement for children's mental health, substance
15 use, and developmental disability services from the Department
16 of Human Services, the Department of Juvenile Justice, or the
17 Department of Healthcare and Family Services. The requested
18 data must include, but is not limited to, capacity, staffing,
19 and occupancy data for the purpose of establishing State need
20 and placement availability.

21 All information collected, shared, or stored pursuant to
22 this subsection shall be handled in accordance with all State
23 and federal privacy laws and accompanying regulations and
24 rules, including without limitation the federal Health
25 Insurance Portability and Accountability Act of 1996 (Public
26 Law 104-191) and the Mental Health and Developmental

1 Disabilities Confidentiality Act.

2 (c) The Department shall establish and maintain
3 tax-supported child welfare services and extend and seek to
4 improve voluntary services throughout the State, to the end
5 that services and care shall be available on an equal basis
6 throughout the State to children requiring such services.

7 (d) The Director may authorize advance disbursements for
8 any new program initiative to any agency contracting with the
9 Department. As a prerequisite for an advance disbursement, the
10 contractor must post a surety bond in the amount of the advance
11 disbursement and have a purchase of service contract approved
12 by the Department. The Department may pay up to 2 months
13 operational expenses in advance. The amount of the advance
14 disbursement shall be prorated over the life of the contract
15 or the remaining months of the fiscal year, whichever is less,
16 and the installment amount shall then be deducted from future
17 bills. Advance disbursement authorizations for new initiatives
18 shall not be made to any agency after that agency has operated
19 during 2 consecutive fiscal years. The requirements of this
20 Section concerning advance disbursements shall not apply with
21 respect to the following: payments to local public agencies
22 for child day care services as authorized by Section 5a of this
23 Act; and youth service programs receiving grant funds under
24 Section 17a-4.

25 (e) (Blank).

26 (f) (Blank).

1 (g) The Department shall establish rules and regulations
2 concerning its operation of programs designed to meet the
3 goals of child safety and protection, family preservation,
4 family reunification, and adoption, including, but not limited
5 to:

6 (1) adoption;

7 (2) foster care;

8 (3) family counseling;

9 (4) protective services;

10 (5) (blank);

11 (6) homemaker service;

12 (7) return of runaway children;

13 (8) (blank);

14 (9) placement under Section 5-7 of the Juvenile Court
15 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
16 Court Act of 1987 in accordance with the federal Adoption
17 Assistance and Child Welfare Act of 1980; and

18 (10) interstate services.

19 Rules and regulations established by the Department shall
20 include provisions for training Department staff and the staff
21 of Department grantees, through contracts with other agencies
22 or resources, in screening techniques to identify substance
23 use disorders, as defined in the Substance Use Disorder Act,
24 approved by the Department of Human Services, as a successor
25 to the Department of Alcoholism and Substance Abuse, for the
26 purpose of identifying children and adults who should be

1 referred for an assessment at an organization appropriately
2 licensed by the Department of Human Services for substance use
3 disorder treatment.

4 (h) If the Department finds that there is no appropriate
5 program or facility within or available to the Department for
6 a youth in care and that no licensed private facility has an
7 adequate and appropriate program or none agrees to accept the
8 youth in care, the Department shall create an appropriate
9 individualized, program-oriented plan for such youth in care.
10 The plan may be developed within the Department or through
11 purchase of services by the Department to the extent that it is
12 within its statutory authority to do.

13 (i) Service programs shall be available throughout the
14 State and shall include but not be limited to the following
15 services:

- 16 (1) case management;
- 17 (2) homemakers;
- 18 (3) counseling;
- 19 (4) parent education;
- 20 (5) day care; and
- 21 (6) emergency assistance and advocacy.

22 In addition, the following services may be made available
23 to assess and meet the needs of children and families:

- 24 (1) comprehensive family-based services;
- 25 (2) assessments;
- 26 (3) respite care; and

1 (4) in-home health services.

2 The Department shall provide transportation for any of the
3 services it makes available to children or families or for
4 which it refers children or families.

5 (j) The Department may provide categories of financial
6 assistance and education assistance grants, and shall
7 establish rules and regulations concerning the assistance and
8 grants, to persons who adopt children with physical or mental
9 disabilities, children who are older, or other hard-to-place
10 children who (i) immediately prior to their adoption were
11 youth in care or (ii) were determined eligible for financial
12 assistance with respect to a prior adoption and who become
13 available for adoption because the prior adoption has been
14 dissolved and the parental rights of the adoptive parents have
15 been terminated or because the child's adoptive parents have
16 died. The Department may continue to provide financial
17 assistance and education assistance grants for a child who was
18 determined eligible for financial assistance under this
19 subsection (j) in the interim period beginning when the
20 child's adoptive parents died and ending with the finalization
21 of the new adoption of the child by another adoptive parent or
22 parents. The Department may also provide categories of
23 financial assistance and education assistance grants, and
24 shall establish rules and regulations for the assistance and
25 grants, to persons appointed guardian of the person under
26 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,

1 4-25, or 5-740 of the Juvenile Court Act of 1987 for children
2 who were youth in care for 12 months immediately prior to the
3 appointment of the guardian.

4 The amount of assistance may vary, depending upon the
5 needs of the child and the adoptive parents, as set forth in
6 the annual assistance agreement. Special purpose grants are
7 allowed where the child requires special service but such
8 costs may not exceed the amounts which similar services would
9 cost the Department if it were to provide or secure them as
10 guardian of the child.

11 Any financial assistance provided under this subsection is
12 inalienable by assignment, sale, execution, attachment,
13 garnishment, or any other remedy for recovery or collection of
14 a judgment or debt.

15 (j-5) The Department shall not deny or delay the placement
16 of a child for adoption if an approved family is available
17 either outside of the Department region handling the case, or
18 outside of the State of Illinois.

19 (k) The Department shall accept for care and training any
20 child who has been adjudicated neglected or abused, or
21 dependent committed to it pursuant to the Juvenile Court Act
22 or the Juvenile Court Act of 1987.

23 (l) The Department shall offer family preservation
24 services, as defined in Section 8.2 of the Abused and
25 Neglected Child Reporting Act, to help families, including
26 adoptive and extended families. Family preservation services

1 shall be offered (i) to prevent the placement of children in
2 substitute care when the children can be cared for at home or
3 in the custody of the person responsible for the children's
4 welfare, (ii) to reunite children with their families, or
5 (iii) to maintain an adoptive placement. Family preservation
6 services shall only be offered when doing so will not endanger
7 the children's health or safety. With respect to children who
8 are in substitute care pursuant to the Juvenile Court Act of
9 1987, family preservation services shall not be offered if a
10 goal other than those of subdivisions (A), (B), or (B-1) of
11 subsection (2) of Section 2-28 of that Act has been set, except
12 that reunification services may be offered as provided in
13 paragraph (F) of subsection (2) of Section 2-28 of that Act.
14 Nothing in this paragraph shall be construed to create a
15 private right of action or claim on the part of any individual
16 or child welfare agency, except that when a child is the
17 subject of an action under Article II of the Juvenile Court Act
18 of 1987 and the child's service plan calls for services to
19 facilitate achievement of the permanency goal, the court
20 hearing the action under Article II of the Juvenile Court Act
21 of 1987 may order the Department to provide the services set
22 out in the plan, if those services are not provided with
23 reasonable promptness and if those services are available.

24 The Department shall notify the child and the child's
25 family of the Department's responsibility to offer and provide
26 family preservation services as identified in the service

1 plan. The child and the child's family shall be eligible for
2 services as soon as the report is determined to be
3 "indicated". The Department may offer services to any child or
4 family with respect to whom a report of suspected child abuse
5 or neglect has been filed, prior to concluding its
6 investigation under Section 7.12 of the Abused and Neglected
7 Child Reporting Act. However, the child's or family's
8 willingness to accept services shall not be considered in the
9 investigation. The Department may also provide services to any
10 child or family who is the subject of any report of suspected
11 child abuse or neglect or may refer such child or family to
12 services available from other agencies in the community, even
13 if the report is determined to be unfounded, if the conditions
14 in the child's or family's home are reasonably likely to
15 subject the child or family to future reports of suspected
16 child abuse or neglect. Acceptance of such services shall be
17 voluntary. The Department may also provide services to any
18 child or family after completion of a family assessment, as an
19 alternative to an investigation, as provided under the
20 "differential response program" provided for in subsection
21 (a-5) of Section 7.4 of the Abused and Neglected Child
22 Reporting Act.

23 The Department may, at its discretion except for those
24 children also adjudicated neglected or dependent, accept for
25 care and training any child who has been adjudicated addicted,
26 as a truant minor in need of supervision or as a minor

1 requiring authoritative intervention, under the Juvenile Court
2 Act or the Juvenile Court Act of 1987, but no such child shall
3 be committed to the Department by any court without the
4 approval of the Department. On and after January 1, 2015 (the
5 effective date of Public Act 98-803) and before January 1,
6 2017, a minor charged with a criminal offense under the
7 Criminal Code of 1961 or the Criminal Code of 2012 or
8 adjudicated delinquent shall not be placed in the custody of
9 or committed to the Department by any court, except (i) a minor
10 less than 16 years of age committed to the Department under
11 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
12 for whom an independent basis of abuse, neglect, or dependency
13 exists, which must be defined by departmental rule, or (iii) a
14 minor for whom the court has granted a supplemental petition
15 to reinstate wardship pursuant to subsection (2) of Section
16 2-33 of the Juvenile Court Act of 1987. On and after January 1,
17 2017, a minor charged with a criminal offense under the
18 Criminal Code of 1961 or the Criminal Code of 2012 or
19 adjudicated delinquent shall not be placed in the custody of
20 or committed to the Department by any court, except (i) a minor
21 less than 15 years of age committed to the Department under
22 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
23 for whom an independent basis of abuse, neglect, or dependency
24 exists, which must be defined by departmental rule, or (iii) a
25 minor for whom the court has granted a supplemental petition
26 to reinstate wardship pursuant to subsection (2) of Section

1 2-33 of the Juvenile Court Act of 1987. An independent basis
2 exists when the allegations or adjudication of abuse, neglect,
3 or dependency do not arise from the same facts, incident, or
4 circumstances which give rise to a charge or adjudication of
5 delinquency. The Department shall assign a caseworker to
6 attend any hearing involving a youth in the care and custody of
7 the Department who is placed on aftercare release, including
8 hearings involving sanctions for violation of aftercare
9 release conditions and aftercare release revocation hearings.

10 As soon as is possible after August 7, 2009 (the effective
11 date of Public Act 96-134), the Department shall develop and
12 implement a special program of family preservation services to
13 support intact, foster, and adoptive families who are
14 experiencing extreme hardships due to the difficulty and
15 stress of caring for a child who has been diagnosed with a
16 pervasive developmental disorder if the Department determines
17 that those services are necessary to ensure the health and
18 safety of the child. The Department may offer services to any
19 family whether or not a report has been filed under the Abused
20 and Neglected Child Reporting Act. The Department may refer
21 the child or family to services available from other agencies
22 in the community if the conditions in the child's or family's
23 home are reasonably likely to subject the child or family to
24 future reports of suspected child abuse or neglect. Acceptance
25 of these services shall be voluntary. The Department shall
26 develop and implement a public information campaign to alert

1 health and social service providers and the general public
2 about these special family preservation services. The nature
3 and scope of the services offered and the number of families
4 served under the special program implemented under this
5 paragraph shall be determined by the level of funding that the
6 Department annually allocates for this purpose. The term
7 "pervasive developmental disorder" under this paragraph means
8 a neurological condition, including, but not limited to,
9 Asperger's Syndrome and autism, as defined in the most recent
10 edition of the Diagnostic and Statistical Manual of Mental
11 Disorders of the American Psychiatric Association.

12 (1-1) The General Assembly recognizes that the best
13 interests of the child require that the child be placed in the
14 most permanent living arrangement as soon as is practically
15 possible. To achieve this goal, the General Assembly directs
16 the Department of Children and Family Services to conduct
17 concurrent planning so that permanency may occur at the
18 earliest opportunity. Permanent living arrangements may
19 include prevention of placement of a child outside the home of
20 the family when the child can be cared for at home without
21 endangering the child's health or safety; reunification with
22 the family, when safe and appropriate, if temporary placement
23 is necessary; or movement of the child toward the most
24 permanent living arrangement and permanent legal status.

25 When determining reasonable efforts to be made with
26 respect to a child, as described in this subsection, and in

1 making such reasonable efforts, the child's health and safety
2 shall be the paramount concern.

3 When a child is placed in foster care, the Department
4 shall ensure and document that reasonable efforts were made to
5 prevent or eliminate the need to remove the child from the
6 child's home. The Department must make reasonable efforts to
7 reunify the family when temporary placement of the child
8 occurs unless otherwise required, pursuant to the Juvenile
9 Court Act of 1987. At any time after the dispositional hearing
10 where the Department believes that further reunification
11 services would be ineffective, it may request a finding from
12 the court that reasonable efforts are no longer appropriate.
13 The Department is not required to provide further
14 reunification services after such a finding.

15 A decision to place a child in substitute care shall be
16 made with considerations of the child's health, safety, and
17 best interests. At the time of placement, consideration should
18 also be given so that if reunification fails or is delayed, the
19 placement made is the best available placement to provide
20 permanency for the child.

21 The Department shall adopt rules addressing concurrent
22 planning for reunification and permanency. The Department
23 shall consider the following factors when determining
24 appropriateness of concurrent planning:

25 (1) the likelihood of prompt reunification;

26 (2) the past history of the family;

1 (3) the barriers to reunification being addressed by
2 the family;

3 (4) the level of cooperation of the family;

4 (5) the foster parents' willingness to work with the
5 family to reunite;

6 (6) the willingness and ability of the foster family
7 to provide an adoptive home or long-term placement;

8 (7) the age of the child;

9 (8) placement of siblings.

10 (m) The Department may assume temporary custody of any
11 child if:

12 (1) it has received a written consent to such
13 temporary custody signed by the parents of the child or by
14 the parent having custody of the child if the parents are
15 not living together or by the guardian or custodian of the
16 child if the child is not in the custody of either parent,
17 or

18 (2) the child is found in the State and neither a
19 parent, guardian nor custodian of the child can be
20 located.

21 If the child is found in the child's residence without a
22 parent, guardian, custodian, or responsible caretaker, the
23 Department may, instead of removing the child and assuming
24 temporary custody, place an authorized representative of the
25 Department in that residence until such time as a parent,
26 guardian, or custodian enters the home and expresses a

1 willingness and apparent ability to ensure the child's health
2 and safety and resume permanent charge of the child, or until a
3 relative enters the home and is willing and able to ensure the
4 child's health and safety and assume charge of the child until
5 a parent, guardian, or custodian enters the home and expresses
6 such willingness and ability to ensure the child's safety and
7 resume permanent charge. After a caretaker has remained in the
8 home for a period not to exceed 12 hours, the Department must
9 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
10 5-415 of the Juvenile Court Act of 1987.

11 The Department shall have the authority, responsibilities
12 and duties that a legal custodian of the child would have
13 pursuant to subsection (9) of Section 1-3 of the Juvenile
14 Court Act of 1987. Whenever a child is taken into temporary
15 custody pursuant to an investigation under the Abused and
16 Neglected Child Reporting Act, or pursuant to a referral and
17 acceptance under the Juvenile Court Act of 1987 of a minor in
18 limited custody, the Department, during the period of
19 temporary custody and before the child is brought before a
20 judicial officer as required by Section 2-9, 3-11, 4-8, or
21 5-415 of the Juvenile Court Act of 1987, shall have the
22 authority, responsibilities and duties that a legal custodian
23 of the child would have under subsection (9) of Section 1-3 of
24 the Juvenile Court Act of 1987.

25 The Department shall ensure that any child taken into
26 custody is scheduled for an appointment for a medical

1 examination.

2 A parent, guardian, or custodian of a child in the
3 temporary custody of the Department who would have custody of
4 the child if the child were not in the temporary custody of the
5 Department may deliver to the Department a signed request that
6 the Department surrender the temporary custody of the child.
7 The Department may retain temporary custody of the child for
8 10 days after the receipt of the request, during which period
9 the Department may cause to be filed a petition pursuant to the
10 Juvenile Court Act of 1987. If a petition is so filed, the
11 Department shall retain temporary custody of the child until
12 the court orders otherwise. If a petition is not filed within
13 the 10-day period, the child shall be surrendered to the
14 custody of the requesting parent, guardian, or custodian not
15 later than the expiration of the 10-day period, at which time
16 the authority and duties of the Department with respect to the
17 temporary custody of the child shall terminate.

18 (m-1) The Department may place children under 18 years of
19 age in a secure child care facility licensed by the Department
20 that cares for children who are in need of secure living
21 arrangements for their health, safety, and well-being after a
22 determination is made by the facility director and the
23 Director or the Director's designate prior to admission to the
24 facility subject to Section 2-27.1 of the Juvenile Court Act
25 of 1987. This subsection (m-1) does not apply to a child who is
26 subject to placement in a correctional facility operated

1 pursuant to Section 3-15-2 of the Unified Code of Corrections,
2 unless the child is a youth in care who was placed in the care
3 of the Department before being subject to placement in a
4 correctional facility and a court of competent jurisdiction
5 has ordered placement of the child in a secure care facility.

6 (n) The Department may place children under 18 years of
7 age in licensed child care facilities when in the opinion of
8 the Department, appropriate services aimed at family
9 preservation have been unsuccessful and cannot ensure the
10 child's health and safety or are unavailable and such
11 placement would be for their best interest. Payment for board,
12 clothing, care, training and supervision of any child placed
13 in a licensed child care facility may be made by the
14 Department, by the parents or guardians of the estates of
15 those children, or by both the Department and the parents or
16 guardians, except that no payments shall be made by the
17 Department for any child placed in a licensed child care
18 facility for board, clothing, care, training, and supervision
19 of such a child that exceed the average per capita cost of
20 maintaining and of caring for a child in institutions for
21 dependent or neglected children operated by the Department.
22 However, such restriction on payments does not apply in cases
23 where children require specialized care and treatment for
24 problems of severe emotional disturbance, physical disability,
25 social adjustment, or any combination thereof and suitable
26 facilities for the placement of such children are not

1 available at payment rates within the limitations set forth in
2 this Section. All reimbursements for services delivered shall
3 be absolutely inalienable by assignment, sale, attachment, or
4 garnishment or otherwise.

5 (n-1) The Department shall provide or authorize child
6 welfare services, aimed at assisting minors to achieve
7 sustainable self-sufficiency as independent adults, for any
8 minor eligible for the reinstatement of wardship pursuant to
9 subsection (2) of Section 2-33 of the Juvenile Court Act of
10 1987, whether or not such reinstatement is sought or allowed,
11 provided that the minor consents to such services and has not
12 yet attained the age of 21. The Department shall have
13 responsibility for the development and delivery of services
14 under this Section. An eligible youth may access services
15 under this Section through the Department of Children and
16 Family Services or by referral from the Department of Human
17 Services. Youth participating in services under this Section
18 shall cooperate with the assigned case manager in developing
19 an agreement identifying the services to be provided and how
20 the youth will increase skills to achieve self-sufficiency. A
21 homeless shelter is not considered appropriate housing for any
22 youth receiving child welfare services under this Section. The
23 Department shall continue child welfare services under this
24 Section to any eligible minor until the minor becomes 21 years
25 of age, no longer consents to participate, or achieves
26 self-sufficiency as identified in the minor's service plan.

1 The Department of Children and Family Services shall create
2 clear, readable notice of the rights of former foster youth to
3 child welfare services under this Section and how such
4 services may be obtained. The Department of Children and
5 Family Services and the Department of Human Services shall
6 disseminate this information statewide. The Department shall
7 adopt regulations describing services intended to assist
8 minors in achieving sustainable self-sufficiency as
9 independent adults.

10 (o) The Department shall establish an administrative
11 review and appeal process for children and families who
12 request or receive child welfare services from the Department.
13 Youth in care who are placed by private child welfare
14 agencies, and foster families with whom those youth are
15 placed, shall be afforded the same procedural and appeal
16 rights as children and families in the case of placement by the
17 Department, including the right to an initial review of a
18 private agency decision by that agency. The Department shall
19 ensure that any private child welfare agency, which accepts
20 youth in care for placement, affords those rights to children
21 and foster families. The Department shall accept for
22 administrative review and an appeal hearing a complaint made
23 by (i) a child or foster family concerning a decision
24 following an initial review by a private child welfare agency
25 or (ii) a prospective adoptive parent who alleges a violation
26 of subsection (j-5) of this Section. An appeal of a decision

1 concerning a change in the placement of a child shall be
2 conducted in an expedited manner. A court determination that a
3 current foster home placement is necessary and appropriate
4 under Section 2-28 of the Juvenile Court Act of 1987 does not
5 constitute a judicial determination on the merits of an
6 administrative appeal, filed by a former foster parent,
7 involving a change of placement decision.

8 (p) (Blank).

9 (q) The Department may receive and use, in their entirety,
10 for the benefit of children any gift, donation, or bequest of
11 money or other property which is received on behalf of such
12 children, or any financial benefits to which such children are
13 or may become entitled while under the jurisdiction or care of
14 the Department, except that the benefits described in Section
15 5.46 must be used and conserved consistent with the provisions
16 under Section 5.46.

17 The Department shall set up and administer no-cost,
18 interest-bearing accounts in appropriate financial
19 institutions for children for whom the Department is legally
20 responsible and who have been determined eligible for
21 Veterans' Benefits, Social Security benefits, assistance
22 allotments from the armed forces, court ordered payments,
23 parental voluntary payments, Supplemental Security Income,
24 Railroad Retirement payments, Black Lung benefits, or other
25 miscellaneous payments. Interest earned by each account shall
26 be credited to the account, unless disbursed in accordance

1 with this subsection.

2 In disbursing funds from children's accounts, the
3 Department shall:

4 (1) Establish standards in accordance with State and
5 federal laws for disbursing money from children's
6 accounts. In all circumstances, the Department's
7 Guardianship Administrator or the Guardianship
8 Administrator's designee must approve disbursements from
9 children's accounts. The Department shall be responsible
10 for keeping complete records of all disbursements for each
11 account for any purpose.

12 (2) Calculate on a monthly basis the amounts paid from
13 State funds for the child's board and care, medical care
14 not covered under Medicaid, and social services; and
15 utilize funds from the child's account, as covered by
16 regulation, to reimburse those costs. Monthly,
17 disbursements from all children's accounts, up to 1/12 of
18 \$13,000,000, shall be deposited by the Department into the
19 General Revenue Fund and the balance over 1/12 of
20 \$13,000,000 into the DCFS Children's Services Fund.

21 (3) Maintain any balance remaining after reimbursing
22 for the child's costs of care, as specified in item (2).
23 The balance shall accumulate in accordance with relevant
24 State and federal laws and shall be disbursed to the child
25 or the child's guardian or to the issuing agency.

26 (r) The Department shall promulgate regulations

1 encouraging all adoption agencies to voluntarily forward to
2 the Department or its agent names and addresses of all persons
3 who have applied for and have been approved for adoption of a
4 hard-to-place child or child with a disability and the names
5 of such children who have not been placed for adoption. A list
6 of such names and addresses shall be maintained by the
7 Department or its agent, and coded lists which maintain the
8 confidentiality of the person seeking to adopt the child and
9 of the child shall be made available, without charge, to every
10 adoption agency in the State to assist the agencies in placing
11 such children for adoption. The Department may delegate to an
12 agent its duty to maintain and make available such lists. The
13 Department shall ensure that such agent maintains the
14 confidentiality of the person seeking to adopt the child and
15 of the child.

16 (s) The Department of Children and Family Services may
17 establish and implement a program to reimburse Department and
18 private child welfare agency foster parents licensed by the
19 Department of Children and Family Services for damages
20 sustained by the foster parents as a result of the malicious or
21 negligent acts of foster children, as well as providing third
22 party coverage for such foster parents with regard to actions
23 of foster children to other individuals. Such coverage will be
24 secondary to the foster parent liability insurance policy, if
25 applicable. The program shall be funded through appropriations
26 from the General Revenue Fund, specifically designated for

1 such purposes.

2 (t) The Department shall perform home studies and
3 investigations and shall exercise supervision over visitation
4 as ordered by a court pursuant to the Illinois Marriage and
5 Dissolution of Marriage Act or the Adoption Act only if:

6 (1) an order entered by an Illinois court specifically
7 directs the Department to perform such services; and

8 (2) the court has ordered one or both of the parties to
9 the proceeding to reimburse the Department for its
10 reasonable costs for providing such services in accordance
11 with Department rules, or has determined that neither
12 party is financially able to pay.

13 The Department shall provide written notification to the
14 court of the specific arrangements for supervised visitation
15 and projected monthly costs within 60 days of the court order.
16 The Department shall send to the court information related to
17 the costs incurred except in cases where the court has
18 determined the parties are financially unable to pay. The
19 court may order additional periodic reports as appropriate.

20 (u) In addition to other information that must be
21 provided, whenever the Department places a child with a
22 prospective adoptive parent or parents, in a licensed foster
23 home, group home, or child care institution, or in a relative
24 home, the Department shall provide to the prospective adoptive
25 parent or parents or other caretaker:

26 (1) available detailed information concerning the

1 child's educational and health history, copies of
2 immunization records (including insurance and medical card
3 information), a history of the child's previous
4 placements, if any, and reasons for placement changes
5 excluding any information that identifies or reveals the
6 location of any previous caretaker;

7 (2) a copy of the child's portion of the client
8 service plan, including any visitation arrangement, and
9 all amendments or revisions to it as related to the child;
10 and

11 (3) information containing details of the child's
12 individualized educational plan when the child is
13 receiving special education services.

14 The caretaker shall be informed of any known social or
15 behavioral information (including, but not limited to,
16 criminal background, fire setting, perpetuation of sexual
17 abuse, destructive behavior, and substance abuse) necessary to
18 care for and safeguard the children to be placed or currently
19 in the home. The Department may prepare a written summary of
20 the information required by this paragraph, which may be
21 provided to the foster or prospective adoptive parent in
22 advance of a placement. The foster or prospective adoptive
23 parent may review the supporting documents in the child's file
24 in the presence of casework staff. In the case of an emergency
25 placement, casework staff shall at least provide known
26 information verbally, if necessary, and must subsequently

1 provide the information in writing as required by this
2 subsection.

3 The information described in this subsection shall be
4 provided in writing. In the case of emergency placements when
5 time does not allow prior review, preparation, and collection
6 of written information, the Department shall provide such
7 information as it becomes available. Within 10 business days
8 after placement, the Department shall obtain from the
9 prospective adoptive parent or parents or other caretaker a
10 signed verification of receipt of the information provided.
11 Within 10 business days after placement, the Department shall
12 provide to the child's guardian ad litem a copy of the
13 information provided to the prospective adoptive parent or
14 parents or other caretaker. The information provided to the
15 prospective adoptive parent or parents or other caretaker
16 shall be reviewed and approved regarding accuracy at the
17 supervisory level.

18 (u-5) Effective July 1, 1995, only foster care placements
19 licensed as foster family homes pursuant to the Child Care Act
20 of 1969 shall be eligible to receive foster care payments from
21 the Department. Relative caregivers who, as of July 1, 1995,
22 were approved pursuant to approved relative placement rules
23 previously promulgated by the Department at 89 Ill. Adm. Code
24 335 and had submitted an application for licensure as a foster
25 family home may continue to receive foster care payments only
26 until the Department determines that they may be licensed as a

1 foster family home or that their application for licensure is
2 denied or until September 30, 1995, whichever occurs first.

3 (v) The Department shall access criminal history record
4 information as defined in the Illinois Uniform Conviction
5 Information Act and information maintained in the adjudicatory
6 and dispositional record system as defined in Section 2605-355
7 of the Illinois State Police Law if the Department determines
8 the information is necessary to perform its duties under the
9 Abused and Neglected Child Reporting Act, the Child Care Act
10 of 1969, and the Children and Family Services Act. The
11 Department shall provide for interactive computerized
12 communication and processing equipment that permits direct
13 on-line communication with the Illinois State Police's central
14 criminal history data repository. The Department shall comply
15 with all certification requirements and provide certified
16 operators who have been trained by personnel from the Illinois
17 State Police. In addition, one Office of the Inspector General
18 investigator shall have training in the use of the criminal
19 history information access system and have access to the
20 terminal. The Department of Children and Family Services and
21 its employees shall abide by rules and regulations established
22 by the Illinois State Police relating to the access and
23 dissemination of this information.

24 (v-1) Prior to final approval for placement of a child,
25 the Department shall conduct a criminal records background
26 check of the prospective foster or adoptive parent, including

1 fingerprint-based checks of national crime information
2 databases. Final approval for placement shall not be granted
3 if the record check reveals a felony conviction for child
4 abuse or neglect, for spousal abuse, for a crime against
5 children, or for a crime involving violence, including rape,
6 sexual assault, or homicide, but not including other physical
7 assault or battery, or if there is a felony conviction for
8 physical assault, battery, or a drug-related offense committed
9 within the past 5 years.

10 (v-2) Prior to final approval for placement of a child,
11 the Department shall check its child abuse and neglect
12 registry for information concerning prospective foster and
13 adoptive parents, and any adult living in the home. If any
14 prospective foster or adoptive parent or other adult living in
15 the home has resided in another state in the preceding 5 years,
16 the Department shall request a check of that other state's
17 child abuse and neglect registry.

18 (w) Within 120 days of August 20, 1995 (the effective date
19 of Public Act 89-392), the Department shall prepare and submit
20 to the Governor and the General Assembly, a written plan for
21 the development of in-state licensed secure child care
22 facilities that care for children who are in need of secure
23 living arrangements for their health, safety, and well-being.
24 For purposes of this subsection, secure care facility shall
25 mean a facility that is designed and operated to ensure that
26 all entrances and exits from the facility, a building or a

1 distinct part of the building, are under the exclusive control
2 of the staff of the facility, whether or not the child has the
3 freedom of movement within the perimeter of the facility,
4 building, or distinct part of the building. The plan shall
5 include descriptions of the types of facilities that are
6 needed in Illinois; the cost of developing these secure care
7 facilities; the estimated number of placements; the potential
8 cost savings resulting from the movement of children currently
9 out-of-state who are projected to be returned to Illinois; the
10 necessary geographic distribution of these facilities in
11 Illinois; and a proposed timetable for development of such
12 facilities.

13 (x) The Department shall conduct annual credit history
14 checks to determine the financial history of children placed
15 under its guardianship pursuant to the Juvenile Court Act of
16 1987. The Department shall conduct such credit checks starting
17 when a youth in care turns 12 years old and each year
18 thereafter for the duration of the guardianship as terminated
19 pursuant to the Juvenile Court Act of 1987. The Department
20 shall determine if financial exploitation of the child's
21 personal information has occurred. If financial exploitation
22 appears to have taken place or is presently ongoing, the
23 Department shall notify the proper law enforcement agency, the
24 proper State's Attorney, or the Attorney General.

25 (y) Beginning on July 22, 2010 (the effective date of
26 Public Act 96-1189), a child with a disability who receives

1 residential and educational services from the Department shall
2 be eligible to receive transition services in accordance with
3 Article 14 of the School Code from the age of 14.5 through age
4 21, inclusive, notwithstanding the child's residential
5 services arrangement. For purposes of this subsection, "child
6 with a disability" means a child with a disability as defined
7 by the federal Individuals with Disabilities Education
8 Improvement Act of 2004.

9 (z) The Department shall access criminal history record
10 information as defined as "background information" in this
11 subsection and criminal history record information as defined
12 in the Illinois Uniform Conviction Information Act for each
13 Department employee or Department applicant. Each Department
14 employee or Department applicant shall submit the employee's
15 or applicant's fingerprints to the Illinois State Police in
16 the form and manner prescribed by the Illinois State Police.
17 These fingerprints shall be checked against the fingerprint
18 records now and hereafter filed in the Illinois State Police
19 and the Federal Bureau of Investigation criminal history
20 records databases. The Illinois State Police shall charge a
21 fee for conducting the criminal history record check, which
22 shall be deposited into the State Police Services Fund and
23 shall not exceed the actual cost of the record check. The
24 Illinois State Police shall furnish, pursuant to positive
25 identification, all Illinois conviction information to the
26 Department of Children and Family Services.

1 For purposes of this subsection:

2 "Background information" means all of the following:

3 (i) Upon the request of the Department of Children and
4 Family Services, conviction information obtained from the
5 Illinois State Police as a result of a fingerprint-based
6 criminal history records check of the Illinois criminal
7 history records database and the Federal Bureau of
8 Investigation criminal history records database concerning
9 a Department employee or Department applicant.

10 (ii) Information obtained by the Department of
11 Children and Family Services after performing a check of
12 the Illinois State Police's Sex Offender Database, as
13 authorized by Section 120 of the Sex Offender Community
14 Notification Law, concerning a Department employee or
15 Department applicant.

16 (iii) Information obtained by the Department of
17 Children and Family Services after performing a check of
18 the Child Abuse and Neglect Tracking System (CANTS)
19 operated and maintained by the Department.

20 "Department employee" means a full-time or temporary
21 employee coded or certified within the State of Illinois
22 Personnel System.

23 "Department applicant" means an individual who has
24 conditional Department full-time or part-time work, a
25 contractor, an individual used to replace or supplement staff,
26 an academic intern, a volunteer in Department offices or on

1 Department contracts, a work-study student, an individual or
2 entity licensed by the Department, or an unlicensed service
3 provider who works as a condition of a contract or an agreement
4 and whose work may bring the unlicensed service provider into
5 contact with Department clients or client records.

6 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
7 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.
8 1-1-24; 103-546, eff. 8-11-23; 103-605, eff. 7-1-24.)

9 (Text of Section after amendment by P.A. 103-1061)

10 Sec. 5. Direct child welfare services; Department of
11 Children and Family Services. To provide direct child welfare
12 services when not available through other public or private
13 child care or program facilities.

14 (a) For purposes of this Section:

15 (1) "Children" means persons found within the State
16 who are under the age of 18 years. The term also includes
17 persons under age 21 who:

18 (A) were committed to the Department pursuant to
19 the Juvenile Court Act or the Juvenile Court Act of
20 1987 and who continue under the jurisdiction of the
21 court; or

22 (B) were accepted for care, service and training
23 by the Department prior to the age of 18 and whose best
24 interest in the discretion of the Department would be
25 served by continuing that care, service and training

1 because of severe emotional disturbances, physical
2 disability, social adjustment or any combination
3 thereof, or because of the need to complete an
4 educational or vocational training program.

5 (2) "Homeless youth" means persons found within the
6 State who are under the age of 19, are not in a safe and
7 stable living situation and cannot be reunited with their
8 families.

9 (3) "Child welfare services" means public social
10 services which are directed toward the accomplishment of
11 the following purposes:

12 (A) protecting and promoting the health, safety
13 and welfare of children, including homeless,
14 dependent, or neglected children;

15 (B) remedying, or assisting in the solution of
16 problems which may result in, the neglect, abuse,
17 exploitation, or delinquency of children;

18 (C) preventing the unnecessary separation of
19 children from their families by identifying family
20 problems, assisting families in resolving their
21 problems, and preventing the breakup of the family
22 where the prevention of child removal is desirable and
23 possible when the child can be cared for at home
24 without endangering the child's health and safety;

25 (D) restoring to their families children who have
26 been removed, by the provision of services to the

1 child and the families when the child can be cared for
2 at home without endangering the child's health and
3 safety;

4 (E) placing children in suitable permanent family
5 arrangements, through guardianship or adoption, in
6 cases where restoration to the birth family is not
7 safe, possible, or appropriate;

8 (F) at the time of placement, conducting
9 concurrent planning, as described in subsection (1-1)
10 of this Section, so that permanency may occur at the
11 earliest opportunity. Consideration should be given so
12 that if reunification fails or is delayed, the
13 placement made is the best available placement to
14 provide permanency for the child;

15 (F-1) preparing adolescents to successfully
16 transition to independence, including transition
17 planning for youth who qualify for a guardian as a
18 person with a disability under Article XIa of the
19 Probate Act of 1975;

20 (G) (blank);

21 (H) (blank); and

22 (I) placing and maintaining children in facilities
23 that provide separate living quarters for children
24 under the age of 18 and for children 18 years of age
25 and older, unless a child 18 years of age is in the
26 last year of high school education or vocational

1 training, in an approved individual or group treatment
2 program, in a licensed shelter facility, or secure
3 child care facility. The Department is not required to
4 place or maintain children:

5 (i) who are in a foster home, or

6 (ii) who are persons with a developmental
7 disability, as defined in the Mental Health and
8 Developmental Disabilities Code, or

9 (iii) who are female children who are
10 pregnant, pregnant and parenting, or parenting, or

11 (iv) who are siblings, in facilities that
12 provide separate living quarters for children 18
13 years of age and older and for children under 18
14 years of age.

15 (b) (Blank).

16 (b-5) The Department shall adopt rules to establish a
17 process for all licensed residential providers in Illinois to
18 submit data as required by the Department if they contract or
19 receive reimbursement for children's mental health, substance
20 use, and developmental disability services from the Department
21 of Human Services, the Department of Juvenile Justice, or the
22 Department of Healthcare and Family Services. The requested
23 data must include, but is not limited to, capacity, staffing,
24 and occupancy data for the purpose of establishing State need
25 and placement availability.

26 All information collected, shared, or stored pursuant to

1 this subsection shall be handled in accordance with all State
2 and federal privacy laws and accompanying regulations and
3 rules, including without limitation the federal Health
4 Insurance Portability and Accountability Act of 1996 (Public
5 Law 104-191) and the Mental Health and Developmental
6 Disabilities Confidentiality Act.

7 (c) The Department shall establish and maintain
8 tax-supported child welfare services and extend and seek to
9 improve voluntary services throughout the State, to the end
10 that services and care shall be available on an equal basis
11 throughout the State to children requiring such services.

12 (d) The Director may authorize advance disbursements for
13 any new program initiative to any agency contracting with the
14 Department. As a prerequisite for an advance disbursement, the
15 contractor must post a surety bond in the amount of the advance
16 disbursement and have a purchase of service contract approved
17 by the Department. The Department may pay up to 2 months
18 operational expenses in advance. The amount of the advance
19 disbursement shall be prorated over the life of the contract
20 or the remaining months of the fiscal year, whichever is less,
21 and the installment amount shall then be deducted from future
22 bills. Advance disbursement authorizations for new initiatives
23 shall not be made to any agency after that agency has operated
24 during 2 consecutive fiscal years. The requirements of this
25 Section concerning advance disbursements shall not apply with
26 respect to the following: payments to local public agencies

1 for child day care services as authorized by Section 5a of this
2 Act; and youth service programs receiving grant funds under
3 Section 17a-4.

4 (e) (Blank).

5 (f) (Blank).

6 (g) The Department shall establish rules and regulations
7 concerning its operation of programs designed to meet the
8 goals of child safety and protection, family preservation, and
9 permanency, including, but not limited to:

10 (1) reunification, guardianship, and adoption;

11 (2) relative and licensed foster care;

12 (3) family counseling;

13 (4) protective services;

14 (5) (blank);

15 (6) homemaker service;

16 (7) return of runaway children;

17 (8) (blank);

18 (9) placement under Section 5-7 of the Juvenile Court
19 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
20 Court Act of 1987 in accordance with the federal Adoption
21 Assistance and Child Welfare Act of 1980; ~~and~~

22 (10) interstate services; and -

23 (11) transition planning for youth aging out of care.

24 Rules and regulations established by the Department shall
25 include provisions for training Department staff and the staff
26 of Department grantees, through contracts with other agencies

1 or resources, in screening techniques to identify substance
2 use disorders, as defined in the Substance Use Disorder Act,
3 approved by the Department of Human Services, as a successor
4 to the Department of Alcoholism and Substance Abuse, for the
5 purpose of identifying children and adults who should be
6 referred for an assessment at an organization appropriately
7 licensed by the Department of Human Services for substance use
8 disorder treatment.

9 (h) If the Department finds that there is no appropriate
10 program or facility within or available to the Department for
11 a youth in care and that no licensed private facility has an
12 adequate and appropriate program or none agrees to accept the
13 youth in care, the Department shall create an appropriate
14 individualized, program-oriented plan for such youth in care.
15 The plan may be developed within the Department or through
16 purchase of services by the Department to the extent that it is
17 within its statutory authority to do.

18 (i) Service programs shall be available throughout the
19 State and shall include but not be limited to the following
20 services:

- 21 (1) case management;
- 22 (2) homemakers;
- 23 (3) counseling;
- 24 (4) parent education;
- 25 (5) day care;
- 26 (6) emergency assistance and advocacy; and

1 (7) kinship navigator and relative caregiver supports.

2 In addition, the following services may be made available
3 to assess and meet the needs of children and families:

4 (1) comprehensive family-based services;

5 (2) assessments;

6 (3) respite care; and

7 (4) in-home health services.

8 The Department shall provide transportation for any of the
9 services it makes available to children or families or for
10 which it refers children or families.

11 (j) The Department may provide categories of financial
12 assistance and education assistance grants, and shall
13 establish rules and regulations concerning the assistance and
14 grants, to persons who adopt or become subsidized guardians of
15 children with physical or mental disabilities, children who
16 are older, or other hard-to-place children who (i) immediately
17 prior to their adoption or subsidized guardianship were youth
18 in care or (ii) were determined eligible for financial
19 assistance with respect to a prior adoption and who become
20 available for adoption because the prior adoption has been
21 dissolved and the parental rights of the adoptive parents have
22 been terminated or because the child's adoptive parents have
23 died. The Department may continue to provide financial
24 assistance and education assistance grants for a child who was
25 determined eligible for financial assistance under this
26 subsection (j) in the interim period beginning when the

1 child's adoptive parents died and ending with the finalization
2 of the new adoption of the child by another adoptive parent or
3 parents. The Department may also provide categories of
4 financial assistance and education assistance grants, and
5 shall establish rules and regulations for the assistance and
6 grants, to persons appointed guardian of the person under
7 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
8 4-25, or 5-740 of the Juvenile Court Act of 1987 for children
9 who were youth in care for 12 months immediately prior to the
10 appointment of the guardian.

11 The amount of assistance may vary, depending upon the
12 needs of the child and the adoptive parents or subsidized
13 guardians, as set forth in the annual assistance agreement.
14 Special purpose grants are allowed where the child requires
15 special service but such costs may not exceed the amounts
16 which similar services would cost the Department if it were to
17 provide or secure them as guardian of the child.

18 Any financial assistance provided under this subsection is
19 inalienable by assignment, sale, execution, attachment,
20 garnishment, or any other remedy for recovery or collection of
21 a judgment or debt.

22 (j-5) The Department shall not deny or delay the placement
23 of a child for adoption if an approved family is available
24 either outside of the Department region handling the case, or
25 outside of the State of Illinois.

26 (k) The Department shall accept for care and training any

1 child who has been adjudicated neglected or abused, or
2 dependent committed to it pursuant to the Juvenile Court Act
3 or the Juvenile Court Act of 1987.

4 (1) The Department shall offer family preservation
5 services, as defined in Section 8.2 of the Abused and
6 Neglected Child Reporting Act, to help families, including
7 adoptive and extended families. Family preservation services
8 shall be offered (i) to prevent the placement of children in
9 substitute care when the children can be cared for at home or
10 in the custody of the person responsible for the children's
11 welfare, (ii) to reunite children with their families, or
12 (iii) to maintain an adoption or subsidized guardianship.
13 Family preservation services shall only be offered when doing
14 so will not endanger the children's health or safety. With
15 respect to children who are in substitute care pursuant to the
16 Juvenile Court Act of 1987, family preservation services shall
17 not be offered if a goal other than those of subdivisions (A),
18 (B), or (B-1) of subsection (2.3) of Section 2-28 of that Act
19 has been set, except that reunification services may be
20 offered as provided in paragraph (F) of subsection (2.3) of
21 Section 2-28 of that Act. Nothing in this paragraph shall be
22 construed to create a private right of action or claim on the
23 part of any individual or child welfare agency, except that
24 when a child is the subject of an action under Article II of
25 the Juvenile Court Act of 1987 and the child's service plan
26 calls for services to facilitate achievement of the permanency

1 goal, the court hearing the action under Article II of the
2 Juvenile Court Act of 1987 may order the Department to provide
3 the services set out in the plan, if those services are not
4 provided with reasonable promptness and if those services are
5 available.

6 The Department shall notify the child and the child's
7 family of the Department's responsibility to offer and provide
8 family preservation services as identified in the service
9 plan. The child and the child's family shall be eligible for
10 services as soon as the report is determined to be
11 "indicated". The Department may offer services to any child or
12 family with respect to whom a report of suspected child abuse
13 or neglect has been filed, prior to concluding its
14 investigation under Section 7.12 of the Abused and Neglected
15 Child Reporting Act. However, the child's or family's
16 willingness to accept services shall not be considered in the
17 investigation. The Department may also provide services to any
18 child or family who is the subject of any report of suspected
19 child abuse or neglect or may refer such child or family to
20 services available from other agencies in the community, even
21 if the report is determined to be unfounded, if the conditions
22 in the child's or family's home are reasonably likely to
23 subject the child or family to future reports of suspected
24 child abuse or neglect. Acceptance of such services shall be
25 voluntary. The Department may also provide services to any
26 child or family after completion of a family assessment, as an

1 alternative to an investigation, as provided under the
2 "differential response program" provided for in subsection
3 (a-5) of Section 7.4 of the Abused and Neglected Child
4 Reporting Act.

5 The Department may, at its discretion except for those
6 children also adjudicated neglected or dependent, accept for
7 care and training any child who has been adjudicated addicted,
8 as a truant minor in need of supervision or as a minor
9 requiring authoritative intervention, under the Juvenile Court
10 Act or the Juvenile Court Act of 1987, but no such child shall
11 be committed to the Department by any court without the
12 approval of the Department. On and after January 1, 2015 (the
13 effective date of Public Act 98-803) and before January 1,
14 2017, a minor charged with a criminal offense under the
15 Criminal Code of 1961 or the Criminal Code of 2012 or
16 adjudicated delinquent shall not be placed in the custody of
17 or committed to the Department by any court, except (i) a minor
18 less than 16 years of age committed to the Department under
19 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
20 for whom an independent basis of abuse, neglect, or dependency
21 exists, which must be defined by departmental rule, or (iii) a
22 minor for whom the court has granted a supplemental petition
23 to reinstate wardship pursuant to subsection (2) of Section
24 2-33 of the Juvenile Court Act of 1987. On and after January 1,
25 2017, a minor charged with a criminal offense under the
26 Criminal Code of 1961 or the Criminal Code of 2012 or

1 adjudicated delinquent shall not be placed in the custody of
2 or committed to the Department by any court, except (i) a minor
3 less than 15 years of age committed to the Department under
4 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
5 for whom an independent basis of abuse, neglect, or dependency
6 exists, which must be defined by departmental rule, or (iii) a
7 minor for whom the court has granted a supplemental petition
8 to reinstate wardship pursuant to subsection (2) of Section
9 2-33 of the Juvenile Court Act of 1987. An independent basis
10 exists when the allegations or adjudication of abuse, neglect,
11 or dependency do not arise from the same facts, incident, or
12 circumstances which give rise to a charge or adjudication of
13 delinquency. The Department shall assign a caseworker to
14 attend any hearing involving a youth in the care and custody of
15 the Department who is placed on aftercare release, including
16 hearings involving sanctions for violation of aftercare
17 release conditions and aftercare release revocation hearings.

18 As soon as is possible, the Department shall develop and
19 implement a special program of family preservation services to
20 support intact, relative, foster, and adoptive families who
21 are experiencing extreme hardships due to the difficulty and
22 stress of caring for a child who has been diagnosed with a
23 pervasive developmental disorder if the Department determines
24 that those services are necessary to ensure the health and
25 safety of the child. The Department may offer services to any
26 family whether or not a report has been filed under the Abused

1 and Neglected Child Reporting Act. The Department may refer
2 the child or family to services available from other agencies
3 in the community if the conditions in the child's or family's
4 home are reasonably likely to subject the child or family to
5 future reports of suspected child abuse or neglect. Acceptance
6 of these services shall be voluntary. The Department shall
7 develop and implement a public information campaign to alert
8 health and social service providers and the general public
9 about these special family preservation services. The nature
10 and scope of the services offered and the number of families
11 served under the special program implemented under this
12 paragraph shall be determined by the level of funding that the
13 Department annually allocates for this purpose. The term
14 "pervasive developmental disorder" under this paragraph means
15 a neurological condition, including, but not limited to,
16 Asperger's Syndrome and autism, as defined in the most recent
17 edition of the Diagnostic and Statistical Manual of Mental
18 Disorders of the American Psychiatric Association.

19 (1-1) The General Assembly recognizes that the best
20 interests of the child require that the child be placed in the
21 most permanent living arrangement that is an appropriate
22 option for the child, consistent with the child's best
23 interest, using the factors set forth in subsection (4.05) of
24 Section 1-3 of the Juvenile Court Act of 1987 as soon as is
25 practically possible. To achieve this goal, the General
26 Assembly directs the Department of Children and Family

1 Services to conduct concurrent planning so that permanency may
2 occur at the earliest opportunity. Permanent living
3 arrangements may include prevention of placement of a child
4 outside the home of the family when the child can be cared for
5 at home without endangering the child's health or safety;
6 reunification with the family, when safe and appropriate, if
7 temporary placement is necessary; or movement of the child
8 toward the most appropriate living arrangement and legal
9 status.

10 When determining reasonable efforts to be made with
11 respect to a child, as described in this subsection, and in
12 making such reasonable efforts, the child's health and safety
13 shall be the paramount concern.

14 When a child is placed in foster care, the Department
15 shall ensure and document that reasonable efforts were made to
16 prevent or eliminate the need to remove the child from the
17 child's home. The Department must make reasonable efforts to
18 reunify the family when temporary placement of the child
19 occurs unless otherwise required, pursuant to the Juvenile
20 Court Act of 1987. At any time after the dispositional hearing
21 where the Department believes that further reunification
22 services would be ineffective, it may request a finding from
23 the court that reasonable efforts are no longer appropriate.
24 The Department is not required to provide further
25 reunification services after such a finding.

26 A decision to place a child in substitute care shall be

1 made with considerations of the child's health, safety, and
2 best interests. The Department shall make diligent efforts to
3 place the child with a relative, document those diligent
4 efforts, and document reasons for any failure or inability to
5 secure such a relative placement. If the primary issue
6 preventing an emergency placement of a child with a relative
7 is a lack of resources, including, but not limited to,
8 concrete goods, safety modifications, and services, the
9 Department shall make diligent efforts to assist the relative
10 in obtaining the necessary resources. No later than July 1,
11 2025, the Department shall adopt rules defining what is
12 diligent and necessary in providing supports to potential
13 relative placements. At the time of placement, consideration
14 should also be given so that if reunification fails or is
15 delayed, the placement has the potential to be an appropriate
16 permanent placement for the child.

17 The Department shall adopt rules addressing concurrent
18 planning for reunification and permanency. The Department
19 shall consider the following factors when determining
20 appropriateness of concurrent planning:

21 (1) the likelihood of prompt reunification;

22 (2) the past history of the family;

23 (3) the barriers to reunification being addressed by
24 the family;

25 (4) the level of cooperation of the family;

26 (4.5) the child's wishes;

1 (5) the caregivers' willingness to work with the
2 family to reunite;

3 (6) the willingness and ability of the caregivers' to
4 provide a permanent placement;

5 (7) the age of the child;

6 (8) placement of siblings; and

7 (9) the wishes of the parent or parents unless the
8 parental preferences are contrary to the best interests of
9 the child.

10 (m) The Department may assume temporary custody of any
11 child if:

12 (1) it has received a written consent to such
13 temporary custody signed by the parents of the child or by
14 the parent having custody of the child if the parents are
15 not living together or by the guardian or custodian of the
16 child if the child is not in the custody of either parent,
17 or

18 (2) the child is found in the State and neither a
19 parent, guardian nor custodian of the child can be
20 located.

21 If the child is found in the child's residence without a
22 parent, guardian, custodian, or responsible caretaker, the
23 Department may, instead of removing the child and assuming
24 temporary custody, place an authorized representative of the
25 Department in that residence until such time as a parent,
26 guardian, or custodian enters the home and expresses a

1 willingness and apparent ability to ensure the child's health
2 and safety and resume permanent charge of the child, or until a
3 relative enters the home and is willing and able to ensure the
4 child's health and safety and assume charge of the child until
5 a parent, guardian, or custodian enters the home and expresses
6 such willingness and ability to ensure the child's safety and
7 resume permanent charge. After a caretaker has remained in the
8 home for a period not to exceed 12 hours, the Department must
9 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
10 5-415 of the Juvenile Court Act of 1987.

11 The Department shall have the authority, responsibilities
12 and duties that a legal custodian of the child would have
13 pursuant to subsection (9) of Section 1-3 of the Juvenile
14 Court Act of 1987. Whenever a child is taken into temporary
15 custody pursuant to an investigation under the Abused and
16 Neglected Child Reporting Act, or pursuant to a referral and
17 acceptance under the Juvenile Court Act of 1987 of a minor in
18 limited custody, the Department, during the period of
19 temporary custody and before the child is brought before a
20 judicial officer as required by Section 2-9, 3-11, 4-8, or
21 5-415 of the Juvenile Court Act of 1987, shall have the
22 authority, responsibilities and duties that a legal custodian
23 of the child would have under subsection (9) of Section 1-3 of
24 the Juvenile Court Act of 1987.

25 The Department shall ensure that any child taken into
26 custody is scheduled for an appointment for a medical

1 examination.

2 A parent, guardian, or custodian of a child in the
3 temporary custody of the Department who would have custody of
4 the child if the child were not in the temporary custody of the
5 Department may deliver to the Department a signed request that
6 the Department surrender the temporary custody of the child.
7 The Department may retain temporary custody of the child for
8 10 days after the receipt of the request, during which period
9 the Department may cause to be filed a petition pursuant to the
10 Juvenile Court Act of 1987. If a petition is so filed, the
11 Department shall retain temporary custody of the child until
12 the court orders otherwise. If a petition is not filed within
13 the 10-day period, the child shall be surrendered to the
14 custody of the requesting parent, guardian, or custodian not
15 later than the expiration of the 10-day period, at which time
16 the authority and duties of the Department with respect to the
17 temporary custody of the child shall terminate.

18 (m-1) The Department may place children under 18 years of
19 age in a secure child care facility licensed by the Department
20 that cares for children who are in need of secure living
21 arrangements for their health, safety, and well-being after a
22 determination is made by the facility director and the
23 Director or the Director's designate prior to admission to the
24 facility subject to Section 2-27.1 of the Juvenile Court Act
25 of 1987. This subsection (m-1) does not apply to a child who is
26 subject to placement in a correctional facility operated

1 pursuant to Section 3-15-2 of the Unified Code of Corrections,
2 unless the child is a youth in care who was placed in the care
3 of the Department before being subject to placement in a
4 correctional facility and a court of competent jurisdiction
5 has ordered placement of the child in a secure care facility.

6 (n) The Department may place children under 18 years of
7 age in licensed child care facilities when in the opinion of
8 the Department, appropriate services aimed at family
9 preservation have been unsuccessful and cannot ensure the
10 child's health and safety or are unavailable and such
11 placement would be for their best interest. Payment for board,
12 clothing, care, training and supervision of any child placed
13 in a licensed child care facility may be made by the
14 Department, by the parents or guardians of the estates of
15 those children, or by both the Department and the parents or
16 guardians, except that no payments shall be made by the
17 Department for any child placed in a licensed child care
18 facility for board, clothing, care, training, and supervision
19 of such a child that exceed the average per capita cost of
20 maintaining and of caring for a child in institutions for
21 dependent or neglected children operated by the Department.
22 However, such restriction on payments does not apply in cases
23 where children require specialized care and treatment for
24 problems of severe emotional disturbance, physical disability,
25 social adjustment, or any combination thereof and suitable
26 facilities for the placement of such children are not

1 available at payment rates within the limitations set forth in
2 this Section. All reimbursements for services delivered shall
3 be absolutely inalienable by assignment, sale, attachment, or
4 garnishment or otherwise.

5 (n-1) The Department shall provide or authorize child
6 welfare services, aimed at assisting minors to achieve
7 sustainable self-sufficiency as independent adults, for any
8 minor eligible for the reinstatement of wardship pursuant to
9 subsection (2) of Section 2-33 of the Juvenile Court Act of
10 1987, whether or not such reinstatement is sought or allowed,
11 provided that the minor consents to such services and has not
12 yet attained the age of 21. The Department shall have
13 responsibility for the development and delivery of services
14 under this Section. An eligible youth may access services
15 under this Section through the Department of Children and
16 Family Services or by referral from the Department of Human
17 Services. Youth participating in services under this Section
18 shall cooperate with the assigned case manager in developing
19 an agreement identifying the services to be provided and how
20 the youth will increase skills to achieve self-sufficiency. A
21 homeless shelter is not considered appropriate housing for any
22 youth receiving child welfare services under this Section. The
23 Department shall continue child welfare services under this
24 Section to any eligible minor until the minor becomes 21 years
25 of age, no longer consents to participate, or achieves
26 self-sufficiency as identified in the minor's service plan.

1 The Department of Children and Family Services shall create
2 clear, readable notice of the rights of former foster youth to
3 child welfare services under this Section and how such
4 services may be obtained. The Department of Children and
5 Family Services and the Department of Human Services shall
6 disseminate this information statewide. The Department shall
7 adopt regulations describing services intended to assist
8 minors in achieving sustainable self-sufficiency as
9 independent adults.

10 (o) The Department shall establish an administrative
11 review and appeal process for children and families who
12 request or receive child welfare services from the Department.
13 Youth in care who are placed by private child welfare
14 agencies, and caregivers with whom those youth are placed,
15 shall be afforded the same procedural and appeal rights as
16 children and families in the case of placement by the
17 Department, including the right to an initial review of a
18 private agency decision by that agency. The Department shall
19 ensure that any private child welfare agency, which accepts
20 youth in care for placement, affords those rights to children
21 and caregivers with whom those children are placed. The
22 Department shall accept for administrative review and an
23 appeal hearing a complaint made by (i) a child or caregiver
24 with whom the child is placed concerning a decision following
25 an initial review by a private child welfare agency or (ii) a
26 prospective adoptive parent who alleges a violation of

1 subsection (j-5) of this Section. An appeal of a decision
2 concerning a change in the placement of a child shall be
3 conducted in an expedited manner. A court determination that a
4 current placement is necessary and appropriate under Section
5 2-28 of the Juvenile Court Act of 1987 does not constitute a
6 judicial determination on the merits of an administrative
7 appeal, filed by a former caregiver, involving a change of
8 placement decision. No later than July 1, 2025, the Department
9 shall adopt rules to develop a reconsideration process to
10 review: a denial of certification of a relative, a denial of
11 placement with a relative, and a denial of visitation with an
12 identified relative. Rules shall include standards and
13 criteria for reconsideration that incorporate the best
14 interests of the child under subsection (4.05) of Section 1-3
15 of the Juvenile Court Act of 1987, address situations where
16 multiple relatives seek certification, and provide that all
17 rules regarding placement changes shall be followed. The rules
18 shall outline the essential elements of each form used in the
19 implementation and enforcement of the provisions of this
20 amendatory Act of the 103rd General Assembly.

21 (p) (Blank).

22 (q) The Department may receive and use, in their entirety,
23 for the benefit of children any gift, donation, or bequest of
24 money or other property which is received on behalf of such
25 children, or any financial benefits to which such children are
26 or may become entitled while under the jurisdiction or care of

1 the Department, except that the benefits described in Section
2 5.46 must be used and conserved consistent with the provisions
3 under Section 5.46.

4 The Department shall set up and administer no-cost,
5 interest-bearing accounts in appropriate financial
6 institutions for children for whom the Department is legally
7 responsible and who have been determined eligible for
8 Veterans' Benefits, Social Security benefits, assistance
9 allotments from the armed forces, court ordered payments,
10 parental voluntary payments, Supplemental Security Income,
11 Railroad Retirement payments, Black Lung benefits, or other
12 miscellaneous payments. Interest earned by each account shall
13 be credited to the account, unless disbursed in accordance
14 with this subsection.

15 In disbursing funds from children's accounts, the
16 Department shall:

17 (1) Establish standards in accordance with State and
18 federal laws for disbursing money from children's
19 accounts. In all circumstances, the Department's
20 Guardianship Administrator or the Guardianship
21 Administrator's designee must approve disbursements from
22 children's accounts. The Department shall be responsible
23 for keeping complete records of all disbursements for each
24 account for any purpose.

25 (2) Calculate on a monthly basis the amounts paid from
26 State funds for the child's board and care, medical care

1 not covered under Medicaid, and social services; and
2 utilize funds from the child's account, as covered by
3 regulation, to reimburse those costs. Monthly,
4 disbursements from all children's accounts, up to 1/12 of
5 \$13,000,000, shall be deposited by the Department into the
6 General Revenue Fund and the balance over 1/12 of
7 \$13,000,000 into the DCFS Children's Services Fund.

8 (3) Maintain any balance remaining after reimbursing
9 for the child's costs of care, as specified in item (2).
10 The balance shall accumulate in accordance with relevant
11 State and federal laws and shall be disbursed to the child
12 or the child's guardian or to the issuing agency.

13 (r) The Department shall promulgate regulations
14 encouraging all adoption agencies to voluntarily forward to
15 the Department or its agent names and addresses of all persons
16 who have applied for and have been approved for adoption of a
17 hard-to-place child or child with a disability and the names
18 of such children who have not been placed for adoption. A list
19 of such names and addresses shall be maintained by the
20 Department or its agent, and coded lists which maintain the
21 confidentiality of the person seeking to adopt the child and
22 of the child shall be made available, without charge, to every
23 adoption agency in the State to assist the agencies in placing
24 such children for adoption. The Department may delegate to an
25 agent its duty to maintain and make available such lists. The
26 Department shall ensure that such agent maintains the

1 confidentiality of the person seeking to adopt the child and
2 of the child.

3 (s) The Department of Children and Family Services may
4 establish and implement a program to reimburse caregivers
5 licensed, certified, or otherwise approved by the Department
6 of Children and Family Services for damages sustained by the
7 caregivers as a result of the malicious or negligent acts of
8 children placed by the Department, as well as providing third
9 party coverage for such caregivers with regard to actions of
10 children placed by the Department to other individuals. Such
11 coverage will be secondary to the caregiver's liability
12 insurance policy, if applicable. The program shall be funded
13 through appropriations from the General Revenue Fund,
14 specifically designated for such purposes.

15 (t) The Department shall perform home studies and
16 investigations and shall exercise supervision over visitation
17 as ordered by a court pursuant to the Illinois Marriage and
18 Dissolution of Marriage Act or the Adoption Act only if:

19 (1) an order entered by an Illinois court specifically
20 directs the Department to perform such services; and

21 (2) the court has ordered one or both of the parties to
22 the proceeding to reimburse the Department for its
23 reasonable costs for providing such services in accordance
24 with Department rules, or has determined that neither
25 party is financially able to pay.

26 The Department shall provide written notification to the

1 court of the specific arrangements for supervised visitation
2 and projected monthly costs within 60 days of the court order.
3 The Department shall send to the court information related to
4 the costs incurred except in cases where the court has
5 determined the parties are financially unable to pay. The
6 court may order additional periodic reports as appropriate.

7 (u) In addition to other information that must be
8 provided, whenever the Department places a child with a
9 prospective adoptive parent or parents, in a licensed foster
10 home, group home, or child care institution, in a relative
11 home, or in a certified relative caregiver home, the
12 Department shall provide to the caregiver, appropriate
13 facility staff, or prospective adoptive parent or parents:

14 (1) available detailed information concerning the
15 child's educational and health history, copies of
16 immunization records (including insurance and medical card
17 information), a history of the child's previous
18 placements, if any, and reasons for placement changes
19 excluding any information that identifies or reveals the
20 location of any previous caregiver or adoptive parents;

21 (2) a copy of the child's portion of the client
22 service plan, including any visitation arrangement, and
23 all amendments or revisions to it as related to the child;
24 and

25 (3) information containing details of the child's
26 individualized educational plan when the child is

1 receiving special education services.

2 The caregiver, appropriate facility staff, or prospective
3 adoptive parent or parents, shall be informed of any known
4 social or behavioral information (including, but not limited
5 to, criminal background, fire setting, perpetuation of sexual
6 abuse, destructive behavior, and substance abuse) necessary to
7 care for and safeguard the children to be placed or currently
8 in the home or setting. The Department may prepare a written
9 summary of the information required by this paragraph, which
10 may be provided to the caregiver, appropriate facility staff,
11 or prospective adoptive parent in advance of a placement. The
12 caregiver, appropriate facility staff, or prospective adoptive
13 parent may review the supporting documents in the child's file
14 in the presence of casework staff. In the case of an emergency
15 placement, casework staff shall at least provide known
16 information verbally, if necessary, and must subsequently
17 provide the information in writing as required by this
18 subsection.

19 The information described in this subsection shall be
20 provided in writing. In the case of emergency placements when
21 time does not allow prior review, preparation, and collection
22 of written information, the Department shall provide such
23 information as it becomes available. Within 10 business days
24 after placement, the Department shall obtain from the
25 caregiver, appropriate facility staff, or prospective adoptive
26 parent or parents a signed verification of receipt of the

1 information provided. Within 10 business days after placement,
2 the Department shall provide to the child's guardian ad litem
3 a copy of the information provided to the caregiver,
4 appropriate facility staff, or prospective adoptive parent or
5 parents. The information provided to the caregiver,
6 appropriate facility staff, or prospective adoptive parent or
7 parents shall be reviewed and approved regarding accuracy at
8 the supervisory level.

9 (u-5) Beginning July 1, 2025, certified relative caregiver
10 homes under Section 3.4 of the Child Care Act of 1969 shall be
11 eligible to receive foster care maintenance payments from the
12 Department in an amount no less than payments made to licensed
13 foster family homes. Beginning July 1, 2025, relative homes
14 providing care to a child placed by the Department that are not
15 a certified relative caregiver home under Section 3.4 of the
16 Child Care Act of 1969 or a licensed foster family home shall
17 be eligible to receive payments from the Department in an
18 amount no less 90% of the payments made to licensed foster
19 family homes and certified relative caregiver homes.

20 (u-6) To assist relative and certified relative
21 caregivers, no later than July 1, 2025, the Department shall
22 adopt rules to implement a relative support program, as
23 follows:

24 (1) For relative and certified relative caregivers,
25 the Department is authorized to reimburse or prepay
26 reasonable expenditures to remedy home conditions

1 necessary to fulfill the home safety-related requirements
2 of relative caregiver homes.

3 (2) The Department may provide short-term emergency
4 funds to relative and certified relative caregiver homes
5 experiencing extreme hardships due to the difficulty and
6 stress associated with adding youth in care as new
7 household members.

8 (3) Consistent with federal law, the Department shall
9 include in any State Plan made in accordance with the
10 Adoption Assistance and Child Welfare Act of 1980, Titles
11 IV-E and XIX of the Social Security Act, and any other
12 applicable federal laws the provision of kinship navigator
13 program services. The Department shall apply for and
14 administer all relevant federal aid in accordance with
15 law. Federal funds acquired for the kinship navigator
16 program shall be used for the development, implementation,
17 and operation of kinship navigator program services. The
18 kinship navigator program services may provide
19 information, referral services, support, and assistance to
20 relative and certified relative caregivers of youth in
21 care to address their unique needs and challenges. Until
22 the Department is approved to receive federal funds for
23 these purposes, the Department shall publicly post on the
24 Department's website semi-annual updates regarding the
25 Department's progress in pursuing federal funding.
26 Whenever the Department publicly posts these updates on

1 its website, the Department shall notify the General
2 Assembly through the General Assembly's designee.

3 (u-7) To support finding permanency for children through
4 subsidized guardianship and adoption and to prevent disruption
5 in guardianship and adoptive placements, the Department shall
6 establish and maintain accessible subsidized guardianship and
7 adoption support services for all children under 18 years of
8 age placed in guardianship or adoption who, immediately
9 preceding the guardianship or adoption, were in the custody or
10 guardianship of the Department under Article II of the
11 Juvenile Court Act of 1987.

12 The Department shall establish and maintain a toll-free
13 number to respond to requests from the public about its
14 subsidized guardianship and adoption support services under
15 this subsection and shall staff the toll-free number so that
16 calls are answered on a timely basis, but in no event more than
17 one business day after the receipt of a request. These
18 requests from the public may be made anonymously. To meet this
19 obligation, the Department may utilize the same toll-free
20 number the Department operates to respond to post-adoption
21 requests under subsection (b-5) of Section 18.9 of the
22 Adoption Act. The Department shall publicize information about
23 the Department's subsidized guardianship support services and
24 toll-free number as follows:

25 (1) it shall post information on the Department's
26 website;

1 (2) it shall provide the information to every licensed
2 child welfare agency and any entity providing subsidized
3 guardianship support services in Illinois courts;

4 (3) it shall reference such information in the
5 materials the Department provides to caregivers pursuing
6 subsidized guardianship to inform them of their rights and
7 responsibilities under the Child Care Act of 1969 and this
8 Act;

9 (4) it shall provide the information, including the
10 Department's Post Adoption and Guardianship Services
11 booklet, to eligible caregivers as part of its
12 guardianship training and at the time they are presented
13 with the Permanency Commitment form;

14 (5) it shall include, in each annual notification
15 letter mailed to subsidized guardians, a short, 2-sided
16 flier or news bulletin in plain language that describes
17 access to post-guardianship services, how to access
18 services under the Family Support Program, formerly known
19 as the Individual Care Grant Program, the webpage address
20 to the Post Adoption and Guardianship Services booklet,
21 information on how to request that a copy of the booklet be
22 mailed; and

23 (6) it shall ensure that kinship navigator programs of
24 this State, when established, have this information to
25 include in materials the programs provide to caregivers.
26 No later than July 1, 2026, the Department shall provide a

1 mechanism for the public to make information requests by
2 electronic means.

3 The Department shall review and update annually all
4 information relating to its subsidized guardianship support
5 services, including its Post Adoption and Guardianship
6 Services booklet, to include updated information on Family
7 Support Program services eligibility and subsidized
8 guardianship support services that are available through the
9 medical assistance program established under Article V of the
10 Illinois Public Aid Code or any other State program for mental
11 health services. The Department and the Department of
12 Healthcare and Family Services shall coordinate their efforts
13 in the development of these resources.

14 Every licensed child welfare agency and any entity
15 providing kinship navigator programs funded by the Department
16 shall provide the Department's website address and link to the
17 Department's subsidized guardianship support services
18 information set forth in subsection (d), including the
19 Department's toll-free number, to every relative who is or
20 will be providing guardianship placement for a child placed by
21 the Department.

22 (v) The Department shall access criminal history record
23 information as defined in the Illinois Uniform Conviction
24 Information Act and information maintained in the adjudicatory
25 and dispositional record system as defined in Section 2605-355
26 of the Illinois State Police Law if the Department determines

1 the information is necessary to perform its duties under the
2 Abused and Neglected Child Reporting Act, the Child Care Act
3 of 1969, and the Children and Family Services Act. The
4 Department shall provide for interactive computerized
5 communication and processing equipment that permits direct
6 on-line communication with the Illinois State Police's central
7 criminal history data repository. The Department shall comply
8 with all certification requirements and provide certified
9 operators who have been trained by personnel from the Illinois
10 State Police. In addition, one Office of the Inspector General
11 investigator shall have training in the use of the criminal
12 history information access system and have access to the
13 terminal. The Department of Children and Family Services and
14 its employees shall abide by rules and regulations established
15 by the Illinois State Police relating to the access and
16 dissemination of this information.

17 (v-1) Prior to final approval for placement of a child
18 with a foster or adoptive parent, the Department shall conduct
19 a criminal records background check of the prospective foster
20 or adoptive parent, including fingerprint-based checks of
21 national crime information databases. Final approval for
22 placement shall not be granted if the record check reveals a
23 felony conviction for child abuse or neglect, for spousal
24 abuse, for a crime against children, or for a crime involving
25 violence, including rape, sexual assault, or homicide, but not
26 including other physical assault or battery, or if there is a

1 felony conviction for physical assault, battery, or a
2 drug-related offense committed within the past 5 years.

3 (v-2) Prior to final approval for placement of a child
4 with a foster or adoptive parent, the Department shall check
5 its child abuse and neglect registry for information
6 concerning prospective foster and adoptive parents, and any
7 adult living in the home. If any prospective foster or
8 adoptive parent or other adult living in the home has resided
9 in another state in the preceding 5 years, the Department
10 shall request a check of that other state's child abuse and
11 neglect registry.

12 (v-3) Prior to the final approval of final placement of a
13 related child in a certified relative caregiver home as
14 defined in Section 2.37 of the Child Care Act of 1969, the
15 Department shall ensure that the background screening meets
16 the standards required under subsection (c) of Section 3.4 of
17 the Child Care Act of 1969.

18 (v-4) Prior to final approval for placement of a child
19 with a relative, as defined in Section 4d of this Act, who is
20 not a licensed foster parent, has declined to seek approval to
21 be a certified relative caregiver, or was denied approval as a
22 certified relative caregiver, the Department shall:

23 (i) check the child abuse and neglect registry for
24 information concerning the prospective relative caregiver
25 and any other adult living in the home. If any prospective
26 relative caregiver or other adult living in the home has

1 resided in another state in the preceding 5 years, the
2 Department shall request a check of that other state's
3 child abuse and neglect registry; and

4 (ii) conduct a criminal records background check of
5 the prospective relative caregiver and all other adults
6 living in the home, including fingerprint-based checks of
7 national crime information databases. Final approval for
8 placement shall not be granted if the record check reveals
9 a felony conviction for child abuse or neglect, for
10 spousal abuse, for a crime against children, or for a
11 crime involving violence, including rape, sexual assault,
12 or homicide, but not including other physical assault or
13 battery, or if there is a felony conviction for physical
14 assault, battery, or a drug-related offense committed
15 within the past 5 years; provided however, that the
16 Department is empowered to grant a waiver as the
17 Department may provide by rule, and the Department
18 approves the request for the waiver based on a
19 comprehensive evaluation of the caregiver and household
20 members and the conditions relating to the safety of the
21 placement.

22 No later than July 1, 2025, the Department shall adopt
23 rules or revise existing rules to effectuate the changes made
24 to this subsection (v-4). The rules shall outline the
25 essential elements of each form used in the implementation and
26 enforcement of the provisions of this amendatory Act of the

1 103rd General Assembly.

2 (w) (Blank).

3 (x) The Department shall conduct annual credit history
4 checks to determine the financial history of children placed
5 under its guardianship pursuant to the Juvenile Court Act of
6 1987. The Department shall conduct such credit checks starting
7 when a youth in care turns 12 years old and each year
8 thereafter for the duration of the guardianship as terminated
9 pursuant to the Juvenile Court Act of 1987. The Department
10 shall determine if financial exploitation of the child's
11 personal information has occurred. If financial exploitation
12 appears to have taken place or is presently ongoing, the
13 Department shall notify the proper law enforcement agency, the
14 proper State's Attorney, or the Attorney General.

15 (y) Beginning on July 22, 2010 (the effective date of
16 Public Act 96-1189), a child with a disability who receives
17 residential and educational services from the Department shall
18 be eligible to receive transition services in accordance with
19 Article 14 of the School Code from the age of 14.5 through age
20 21, inclusive, notwithstanding the child's residential
21 services arrangement. For purposes of this subsection, "child
22 with a disability" means a child with a disability as defined
23 by the federal Individuals with Disabilities Education
24 Improvement Act of 2004.

25 (z) The Department shall access criminal history record
26 information as defined as "background information" in this

1 subsection and criminal history record information as defined
2 in the Illinois Uniform Conviction Information Act for each
3 Department employee or Department applicant. Each Department
4 employee or Department applicant shall submit the employee's
5 or applicant's fingerprints to the Illinois State Police in
6 the form and manner prescribed by the Illinois State Police.
7 These fingerprints shall be checked against the fingerprint
8 records now and hereafter filed in the Illinois State Police
9 and the Federal Bureau of Investigation criminal history
10 records databases. The Illinois State Police shall charge a
11 fee for conducting the criminal history record check, which
12 shall be deposited into the State Police Services Fund and
13 shall not exceed the actual cost of the record check. The
14 Illinois State Police shall furnish, pursuant to positive
15 identification, all Illinois conviction information to the
16 Department of Children and Family Services.

17 For purposes of this subsection:

18 "Background information" means all of the following:

19 (i) Upon the request of the Department of Children and
20 Family Services, conviction information obtained from the
21 Illinois State Police as a result of a fingerprint-based
22 criminal history records check of the Illinois criminal
23 history records database and the Federal Bureau of
24 Investigation criminal history records database concerning
25 a Department employee or Department applicant.

26 (ii) Information obtained by the Department of

1 Children and Family Services after performing a check of
2 the Illinois State Police's Sex Offender Database, as
3 authorized by Section 120 of the Sex Offender Community
4 Notification Law, concerning a Department employee or
5 Department applicant.

6 (iii) Information obtained by the Department of
7 Children and Family Services after performing a check of
8 the Child Abuse and Neglect Tracking System (CANTS)
9 operated and maintained by the Department.

10 "Department employee" means a full-time or temporary
11 employee coded or certified within the State of Illinois
12 Personnel System.

13 "Department applicant" means an individual who has
14 conditional Department full-time or part-time work, a
15 contractor, an individual used to replace or supplement staff,
16 an academic intern, a volunteer in Department offices or on
17 Department contracts, a work-study student, an individual or
18 entity licensed by the Department, or an unlicensed service
19 provider who works as a condition of a contract or an agreement
20 and whose work may bring the unlicensed service provider into
21 contact with Department clients or client records.

22 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
23 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.
24 1-1-24; 103-546, eff. 8-11-23; 103-605, eff. 7-1-24; 103-1061,
25 eff. 7-1-25.)

1 (20 ILCS 505/35.10)

2 Sec. 35.10. Successful transitions to and documents
3 necessary for adult living. ~~Documents necessary for adult~~
4 ~~living.~~

5 (a) The Department shall make reasonable efforts to
6 develop an age and developmentally appropriate individualized
7 youth-driven transition plan for each youth in care aged 15
8 and over to help such youth develop and strengthen those life
9 skills that lead to successful adult living. As applicable,
10 based on the minor's age and developmental appropriateness,
11 the youth-driven transition plan shall address the following
12 areas:

13 (1) assessment and development of life skills;

14 (2) education;

15 (3) post high school goals;

16 (4) driver's education;

17 (5) participation in extracurricular activities;

18 (6) internships;

19 (7) employment;

20 (8) housing;

21 (9) mental and physical health and well-being;

22 (10) financial stability;

23 (11) connections to supportive adults and peers;

24 (12) transition to adult services;

25 (13) documents necessary for adult living as provided
26 in subsection (b); and

1 (14) childcare and parenting supports.

2 The Department shall include the youth-driven transition
3 plan in the youth's service plan. The Department shall make
4 reasonable efforts to assist the youth in accomplishing the
5 plan, to develop strategies to resolve barriers, and to ensure
6 the youth is aware of any post-case closure supports and
7 services and how to access such supports and services.

8 (b) The Department shall assist a youth in care in
9 identifying and obtaining documents necessary to function as
10 an independent adult prior to the closure of the youth's case
11 to terminate wardship as provided in Section 2-31 of the
12 Juvenile Court Act of 1987. These necessary documents shall
13 include, but not be limited to, any of the following:

14 (1) State identification card or driver's license.

15 (2) Social Security card.

16 (3) Medical records, including, but not limited to,
17 health passport, dental records, immunization records,
18 name and contact information for all current medical,
19 dental, and mental health providers, and a signed
20 certification that the Department provided the youth with
21 education on executing a healthcare power of attorney.

22 (4) Medicaid card or other health eligibility
23 documentation.

24 (5) Certified copy of birth certificate.

25 (6) Any applicable religious documents.

26 (7) Voter registration card.

1 (8) Immigration, citizenship, or naturalization
2 documentation, if applicable.

3 (9) Death certificates of parents, if applicable.

4 (10) Life book or compilation of personal history and
5 photographs.

6 (11) List of known relatives and persons willing to
7 provide supports to the youth with relationships,
8 addresses, telephone numbers, and other contact
9 information, with the permission of the involved relative
10 or supportive person.

11 (12) Resume.

12 (13) Educational records, including list of schools
13 attended, and transcript, high school diploma, or State of
14 Illinois High School Diploma.

15 (14) List of placements while in care.

16 (15) List of community resources with referral
17 information, including the Midwest Adoption Center for
18 search and reunion services for former youth in care,
19 whether or not they were adopted, and the Illinois Chapter
20 of Foster Care Alumni of America.

21 (16) All documents necessary to complete a Free
22 Application for Federal Student Aid form, if applicable,
23 or an application for State financial aid.

24 (17) If applicable, a final accounting of the account
25 maintained on behalf of the youth as provided under
26 Section 5.46.

1 If a court determines that a youth in care no longer requires
2 wardship of the court and orders the wardship terminated and
3 all proceedings under the Juvenile Court Act of 1987
4 respecting the youth in care finally closed and discharged,
5 the Department shall ensure that the youth in care receives a
6 copy of the court's order.

7 (Source: P.A. 102-70, eff. 1-1-22; 102-1014, eff. 5-27-22;
8 102-1100, eff. 1-1-23; 103-154, eff. 6-30-23.)

9 Section 10. The Juvenile Court Act of 1987 is amended by
10 changing Sections 2-28, 2-33, and 5-745 and by adding Section
11 2-28.2 as follows:

12 (705 ILCS 405/2-28)

13 Sec. 2-28. Court review.

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

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

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

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

25 (2) in a psychiatric hospital past the time when the
26 minor is clinically ready for discharge or beyond medical

1 necessity for the minor's health; or

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

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

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

1 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 child. If the child remains
4 placed in a qualified residential treatment program, the
5 Department shall submit evidence at each status and permanency
6 hearing:

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

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

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

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

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

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

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

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

23 (A) any special physical, psychological, educational,
24 medical, emotional, or other needs of the minor or the
25 minor's family that are relevant to a permanency or
26 placement determination, and for any minor age 16 or over,

1 a written description of the programs and services that
2 will enable the minor to prepare for independent living;

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

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

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

25 (i) confirmation that the caseworker has discussed
26 the permanency options and subsidies available for

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

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

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

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

24 (v) state the recommended permanency goal, why
25 that goal is recommended, and why the other potential
26 goals were not recommended.

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

6 (2.3) At the permanency hearing, the court shall determine
7 the permanency goal of the child. The court shall set one of
8 the following permanency goals:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (iv) whether the minor is placed with a relative,
23 and beginning July 1, 2025, whether the minor is
24 placed in a relative home as defined in Section 4d of
25 the Children and Family Services Act, in a certified
26 relative caregiver home as defined in Section 2.36 of

1 the Child Care Act of 1969;

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

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

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

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

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

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

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

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

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

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

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

26 (b) the child exhibits an extreme level of

1 need such that the removal of the child from the
2 minor's placement would be detrimental to the
3 child; or

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

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

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

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

1 (A) Age of the child.

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

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

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

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

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

13 (G) Status of siblings of the minor.

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

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

1 to the extent of their probative value.

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

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

26 The court shall review the Sibling Contact Support Plan

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

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

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

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

25 If, after receiving evidence, the court determines that
26 the services contained in the plan are not reasonably

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

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

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

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

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

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

25 (a) The future status of the minor, including the
26 permanency goal, and any order necessary to conform the

1 minor's legal custody and status to such determination; or

2 (b) If the permanency goal of the minor cannot be
3 achieved immediately, the specific reasons for continuing
4 the minor in the care of the Department of Children and
5 Family Services or other agency for short-term placement,
6 and the following determinations:

7 (i) (Blank).

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

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

24 (iv) (Blank).

25 (v) (Blank).

26 If the court sets a permanency goal of independence or if

1 the minor is 17 years of age or older, the court shall schedule
2 a Successful Transition to Adulthood Review hearing in
3 accordance with Section 2-28.2.

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

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

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

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

24 When parental rights have been terminated for a
25 minimum of 3 years and the child who is the subject of the
26 permanency hearing is 13 years old or older and is not

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

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

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

18 When the court orders a child restored to the custody of
19 the parent or parents, the court shall order the parent or
20 parents to cooperate with the Department of Children and
21 Family Services and comply with the terms of an after-care
22 plan, or risk the loss of custody of the child and possible
23 termination of their parental rights. The court may also enter
24 an order of protective supervision in accordance with Section
25 2-24.

26 If the minor is being restored to the custody of a parent,

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

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

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

23 (b) The information derived from the investigation and
24 any conclusions or recommendations derived from the
25 information shall be provided to the parent, guardian, or
26 legal custodian seeking restoration of custody prior to

1 the hearing on fitness and the movant shall have an
2 opportunity at the hearing to refute the information or
3 contest its significance.

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

7 (Source: P.A. 102-193, eff. 7-30-21; 102-489, eff. 8-20-21;
8 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-154, eff.
9 6-30-23; 103-171, eff. 1-1-24; 103-605, eff. 7-1-24; 103-1061,
10 eff. 2-5-25.)

11 (705 ILCS 405/2-28.2 new)

12 Sec. 2-28.2. Successful Transition to Adulthood Review
13 hearings.

14 (a) The court shall conduct Successful Transition to
15 Adulthood Review (STAR) hearings to review the Department's
16 efforts to ensure the minor is provided with opportunities to
17 engage in individualized future-focused planning towards
18 adulthood, to develop age-appropriate daily living skills to
19 live successfully as an adult, and if applicable, to be
20 prepared to transition out of the care of the Department at age
21 21.

22 (b) The court shall conduct a STAR hearing for all minors
23 for whom the court has entered a permanency goal of
24 independence and for all minors who are 17 years of age or
25 older. The minor's first STAR hearing shall be conducted

1 within 6 months of the minor qualifying for a STAR hearing.
2 Subsequent STAR hearings may be conducted contemporaneously
3 with the minor's permanency hearing. At a minimum, the court
4 shall conduct STAR hearings for eligible minors within 6
5 months of the minor becoming eligible for a STAR hearing and
6 annually thereafter. The court may schedule additional STAR
7 hearings as necessary and in the minor's best interest.

8 (c) Fourteen days in advance of the STAR hearing the
9 Department shall provide the court with the youth's service
10 plan that includes the following information:

11 (1) a copy of the youth-driven transition plan
12 developed in accordance with Section 35.10 of the Children
13 and Family Services Act;

14 (2) for youth 17 years of age and older, the ILO TLP
15 Quarterly Discharge Launch Plan, if applicable;

16 (3) a description of the documents necessary for adult
17 living as provided in Section 35.10 of the Children and
18 Family Services Act that the minor has, the documents the
19 minor continues to need, and the Department's plan to
20 ensure the minor has such documents prior to case closure;

21 (4) a description of the Department's efforts to
22 assist the youth in developing and maintaining connections
23 with supportive adults and a copy of the minor's Ongoing
24 Family Finding and Relative Engagement Plan developed in
25 accordance with Section 2-27.3; and

26 (5) for youth who are likely to need a guardian as a

1 person with a disability, in accordance with Article XIa
2 of the Probate Act of 1975, a description of the
3 Department's efforts to obtain any necessary assessments.

4 (d) At the STAR hearing the court shall:

5 (1) review the Department's efforts to assist the
6 minor in developing and implementing an individualized
7 youth-driven plan to develop life skills that will lead to
8 successful adult living;

9 (2) review the plan developed by the Department and
10 the minor to ensure that it is reasonably likely to ensure
11 the minor can live independent of supports from the
12 Department;

13 (3) review the Department's efforts to assist the
14 minor in accomplishing the plan;

15 (4) review the Department's efforts to ensure the
16 minor has documents necessary for adult living, as defined
17 in Section 35.10 of the Children and Family Services Act
18 prior to case closure;

19 (5) review the Department's efforts to ensure that the
20 minor is aware of available supports and services
21 post-case closure and how to access such supports and
22 services; and

23 (6) if applicable, review the Department's efforts to
24 obtain any needed assessments to determine whether the
25 youth may qualify for a guardian as a person with a
26 disability under Article XIa of the Probate Act of 1975.

1 If the court finds that the youth-driven transition plan
2 for the minor is not in the minor's best interest or will not
3 be reasonably likely to result in the development of life
4 skills necessary for adult living, the court shall make
5 specific factual findings supporting its findings and order
6 the Department to develop a new plan with the minor consistent
7 with the court's findings. If the court finds that the
8 Department has failed to make reasonable efforts to (i) assist
9 the minor in developing and accomplishing a youth-driven
10 transition plan or (ii) obtain any necessary assessments for
11 minors to determine whether the youth may qualify for a
12 guardian as a person with a disability under Article XIa of the
13 Probate Act of 1975, then the court shall make specific
14 factual findings and may enter such orders it deems necessary
15 to ensure that the minor is developing necessary life skills
16 and, when appropriate, is prepared to successfully transition
17 to adulthood.

18 (705 ILCS 405/2-33)

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

20 (1) Any time prior to a minor's 18th birthday, pursuant to
21 a supplemental petition filed under this Section, the court
22 may reinstate wardship and open a previously closed case when:

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

1 1975;

2 (b) the minor is not presently a ward of the court
3 under Article II of this Act nor is there a petition for
4 adjudication of wardship pending on behalf of the minor;
5 and

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

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

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

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

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

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

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

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

3 (3) The supplemental petition must be filed in the same
4 proceeding in which the original adjudication order was
5 entered. Unless excused by court for good cause shown, the
6 petitioner shall give notice of the time and place of the
7 hearing on the supplemental petition, in person or by mail, to
8 the minor, if the minor is 14 years of age or older, and to the
9 parties to the juvenile court proceeding. Notice shall be
10 provided at least 3 court days in advance of the hearing date.

11 (3.5) Whenever a petition is filed to reinstate wardship
12 pursuant to subsection (1), prior to granting the petition,
13 the court may order the Department of Children and Family
14 Services to assess the minor's current and proposed living
15 arrangements and to provide ongoing monitoring of the health,
16 safety, and best interest of the minor during the pendency of
17 the petition to assist the court in making that determination.

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

22 (5) Whenever a minor is committed to the Department of
23 Children and Family Services for care and services following
24 the reinstatement of wardship under this Section, the
25 Department shall:

26 (a) Within 30 days of such commitment, prepare and

1 file with the court a case plan which complies with the
2 federal Adoption Assistance and Child Welfare Act of 1980
3 and is consistent with the health, safety and best
4 interests of the minor; and

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

8 (6) Whenever the court grants a petition to reinstate
9 wardship under this Section, the court shall schedule the case
10 for a permanency hearing in accordance with Section 2-28 and a
11 Successful Transition to Adulthood Review hearing in
12 accordance with Section 2-28.2, if applicable.

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

14 (705 ILCS 405/5-745)

15 Sec. 5-745. Court review.

16 (1) The court may require any legal custodian or guardian
17 of the person appointed under this Act, including the
18 Department of Juvenile Justice for youth committed under
19 Section 5-750 of this Act, to report periodically to the court
20 or may cite the legal custodian or guardian into court and
21 require the legal custodian or guardian, or the legal
22 custodian's or guardian's agency, to make a full and accurate
23 report of the doings of the legal custodian, guardian, or
24 agency on behalf of the minor, including efforts to secure
25 post-release placement of the youth after release from the

1 Department's facilities. The legal custodian or guardian,
2 within 10 days after the citation, shall make the report,
3 either in writing verified by affidavit or orally under oath
4 in open court, or otherwise as the court directs. Upon the
5 hearing of the report the court may remove the legal custodian
6 or guardian and appoint another in the legal custodian's or
7 guardian's stead or restore the minor to the custody of the
8 minor's parents or former guardian or legal custodian.

9 (2) If the Department of Children and Family Services is
10 appointed legal custodian or guardian of a minor under Section
11 5-740 of this Act, the Department of Children and Family
12 Services shall file updated case plans with the court every 6
13 months. Every agency which has guardianship of a child shall
14 file a supplemental petition for court review, or review by an
15 administrative body appointed or approved by the court and
16 further order within 18 months of the sentencing order and
17 each 18 months thereafter. The petition shall state facts
18 relative to the child's present condition of physical, mental
19 and emotional health as well as facts relative to the minor's
20 present custodial or foster care. The petition shall be set
21 for hearing and the clerk shall mail 10 days notice of the
22 hearing by certified mail, return receipt requested, to the
23 person or agency having the physical custody of the child, the
24 minor and other interested parties unless a written waiver of
25 notice is filed with the petition.

26 If the minor is in the custody of the Illinois Department

1 of Children and Family Services, pursuant to an order entered
2 under this Article, the court shall conduct permanency
3 hearings as set out in subsections (1), (2), (2.3), (2.4), and
4 (3) of Section 2-28 of Article II of this Act and Successful
5 Transition to Adulthood Review hearings as set out in Section
6 2-28.2 of Article II of this Act.

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

10 (3) 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. In the event that the
15 minor has attained 18 years of age and the guardian or
16 custodian petitions the court for an order terminating the
17 minor's guardianship or custody, guardianship or legal custody
18 shall terminate automatically 30 days after the receipt of the
19 petition unless the court orders otherwise. No legal custodian
20 or guardian of the person may be removed without the legal
21 custodian's or guardian's consent until given notice and an
22 opportunity to be heard by the court.

23 (4) If the minor is committed to the Department of
24 Juvenile Justice under Section 5-750 of this Act, the
25 Department shall notify the court in writing of the occurrence
26 of any of the following:

1 (a) a critical incident involving a youth committed to
2 the Department; as used in this paragraph (a), "critical
3 incident" means any incident that involves a serious risk
4 to the life, health, or well-being of the youth and
5 includes, but is not limited to, an accident or suicide
6 attempt resulting in serious bodily harm or
7 hospitalization, psychiatric hospitalization, alleged or
8 suspected abuse, or escape or attempted escape from
9 custody, filed within 10 days of the occurrence;

10 (b) a youth who has been released by the Prisoner
11 Review Board but remains in a Department facility solely
12 because the youth does not have an approved aftercare
13 release host site, filed within 10 days of the occurrence;

14 (c) a youth, except a youth who has been adjudicated a
15 habitual or violent juvenile offender under Section 5-815
16 or 5-820 of this Act or committed for first degree murder,
17 who has been held in a Department facility for over one
18 consecutive year; or

19 (d) if a report has been filed under paragraph (c) of
20 this subsection, a supplemental report shall be filed
21 every 6 months thereafter.

22 The notification required by this subsection (4) shall contain
23 a brief description of the incident or situation and a summary
24 of the youth's current physical, mental, and emotional health
25 and the actions the Department took in response to the
26 incident or to identify an aftercare release host site, as

1 applicable. Upon receipt of the notification, the court may
2 require the Department to make a full report under subsection
3 (1) of this Section.

4 (5) With respect to any report required to be filed with
5 the court under this Section, the Independent Juvenile
6 Ombudsperson shall provide a copy to the minor's court
7 appointed guardian ad litem, if the Department has received
8 written notice of the appointment, and to the minor's
9 attorney, if the Department has received written notice of
10 representation from the attorney. If the Department has a
11 record that a guardian has been appointed for the minor and a
12 record of the last known address of the minor's court
13 appointed guardian, the Independent Juvenile Ombudsperson
14 shall send a notice to the guardian that the report is
15 available and will be provided by the Independent Juvenile
16 Ombudsperson upon request. If the Department has no record
17 regarding the appointment of a guardian for the minor, and the
18 Department's records include the last known addresses of the
19 minor's parents, the Independent Juvenile Ombudsperson shall
20 send a notice to the parents that the report is available and
21 will be provided by the Independent Juvenile Ombudsperson upon
22 request.

23 (Source: P.A. 103-22, eff. 8-8-23; 103-1061, eff. 2-5-25.)

24 Section 95. No acceleration or delay. Where this Act makes
25 changes in a statute that is represented in this Act by text

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

6 Section 99. Effective date. This Act takes effect July 1,
7 2026.