



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB3196

Introduced 2/2/2026, by Sen. Lakesia Collins

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Children and Family Services Act. In provisions requiring the Department of Children and Family Services to establish rules concerning transition planning for youth aging out of care, requires the Department to consult with the Statewide Youth Advisory Board to determine the effectiveness of existing programs, to identify new programming that supports youth transitions to independence, and to advise on how information about transitional services is communicated to youth in a clear, timely, and age-appropriate manner. Requires the Department to develop, by July 1, 2027, procedures setting forth a process by which: (i) a youth or a youth's representative can request an accounting or explanation of financial decisions made by the Department or child welfare contributing agency for any monies held on behalf of the youth; and (ii) the Department or child welfare contributing agency acknowledges receipt of the request, provides a written response within a defined period, and outlines steps for review or correction when an error or dispute regarding the accounting is identified. Requires the Department to ensure that each youth in care, if applicable, receives age-appropriate financial guidance designed to build financial literacy and informed decision-making regarding the youth's Social Security benefits, Supplemental Security Income benefits, veterans benefits, or Railroad Retirement benefits. Contains provisions on the development of tailored youth-driven transition plans; notification to youth on the location of necessary documents and any financial accounts open in their name; the development of a curriculum guided program for youth transitioning out of care; written and verbal notice on a youth's scheduled Successful Transition to Adulthood Review (STAR) hearings; requirements on residential treatment centers, group homes, transitional living programs, and the Department to ensure a youth's attendance at a scheduled STAR hearing; and other matters. Amends the Juvenile Court Act of 1987. In provisions concerning STAR hearings, requires the Department to allow a minor the opportunity to express to the court the minor's goals, preferences, and concerns regarding the minor's transition to independence. Requires the court to review and ensure the Department is in compliance with its statutory obligation to support the minor's meaningful engagement in STAR hearings.

LRB104 20388 KTG 33848 b

A BILL FOR

1 AN ACT concerning children.

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

4 Section 5. The Children and Family Services Act is amended  
5 by changing Sections 5, 5.46, and 35.10 as follows:

6 (20 ILCS 505/5)

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

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, and  
4 permanency, including, but not limited to:

5 (1) reunification, guardianship, and adoption;

6 (2) relative and licensed foster care;

7 (3) family counseling;

8 (4) protective services;

9 (5) (blank);

10 (6) homemaker service;

11 (7) return of runaway children;

12 (8) (blank);

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

17 (10) interstate services.

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

1 licensed by the Department of Human Services for substance use  
2 disorder treatment.

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

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

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

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

1 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
2 4-25, or 5-740 of the Juvenile Court Act of 1987 for children  
3 who were youth in care for 12 months immediately prior to the  
4 appointment of the guardian.

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

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

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

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

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

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

26 The Department shall notify the child and the child's

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

25 The Department may, at its discretion except for those  
26 children also adjudicated neglected or dependent, accept for

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

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

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

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

13 (1-1) The General Assembly recognizes that the best  
14 interests of the child require that the child be placed in the  
15 most permanent living arrangement that is an appropriate  
16 option for the child, consistent with the child's best  
17 interest, using the factors set forth in subsection (4.05) of  
18 Section 1-3 of the Juvenile Court Act of 1987 as soon as is  
19 practically possible. To achieve this goal, the General  
20 Assembly directs the Department of Children and Family  
21 Services to conduct concurrent planning so that permanency may  
22 occur at the earliest opportunity. Permanent living  
23 arrangements may include prevention of placement of a child  
24 outside the home of the family when the child can be cared for  
25 at home without endangering the child's health or safety;  
26 reunification with the family, when safe and appropriate, if

1 temporary placement is necessary; or movement of the child  
2 toward the most appropriate living arrangement and legal  
3 status.

4 When determining reasonable efforts to be made with  
5 respect to a child, as described in this subsection, and in  
6 making such reasonable efforts, the child's health and safety  
7 shall be the paramount concern.

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

20 A decision to place a child in substitute care shall be  
21 made with considerations of the child's health, safety, and  
22 best interests. The Department shall make diligent efforts to  
23 place the child with a relative, document those diligent  
24 efforts, and document reasons for any failure or inability to  
25 secure such a relative placement. If the primary issue  
26 preventing an emergency placement of a child with a relative

1 is a lack of resources, including, but not limited to,  
2 concrete goods, safety modifications, and services, the  
3 Department shall make diligent efforts to assist the relative  
4 in obtaining the necessary resources. No later than July 1,  
5 2025, the Department shall adopt rules defining what is  
6 diligent and necessary in providing supports to potential  
7 relative placements. At the time of placement, consideration  
8 should also be given so that if reunification fails or is  
9 delayed, the placement has the potential to be an appropriate  
10 permanent placement for the child.

11 The Department shall adopt rules addressing concurrent  
12 planning for reunification and permanency. The Department  
13 shall consider the following factors when determining  
14 appropriateness of concurrent planning:

- 15 (1) the likelihood of prompt reunification;
- 16 (2) the past history of the family;
- 17 (3) the barriers to reunification being addressed by  
18 the family;
- 19 (4) the level of cooperation of the family;
- 20 (4.5) the child's wishes;
- 21 (5) the caregivers' willingness to work with the  
22 family to reunite;
- 23 (6) the willingness and ability of the caregivers' to  
24 provide a permanent placement;
- 25 (7) the age of the child;
- 26 (8) placement of siblings; and

1           (9) the wishes of the parent or parents unless the  
2           parental preferences are contrary to the best interests of  
3           the child.

4           (m) The Department may assume temporary custody of any  
5           child if:

6           (1) it has received a written consent to such  
7           temporary custody signed by the parents of the child or by  
8           the parent having custody of the child if the parents are  
9           not living together or by the guardian or custodian of the  
10          child if the child is not in the custody of either parent,  
11          or

12          (2) the child is found in the State and neither a  
13          parent, guardian nor custodian of the child can be  
14          located.

15          If the child is found in the child's residence without a  
16          parent, guardian, custodian, or responsible caretaker, the  
17          Department may, instead of removing the child and assuming  
18          temporary custody, place an authorized representative of the  
19          Department in that residence until such time as a parent,  
20          guardian, or custodian enters the home and expresses a  
21          willingness and apparent ability to ensure the child's health  
22          and safety and resume permanent charge of the child, or until a  
23          relative enters the home and is willing and able to ensure the  
24          child's health and safety and assume charge of the child until  
25          a parent, guardian, or custodian enters the home and expresses  
26          such willingness and ability to ensure the child's safety and

1 resume permanent charge. After a caretaker has remained in the  
2 home for a period not to exceed 12 hours, the Department must  
3 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
4 5-415 of the Juvenile Court Act of 1987.

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

19 The Department shall ensure that any child taken into  
20 custody is scheduled for an appointment for a medical  
21 examination.

22 A parent, guardian, or custodian of a child in the  
23 temporary custody of the Department who would have custody of  
24 the child if the child were not in the temporary custody of the  
25 Department may deliver to the Department a signed request that  
26 the Department surrender the temporary custody of the child.

1 The Department may retain temporary custody of the child for  
2 10 days after the receipt of the request, during which period  
3 the Department may cause to be filed a petition pursuant to the  
4 Juvenile Court Act of 1987. If a petition is so filed, the  
5 Department shall retain temporary custody of the child until  
6 the court orders otherwise. If a petition is not filed within  
7 the 10-day period, the child shall be surrendered to the  
8 custody of the requesting parent, guardian, or custodian not  
9 later than the expiration of the 10-day period, at which time  
10 the authority and duties of the Department with respect to the  
11 temporary custody of the child shall terminate.

12 (m-1) The Department may place children under 18 years of  
13 age in a secure child care facility licensed by the Department  
14 that cares for children who are in need of secure living  
15 arrangements for their health, safety, and well-being after a  
16 determination is made by the facility director and the  
17 Director or the Director's designate prior to admission to the  
18 facility subject to Section 2-27.1 of the Juvenile Court Act  
19 of 1987. This subsection (m-1) does not apply to a child who is  
20 subject to placement in a correctional facility operated  
21 pursuant to Section 3-15-2 of the Unified Code of Corrections,  
22 unless the child is a youth in care who was placed in the care  
23 of the Department before being subject to placement in a  
24 correctional facility and a court of competent jurisdiction  
25 has ordered placement of the child in a secure care facility.

26 (n) The Department may place children under 18 years of

1 age in licensed child care facilities when in the opinion of  
2 the Department, appropriate services aimed at family  
3 preservation have been unsuccessful and cannot ensure the  
4 child's health and safety or are unavailable and such  
5 placement would be for their best interest. Payment for board,  
6 clothing, care, training and supervision of any child placed  
7 in a licensed child care facility may be made by the  
8 Department, by the parents or guardians of the estates of  
9 those children, or by both the Department and the parents or  
10 guardians, except that no payments shall be made by the  
11 Department for any child placed in a licensed child care  
12 facility for board, clothing, care, training, and supervision  
13 of such a child that exceed the average per capita cost of  
14 maintaining and of caring for a child in institutions for  
15 dependent or neglected children operated by the Department.  
16 However, such restriction on payments does not apply in cases  
17 where children require specialized care and treatment for  
18 problems of severe emotional disturbance, physical disability,  
19 social adjustment, or any combination thereof and suitable  
20 facilities for the placement of such children are not  
21 available at payment rates within the limitations set forth in  
22 this Section. All reimbursements for services delivered shall  
23 be absolutely inalienable by assignment, sale, attachment, or  
24 garnishment or otherwise.

25 (n-1) The Department shall provide or authorize child  
26 welfare services, aimed at assisting minors to achieve

1 sustainable self-sufficiency as independent adults, for any  
2 minor eligible for the reinstatement of wardship pursuant to  
3 subsection (2) of Section 2-33 of the Juvenile Court Act of  
4 1987, whether or not such reinstatement is sought or allowed,  
5 provided that the minor consents to such services and has not  
6 yet attained the age of 21. The Department shall have  
7 responsibility for the development and delivery of services  
8 under this Section. An eligible youth may access services  
9 under this Section through the Department of Children and  
10 Family Services or by referral from the Department of Human  
11 Services. Youth participating in services under this Section  
12 shall cooperate with the assigned case manager in developing  
13 an agreement identifying the services to be provided and how  
14 the youth will increase skills to achieve self-sufficiency. A  
15 homeless shelter is not considered appropriate housing for any  
16 youth receiving child welfare services under this Section. The  
17 Department shall continue child welfare services under this  
18 Section to any eligible minor until the minor becomes 21 years  
19 of age, no longer consents to participate, or achieves  
20 self-sufficiency as identified in the minor's service plan.  
21 The Department of Children and Family Services shall create  
22 clear, readable notice of the rights of former foster youth to  
23 child welfare services under this Section and how such  
24 services may be obtained. The Department of Children and  
25 Family Services and the Department of Human Services shall  
26 disseminate this information statewide. The Department shall

1 adopt regulations describing services intended to assist  
2 minors in achieving sustainable self-sufficiency as  
3 independent adults.

4 (o) The Department shall establish an administrative  
5 review and appeal process for children and families who  
6 request or receive child welfare services from the Department.  
7 Youth in care who are placed by private child welfare  
8 agencies, and caregivers with whom those youth are placed,  
9 shall be afforded the same procedural and appeal rights as  
10 children and families in the case of placement by the  
11 Department, including the right to an initial review of a  
12 private agency decision by that agency. The Department shall  
13 ensure that any private child welfare agency, which accepts  
14 youth in care for placement, affords those rights to children  
15 and caregivers with whom those children are placed. The  
16 Department shall accept for administrative review and an  
17 appeal hearing a complaint made by (i) a child or caregiver  
18 with whom the child is placed concerning a decision following  
19 an initial review by a private child welfare agency or (ii) a  
20 prospective adoptive parent who alleges a violation of  
21 subsection (j-5) of this Section. An appeal of a decision  
22 concerning a change in the placement of a child shall be  
23 conducted in an expedited manner. A court determination that a  
24 current placement is necessary and appropriate under Section  
25 2-28 of the Juvenile Court Act of 1987 does not constitute a  
26 judicial determination on the merits of an administrative

1 appeal, filed by a former caregiver, involving a change of  
2 placement decision. No later than July 1, 2025, the Department  
3 shall adopt rules to develop a reconsideration process to  
4 review: a denial of certification of a relative, a denial of  
5 placement with a relative, and a denial of visitation with an  
6 identified relative. Rules shall include standards and  
7 criteria for reconsideration that incorporate the best  
8 interests of the child under subsection (4.05) of Section 1-3  
9 of the Juvenile Court Act of 1987, address situations where  
10 multiple relatives seek certification, and provide that all  
11 rules regarding placement changes shall be followed. The rules  
12 shall outline the essential elements of each form used in the  
13 implementation and enforcement of the provisions of this  
14 amendatory Act of the 103rd General Assembly.

15 (p) (Blank).

16 (q) The Department may receive and use, in their entirety,  
17 for the benefit of children any gift, donation, or bequest of  
18 money or other property which is received on behalf of such  
19 children, or any financial benefits to which such children are  
20 or may become entitled while under the jurisdiction or care of  
21 the Department, except that the benefits described in Section  
22 5.46 must be used and conserved consistent with the provisions  
23 under Section 5.46.

24 The Department shall set up and administer no-cost,  
25 interest-bearing accounts in appropriate financial  
26 institutions for children for whom the Department is legally

1 responsible and who have been determined eligible for  
2 Veterans' Benefits, Social Security benefits, assistance  
3 allotments from the armed forces, court ordered payments,  
4 parental voluntary payments, Supplemental Security Income,  
5 Railroad Retirement payments, Black Lung benefits, or other  
6 miscellaneous payments. Interest earned by each account shall  
7 be credited to the account, unless disbursed in accordance  
8 with this subsection.

9 In disbursing funds from children's accounts, the  
10 Department shall:

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

19 (2) Calculate on a monthly basis the amounts paid from  
20 State funds for the child's board and care, medical care  
21 not covered under Medicaid, and social services; and  
22 utilize funds from the child's account, as covered by  
23 regulation, to reimburse those costs. Monthly,  
24 disbursements from all children's accounts, up to 1/12 of  
25 \$13,000,000, shall be deposited by the Department into the  
26 General Revenue Fund and the balance over 1/12 of

1           \$13,000,000 into the DCFS Children's Services Fund.

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

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

23          (s) The Department of Children and Family Services may  
24          establish and implement a program to reimburse caregivers  
25          licensed, certified, or otherwise approved by the Department  
26          of Children and Family Services for damages sustained by the

1 caregivers as a result of the malicious or negligent acts of  
2 children placed by the Department, as well as providing third  
3 party coverage for such caregivers with regard to actions of  
4 children placed by the Department to other individuals. Such  
5 coverage will be secondary to the caregiver's liability  
6 insurance policy, if applicable. The program shall be funded  
7 through appropriations from the General Revenue Fund,  
8 specifically designated for such purposes.

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

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

15 (2) the court has ordered one or both of the parties to  
16 the proceeding to reimburse the Department for its  
17 reasonable costs for providing such services in accordance  
18 with Department rules, or has determined that neither  
19 party is financially able to pay.

20 The Department shall provide written notification to the  
21 court of the specific arrangements for supervised visitation  
22 and projected monthly costs within 60 days of the court order.  
23 The Department shall send to the court information related to  
24 the costs incurred except in cases where the court has  
25 determined the parties are financially unable to pay. The  
26 court may order additional periodic reports as appropriate.

1           (u) In addition to other information that must be  
2 provided, whenever the Department places a child with a  
3 prospective adoptive parent or parents, in a licensed foster  
4 home, group home, or child care institution, in a relative  
5 home, or in a certified relative caregiver home, the  
6 Department shall provide to the caregiver, appropriate  
7 facility staff, or prospective adoptive parent or parents:

8           (1) available detailed information concerning the  
9 child's educational and health history, copies of  
10 immunization records (including insurance and medical card  
11 information), a history of the child's previous  
12 placements, if any, and reasons for placement changes  
13 excluding any information that identifies or reveals the  
14 location of any previous caregiver or adoptive parents;

15           (2) a copy of the child's portion of the client  
16 service plan, including any visitation arrangement, and  
17 all amendments or revisions to it as related to the child;  
18 and

19           (3) information containing details of the child's  
20 individualized education program ~~educational plan~~ when the  
21 child is receiving special education services.

22           The caregiver, appropriate facility staff, or prospective  
23 adoptive parent or parents, shall be informed of any known  
24 social or behavioral information (including, but not limited  
25 to, criminal background, fire setting, perpetuation of sexual  
26 abuse, destructive behavior, and substance abuse) necessary to

1 care for and safeguard the children to be placed or currently  
2 in the home or setting. The Department may prepare a written  
3 summary of the information required by this paragraph, which  
4 may be provided to the caregiver, appropriate facility staff,  
5 or prospective adoptive parent in advance of a placement. The  
6 caregiver, appropriate facility staff, or prospective adoptive  
7 parent may review the supporting documents in the child's file  
8 in the presence of casework staff. In the case of an emergency  
9 placement, casework staff shall at least provide known  
10 information verbally, if necessary, and must subsequently  
11 provide the information in writing as required by this  
12 subsection.

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

1 parents shall be reviewed and approved regarding accuracy at  
2 the supervisory level.

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

14 (u-6) To assist relative and certified relative  
15 caregivers, no later than July 1, 2025, the Department shall  
16 adopt rules to implement a relative support program, as  
17 follows:

18 (1) For relative and certified relative caregivers,  
19 the Department is authorized to reimburse or prepay  
20 reasonable expenditures to remedy home conditions  
21 necessary to fulfill the home safety-related requirements  
22 of relative caregiver homes.

23 (2) The Department may provide short-term emergency  
24 funds to relative and certified relative caregiver homes  
25 experiencing extreme hardships due to the difficulty and  
26 stress associated with adding youth in care as new

1 household members.

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

23 (u-7) To support finding permanency for children through  
24 subsidized guardianship and adoption and to prevent disruption  
25 in guardianship and adoptive placements, the Department shall  
26 establish and maintain accessible subsidized guardianship and

1 adoption support services for all children under 18 years of  
2 age placed in guardianship or adoption who, immediately  
3 preceding the guardianship or adoption, were in the custody or  
4 guardianship of the Department under Article II of the  
5 Juvenile Court Act of 1987.

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

19 (1) it shall post information on the Department's  
20 website;

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

24 (3) it shall reference such information in the  
25 materials the Department provides to caregivers pursuing  
26 subsidized guardianship to inform them of their rights and

1 responsibilities under the Child Care Act of 1969 and this  
2 Act;

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

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

17 (6) it shall ensure that kinship navigator programs of  
18 this State, when established, have this information to  
19 include in materials the programs provide to caregivers.

20 No later than July 1, 2026, the Department shall provide a  
21 mechanism for the public to make information requests by  
22 electronic means.

23 The Department shall review and update annually all  
24 information relating to its subsidized guardianship support  
25 services, including its Post Adoption and Guardianship  
26 Services booklet, to include updated information on Family

1 Support Program services eligibility and subsidized  
2 guardianship support services that are available through the  
3 medical assistance program established under Article V of the  
4 Illinois Public Aid Code or any other State program for mental  
5 health services. The Department and the Department of  
6 Healthcare and Family Services shall coordinate their efforts  
7 in the development of these resources.

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

16 (v) The Department shall access criminal history record  
17 information as defined in the Illinois Uniform Conviction  
18 Information Act and information maintained in the adjudicatory  
19 and dispositional record system as defined in Section 2605-355  
20 of the Illinois State Police Law if the Department determines  
21 the information is necessary to perform its duties under the  
22 Abused and Neglected Child Reporting Act, the Child Care Act  
23 of 1969, and the Children and Family Services Act. The  
24 Department shall provide for interactive computerized  
25 communication and processing equipment that permits direct  
26 online ~~on-line~~ communication with the Illinois State Police's

1 central criminal history data repository. The Department shall  
2 comply with all certification requirements and provide  
3 certified operators who have been trained by personnel from  
4 the Illinois State Police. In addition, one Office of the  
5 Inspector General investigator shall have training in the use  
6 of the criminal history information access system and have  
7 access to the terminal. The Department of Children and Family  
8 Services and its employees shall abide by rules and  
9 regulations established by the Illinois State Police relating  
10 to the access and dissemination of this information.

11 (v-1) Prior to final approval for placement of a child  
12 with a foster or adoptive parent, the Department shall conduct  
13 a criminal records background check of the prospective foster  
14 or adoptive parent, including fingerprint-based checks of  
15 national crime information databases. Final approval for  
16 placement shall not be granted if the record check reveals a  
17 felony conviction for child abuse or neglect, for spousal  
18 abuse, for a crime against children, or for a crime involving  
19 violence, including human trafficking, sex trafficking, rape,  
20 sexual assault, or homicide, but not including other physical  
21 assault or battery, or if there is a felony conviction for  
22 physical assault, battery, or a drug-related offense committed  
23 within the past 5 years.

24 (v-2) Prior to final approval for placement of a child  
25 with a foster or adoptive parent, the Department shall check  
26 its child abuse and neglect registry for information

1 concerning prospective foster and adoptive parents, and any  
2 adult living in the home. If any prospective foster or  
3 adoptive parent or other adult living in the home has resided  
4 in another state in the preceding 5 years, the Department  
5 shall request a check of that other state's child abuse and  
6 neglect registry.

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

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

18 (i) check the child abuse and neglect registry for  
19 information concerning the prospective relative caregiver  
20 and any other adult living in the home. If any prospective  
21 relative caregiver or other adult living in the home has  
22 resided in another state in the preceding 5 years, the  
23 Department shall request a check of that other state's  
24 child abuse and neglect registry; and

25 (ii) conduct a criminal records background check of  
26 the prospective relative caregiver and all other adults

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

17 No later than July 1, 2025, the Department shall adopt  
18 rules or revise existing rules to effectuate the changes made  
19 to this subsection (v-4). The rules shall outline the  
20 essential elements of each form used in the implementation and  
21 enforcement of the provisions of this amendatory Act of the  
22 103rd General Assembly.

23 (w) (Blank).

24 (x) The Department shall conduct annual credit history  
25 checks to determine the financial history of children placed  
26 under its guardianship pursuant to the Juvenile Court Act of

1 1987. The Department shall conduct such credit checks starting  
2 when a youth in care turns 12 years old and each year  
3 thereafter for the duration of the guardianship as terminated  
4 pursuant to the Juvenile Court Act of 1987. The Department  
5 shall determine if financial exploitation of the child's  
6 personal information has occurred. If financial exploitation  
7 appears to have taken place or is presently ongoing, the  
8 Department shall notify the proper law enforcement agency, the  
9 proper State's Attorney, or the Attorney General.

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

20 (z) The Department shall access criminal history record  
21 information as defined as "background information" in this  
22 subsection and criminal history record information as defined  
23 in the Illinois Uniform Conviction Information Act for each  
24 Department employee or Department applicant. Each Department  
25 employee or Department applicant shall submit the employee's  
26 or applicant's fingerprints to the Illinois State Police in

1 the form and manner prescribed by the Illinois State Police.  
2 These fingerprints shall be checked against the fingerprint  
3 records now and hereafter filed in the Illinois State Police  
4 and the Federal Bureau of Investigation criminal history  
5 records databases. The Illinois State Police shall charge a  
6 fee for conducting the criminal history record check, which  
7 shall be deposited into the State Police Services Fund and  
8 shall not exceed the actual cost of the record check. The  
9 Illinois State Police shall furnish, pursuant to positive  
10 identification, all Illinois conviction information to the  
11 Department of Children and Family Services.

12 For purposes of this subsection:

13 "Background information" means all of the following:

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

21 (ii) Information obtained by the Department of  
22 Children and Family Services after performing a check of  
23 the Illinois State Police's Sex Offender Database, as  
24 authorized by Section 120 of the Sex Offender Community  
25 Notification Law, concerning a Department employee or  
26 Department applicant.

1 (iii) Information obtained by the Department of  
2 Children and Family Services after performing a check of  
3 the Child Abuse and Neglect Tracking System (CANTS)  
4 operated and maintained by the Department.

5 "Department employee" means a full-time or temporary  
6 employee coded or certified within the State of Illinois  
7 Personnel System.

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

17 (aa) The changes made to this Section by Public Act  
18 104-165 ~~this amendatory Act of the 104th General Assembly~~ are  
19 declarative of existing law and are not a new enactment.

20 (Source: P.A. 103-22, eff. 8-8-23; 103-50, eff. 1-1-24;  
21 103-546, eff. 8-11-23; 103-605, eff. 7-1-24; 103-1061, eff.  
22 7-1-25; 104-165, eff. 8-15-25; revised 9-11-25.)

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

24 Sec. 5. Direct child welfare services; Department of  
25 Children and Family Services. To provide direct child welfare

1 services when not available through other public or private  
2 child care or program facilities.

3 (a) For purposes of this Section:

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

7 (A) were committed to the Department pursuant to  
8 the Juvenile Court Act or the Juvenile Court Act of  
9 1987 and who continue under the jurisdiction of the  
10 court; or

11 (B) were accepted for care, service and training  
12 by the Department prior to the age of 18 and whose best  
13 interest in the discretion of the Department would be  
14 served by continuing that care, service and training  
15 because of severe emotional disturbances, physical  
16 disability, social adjustment or any combination  
17 thereof, or because of the need to complete an  
18 educational or vocational training program.

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

23 (3) "Child welfare services" means public social  
24 services which are directed toward the accomplishment of  
25 the following purposes:

26 (A) protecting and promoting the health, safety

1 and welfare of children, including homeless,  
2 dependent, or neglected children;

3 (B) remedying, or assisting in the solution of  
4 problems which may result in, the neglect, abuse,  
5 exploitation, or delinquency of children;

6 (C) preventing the unnecessary separation of  
7 children from their families by identifying family  
8 problems, assisting families in resolving their  
9 problems, and preventing the breakup of the family  
10 where the prevention of child removal is desirable and  
11 possible when the child can be cared for at home  
12 without endangering the child's health and safety;

13 (D) restoring to their families children who have  
14 been removed, by the provision of services to the  
15 child and the families when the child can be cared for  
16 at home without endangering the child's health and  
17 safety;

18 (E) placing children in suitable permanent family  
19 arrangements, through guardianship or adoption, in  
20 cases where restoration to the birth family is not  
21 safe, possible, or appropriate;

22 (F) at the time of placement, conducting  
23 concurrent planning, as described in subsection (1-1)  
24 of this Section, so that permanency may occur at the  
25 earliest opportunity. Consideration should be given so  
26 that if reunification fails or is delayed, the

1 placement made is the best available placement to  
2 provide permanency for the child;

3 (F-1) preparing adolescents to successfully  
4 transition to independence, including transition  
5 planning for youth who qualify for a guardian as a  
6 person with a disability under Article XIa of the  
7 Probate Act of 1975;

8 (G) (blank);

9 (H) (blank); and

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

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

20 (ii) who are persons with a developmental  
21 disability, as defined in the Mental Health and  
22 Developmental Disabilities Code, or

23 (iii) who are female children who are  
24 pregnant, pregnant and parenting, or parenting, or

25 (iv) who are siblings, in facilities that  
26 provide separate living quarters for children 18

1                   years of age and older and for children under 18  
2                   years of age.

3           (b) (Blank).

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

14           All information collected, shared, or stored pursuant to  
15 this subsection shall be handled in accordance with all State  
16 and federal privacy laws and accompanying regulations and  
17 rules, including, without limitation, the federal Health  
18 Insurance Portability and Accountability Act of 1996 (Public  
19 Law 104-191) and the Mental Health and Developmental  
20 Disabilities Confidentiality Act.

21           (c) The Department shall establish and maintain  
22 tax-supported child welfare services and extend and seek to  
23 improve voluntary services throughout the State, to the end  
24 that services and care shall be available on an equal basis  
25 throughout the State to children requiring such services.

26           (d) The Director may authorize advance disbursements for

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

18 (e) (Blank).

19 (f) (Blank).

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

24 (1) reunification, guardianship, and adoption;

25 (2) relative and licensed foster care;

26 (3) family counseling;

- 1 (4) protective services;
- 2 (5) (blank);
- 3 (6) homemaker service;
- 4 (7) return of runaway children;
- 5 (8) (blank);
- 6 (9) placement under Section 5-7 of the Juvenile Court  
7 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile  
8 Court Act of 1987 in accordance with the federal Adoption  
9 Assistance and Child Welfare Act of 1980;
- 10 (10) interstate services; and
- 11 (11) transition planning for youth aging out of care  
12 as described in Section 35.10.

13 In developing rules concerning transition planning for  
14 youth aging out of care, the Department shall consult with the  
15 Statewide Youth Advisory Board to determine the effectiveness  
16 of existing programs, to identify new programming that  
17 supports youth transitions to independence, and to advise on  
18 how information about transitional services is communicated to  
19 youth in a clear, timely, and age-appropriate manner.

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

1 purpose of identifying children and adults who should be  
2 referred for an assessment at an organization appropriately  
3 licensed by the Department of Human Services for substance use  
4 disorder treatment.

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

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

- 17 (1) case management;
- 18 (2) homemakers;
- 19 (3) counseling;
- 20 (4) parent education;
- 21 (5) day care;
- 22 (6) emergency assistance and advocacy; and
- 23 (7) kinship navigator and relative caregiver supports.

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

- 26 (1) comprehensive family-based services;

- 1 (2) assessments;
- 2 (3) respite care; and
- 3 (4) in-home health services.

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

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

1 shall establish rules and regulations for the assistance and  
2 grants, to persons appointed guardian of the person under  
3 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
4 4-25, or 5-740 of the Juvenile Court Act of 1987 for children  
5 who were youth in care for 12 months immediately prior to the  
6 appointment of the guardian.

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

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

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

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

26 (l) The Department shall offer family preservation

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

1 available.

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

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

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

14 As soon as is possible, the Department shall develop and  
15 implement a special program of family preservation services to  
16 support intact, relative, foster, and adoptive families who  
17 are experiencing extreme hardships due to the difficulty and  
18 stress of caring for a child who has been diagnosed with a  
19 pervasive developmental disorder if the Department determines  
20 that those services are necessary to ensure the health and  
21 safety of the child. The Department may offer services to any  
22 family whether or not a report has been filed under the Abused  
23 and Neglected Child Reporting Act. The Department may refer  
24 the child or family to services available from other agencies  
25 in the community if the conditions in the child's or family's  
26 home are reasonably likely to subject the child or family to

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

15 (1-1) The General Assembly recognizes that the best  
16 interests of the child require that the child be placed in the  
17 most permanent living arrangement that is an appropriate  
18 option for the child, consistent with the child's best  
19 interest, using the factors set forth in subsection (4.05) of  
20 Section 1-3 of the Juvenile Court Act of 1987 as soon as is  
21 practically possible. To achieve this goal, the General  
22 Assembly directs the Department of Children and Family  
23 Services to conduct concurrent planning so that permanency may  
24 occur at the earliest opportunity. Permanent living  
25 arrangements may include prevention of placement of a child  
26 outside the home of the family when the child can be cared for

1 at home without endangering the child's health or safety;  
2 reunification with the family, when safe and appropriate, if  
3 temporary placement is necessary; or movement of the child  
4 toward the most appropriate living arrangement and legal  
5 status.

6 When determining reasonable efforts to be made with  
7 respect to a child, as described in this subsection, and in  
8 making such reasonable efforts, the child's health and safety  
9 shall be the paramount concern.

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

22 A decision to place a child in substitute care shall be  
23 made with considerations of the child's health, safety, and  
24 best interests. The Department shall make diligent efforts to  
25 place the child with a relative, document those diligent  
26 efforts, and document reasons for any failure or inability to

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

13 The Department shall adopt rules addressing concurrent  
14 planning for reunification and permanency. The Department  
15 shall consider the following factors when determining  
16 appropriateness of concurrent planning:

- 17 (1) the likelihood of prompt reunification;
- 18 (2) the past history of the family;
- 19 (3) the barriers to reunification being addressed by  
20 the family;
- 21 (4) the level of cooperation of the family;
- 22 (4.5) the child's wishes;
- 23 (5) the caregivers' willingness to work with the  
24 family to reunite;
- 25 (6) the willingness and ability of the caregivers' to  
26 provide a permanent placement;

- 1           (7) the age of the child;
- 2           (8) placement of siblings; and
- 3           (9) the wishes of the parent or parents unless the
- 4           parental preferences are contrary to the best interests of
- 5           the child.

6           (m) The Department may assume temporary custody of any

7           child if:

- 8           (1) it has received a written consent to such
- 9           temporary custody signed by the parents of the child or by
- 10          the parent having custody of the child if the parents are
- 11          not living together or by the guardian or custodian of the
- 12          child if the child is not in the custody of either parent,
- 13          or
- 14          (2) the child is found in the State and neither a
- 15          parent, guardian nor custodian of the child can be
- 16          located.

17          If the child is found in the child's residence without a

18          parent, guardian, custodian, or responsible caretaker, the

19          Department may, instead of removing the child and assuming

20          temporary custody, place an authorized representative of the

21          Department in that residence until such time as a parent,

22          guardian, or custodian enters the home and expresses a

23          willingness and apparent ability to ensure the child's health

24          and safety and resume permanent charge of the child, or until a

25          relative enters the home and is willing and able to ensure the

26          child's health and safety and assume charge of the child until

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

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

21 The Department shall ensure that any child taken into  
22 custody is scheduled for an appointment for a medical  
23 examination.

24 A parent, guardian, or custodian of a child in the  
25 temporary custody of the Department who would have custody of  
26 the child if the child were not in the temporary custody of the

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

14 (m-1) The Department may place children under 18 years of  
15 age in a secure child care facility licensed by the Department  
16 that cares for children who are in need of secure living  
17 arrangements for their health, safety, and well-being after a  
18 determination is made by the facility director and the  
19 Director or the Director's designate prior to admission to the  
20 facility subject to Section 2-27.1 of the Juvenile Court Act  
21 of 1987. This subsection (m-1) does not apply to a child who is  
22 subject to placement in a correctional facility operated  
23 pursuant to Section 3-15-2 of the Unified Code of Corrections,  
24 unless the child is a youth in care who was placed in the care  
25 of the Department before being subject to placement in a  
26 correctional facility and a court of competent jurisdiction

1 has ordered placement of the child in a secure care facility.

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

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

1 Family Services and the Department of Human Services shall  
2 disseminate this information statewide. The Department shall  
3 adopt regulations describing services intended to assist  
4 minors in achieving sustainable self-sufficiency as  
5 independent adults.

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

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

17 (p) (Blank).

18 (q) The Department may receive and use, in their entirety,  
19 for the benefit of children any gift, donation, or bequest of  
20 money or other property which is received on behalf of such  
21 children, or any financial benefits to which such children are  
22 or may become entitled while under the jurisdiction or care of  
23 the Department, except that the benefits described in Section  
24 5.46 must be used and conserved consistent with the provisions  
25 under Section 5.46.

26 The Department shall set up and administer no-cost,

1 interest-bearing accounts in appropriate financial  
2 institutions for children for whom the Department is legally  
3 responsible and who have been determined eligible for  
4 Veterans' Benefits, Social Security benefits, assistance  
5 allotments from the armed forces, court ordered payments,  
6 parental voluntary payments, Supplemental Security Income,  
7 Railroad Retirement payments, Black Lung benefits, or other  
8 miscellaneous payments. Interest earned by each account shall  
9 be credited to the account, unless disbursed in accordance  
10 with this subsection.

11 In disbursing funds from children's accounts, the  
12 Department shall:

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

21 (2) Calculate on a monthly basis the amounts paid from  
22 State funds for the child's board and care, medical care  
23 not covered under Medicaid, and social services; and  
24 utilize funds from the child's account, as covered by  
25 regulation, to reimburse those costs. Monthly,  
26 disbursements from all children's accounts, up to 1/12 of

1           \$13,000,000, shall be deposited by the Department into the  
2           General Revenue Fund and the balance over 1/12 of  
3           \$13,000,000 into the DCFS Children's Services Fund.

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

9           (q-5) By July 1, 2027, the Department shall develop  
10          procedures setting forth a process by which:

11           (1) a youth or a youth's representative, whether  
12          guardian, parent, attorney, or any other recognized  
13          representative, can request an accounting or explanation  
14          of financial decisions made by the Department or child  
15          welfare contributing agency for any monies held by the  
16          Department or child welfare contributing agency on behalf  
17          of the youth, including, but not limited to, benefits  
18          received and conserved on behalf of the youth and savings  
19          accounts for youth in transitional and independent living  
20          programs; and

21           (2) the Department or child welfare contributing  
22          agency (i) acknowledges receipt of a request, (ii)  
23          provides a written response within a defined period, and  
24          (iii) outlines steps for review or correction when an  
25          error or dispute regarding the accounting is identified.

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 caregivers  
18 licensed, certified, or otherwise approved by the Department  
19 of Children and Family Services for damages sustained by the  
20 caregivers as a result of the malicious or negligent acts of  
21 children placed by the Department, as well as providing third  
22 party coverage for such caregivers with regard to actions of  
23 children placed by the Department to other individuals. Such  
24 coverage will be secondary to the caregiver's liability  
25 insurance policy, if applicable. The program shall be funded  
26 through appropriations from the General Revenue Fund,

1 specifically designated for 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, in a relative  
24 home, or in a certified relative caregiver home, the  
25 Department shall provide to the caregiver, appropriate  
26 facility staff, or prospective adoptive parent or parents:

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

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

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

15           The caregiver, appropriate facility staff, or prospective  
16 adoptive parent or parents, shall be informed of any known  
17 social or behavioral information (including, but not limited  
18 to, criminal background, fire setting, perpetuation of sexual  
19 abuse, destructive behavior, and substance abuse) necessary to  
20 care for and safeguard the children to be placed or currently  
21 in the home or setting. The Department may prepare a written  
22 summary of the information required by this paragraph, which  
23 may be provided to the caregiver, appropriate facility staff,  
24 or prospective adoptive parent in advance of a placement. The  
25 caregiver, appropriate facility staff, or prospective adoptive  
26 parent may review the supporting documents in the child's file

1 in the presence of casework staff. In the case of an emergency  
2 placement, casework staff shall at least provide known  
3 information verbally, if necessary, and must subsequently  
4 provide the information in writing as required by this  
5 subsection.

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

22 (u-5) Beginning July 1, 2025, certified relative caregiver  
23 homes under Section 3.4 of the Child Care Act of 1969 shall be  
24 eligible to receive foster care maintenance payments from the  
25 Department in an amount no less than payments made to licensed  
26 foster family homes. Beginning July 1, 2025, relative homes

1 providing care to a child placed by the Department that are not  
2 a certified relative caregiver home under Section 3.4 of the  
3 Child Care Act of 1969 or a licensed foster family home shall  
4 be eligible to receive payments from the Department in an  
5 amount no less 90% of the payments made to licensed foster  
6 family homes and certified relative caregiver homes.

7 (u-6) To assist relative and certified relative  
8 caregivers, no later than July 1, 2025, the Department shall  
9 adopt rules to implement a relative support program, as  
10 follows:

11 (1) For relative and certified relative caregivers,  
12 the Department is authorized to reimburse or prepay  
13 reasonable expenditures to remedy home conditions  
14 necessary to fulfill the home safety-related requirements  
15 of relative caregiver homes.

16 (2) The Department may provide short-term emergency  
17 funds to relative and certified relative caregiver homes  
18 experiencing extreme hardships due to the difficulty and  
19 stress associated with adding youth in care as new  
20 household members.

21 (3) Consistent with federal law, the Department shall  
22 include in any State Plan made in accordance with the  
23 Adoption Assistance and Child Welfare Act of 1980, Titles  
24 IV-E and XIX of the Social Security Act, and any other  
25 applicable federal laws the provision of kinship navigator  
26 program services. The Department shall apply for and

1 administer all relevant federal aid in accordance with  
2 law. Federal funds acquired for the kinship navigator  
3 program shall be used for the development, implementation,  
4 and operation of kinship navigator program services. The  
5 kinship navigator program services may provide  
6 information, referral services, support, and assistance to  
7 relative and certified relative caregivers of youth in  
8 care to address their unique needs and challenges. Until  
9 the Department is approved to receive federal funds for  
10 these purposes, the Department shall publicly post on the  
11 Department's website semi-annual updates regarding the  
12 Department's progress in pursuing federal funding.  
13 Whenever the Department publicly posts these updates on  
14 its website, the Department shall notify the General  
15 Assembly through the General Assembly's designee.

16 (u-7) To support finding permanency for children through  
17 subsidized guardianship and adoption and to prevent disruption  
18 in guardianship and adoptive placements, the Department shall  
19 establish and maintain accessible subsidized guardianship and  
20 adoption support services for all children under 18 years of  
21 age placed in guardianship or adoption who, immediately  
22 preceding the guardianship or adoption, were in the custody or  
23 guardianship of the Department under Article II of the  
24 Juvenile Court Act of 1987.

25 The Department shall establish and maintain a toll-free  
26 number to respond to requests from the public about its

1 subsidized guardianship and adoption support services under  
2 this subsection and shall staff the toll-free number so that  
3 calls are answered on a timely basis, but in no event more than  
4 one business day after the receipt of a request. These  
5 requests from the public may be made anonymously. To meet this  
6 obligation, the Department may utilize the same toll-free  
7 number the Department operates to respond to post-adoption  
8 requests under subsection (b-5) of Section 18.9 of the  
9 Adoption Act. The Department shall publicize information about  
10 the Department's subsidized guardianship support services and  
11 toll-free number as follows:

12 (1) it shall post information on the Department's  
13 website;

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

17 (3) it shall reference such information in the  
18 materials the Department provides to caregivers pursuing  
19 subsidized guardianship to inform them of their rights and  
20 responsibilities under the Child Care Act of 1969 and this  
21 Act;

22 (4) it shall provide the information, including the  
23 Department's Post Adoption and Guardianship Services  
24 booklet, to eligible caregivers as part of its  
25 guardianship training and at the time they are presented  
26 with the Permanency Commitment form;

1           (5) it shall include, in each annual notification  
2           letter mailed to subsidized guardians, a short, 2-sided  
3           flier or news bulletin in plain language that describes  
4           access to post-guardianship services, how to access  
5           services under the Family Support Program, formerly known  
6           as the Individual Care Grant Program, the webpage address  
7           to the Post Adoption and Guardianship Services booklet,  
8           information on how to request that a copy of the booklet be  
9           mailed; and

10          (6) it shall ensure that kinship navigator programs of  
11          this State, when established, have this information to  
12          include in materials the programs provide to caregivers.

13          No later than July 1, 2026, the Department shall provide a  
14          mechanism for the public to make information requests by  
15          electronic means.

16          The Department shall review and update annually all  
17          information relating to its subsidized guardianship support  
18          services, including its Post Adoption and Guardianship  
19          Services booklet, to include updated information on Family  
20          Support Program services eligibility and subsidized  
21          guardianship support services that are available through the  
22          medical assistance program established under Article V of the  
23          Illinois Public Aid Code or any other State program for mental  
24          health services. The Department and the Department of  
25          Healthcare and Family Services shall coordinate their efforts  
26          in the development of these resources.

1           Every licensed child welfare agency and any entity  
2 providing kinship navigator programs funded by the Department  
3 shall provide the Department's website address and link to the  
4 Department's subsidized guardianship support services  
5 information set forth in subsection (d), including the  
6 Department's toll-free number, to every relative who is or  
7 will be providing guardianship placement for a child placed by  
8 the Department.

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

1 Services and its employees shall abide by rules and  
2 regulations established by the Illinois State Police relating  
3 to the access and dissemination of this information.

4 (v-1) Prior to final approval for placement of a child  
5 with a foster or adoptive parent, the Department shall conduct  
6 a criminal records background check of the prospective foster  
7 or adoptive parent, including fingerprint-based checks of  
8 national crime information databases. Final approval for  
9 placement shall not be granted if the record check reveals a  
10 felony conviction for child abuse or neglect, for spousal  
11 abuse, for a crime against children, or for a crime involving  
12 violence, including human trafficking, sex trafficking, rape,  
13 sexual assault, or homicide, but not including other physical  
14 assault or battery, or if there is a felony conviction for  
15 physical assault, battery, or a drug-related offense committed  
16 within the past 5 years.

17 (v-2) Prior to final approval for placement of a child  
18 with a foster or adoptive parent, the Department shall check  
19 its child abuse and neglect registry for information  
20 concerning prospective foster and adoptive parents, and any  
21 adult living in the home. If any prospective foster or  
22 adoptive parent or other adult living in the home has resided  
23 in another state in the preceding 5 years, the Department  
24 shall request a check of that other state's child abuse and  
25 neglect registry.

26 (v-3) Prior to the final approval of final placement of a

1 related child in a certified relative caregiver home as  
2 defined in Section 2.37 of the Child Care Act of 1969, the  
3 Department shall ensure that the background screening meets  
4 the standards required under subsection (c) of Section 3.4 of  
5 the Child Care Act of 1969.

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

11 (i) check the child abuse and neglect registry for  
12 information concerning the prospective relative caregiver  
13 and any other adult living in the home. If any prospective  
14 relative caregiver or other adult living in the home has  
15 resided in another state in the preceding 5 years, the  
16 Department shall request a check of that other state's  
17 child abuse and neglect registry; and

18 (ii) conduct a criminal records background check of  
19 the prospective relative caregiver and all other adults  
20 living in the home, including fingerprint-based checks of  
21 national crime information databases. Final approval for  
22 placement shall not be granted if the record check reveals  
23 a felony conviction for child abuse or neglect, for  
24 spousal abuse, for a crime against children, or for a  
25 crime involving violence, including human trafficking, sex  
26 trafficking, rape, sexual assault, or homicide, but not

1 including other physical assault or battery, or if there  
2 is a felony conviction for physical assault, battery, or a  
3 drug-related offense committed within the past 5 years;  
4 provided however, that the Department is empowered to  
5 grant a waiver as the Department may provide by rule, and  
6 the Department approves the request for the waiver based  
7 on a comprehensive evaluation of the caregiver and  
8 household members and the conditions relating to the  
9 safety of the placement.

10 No later than July 1, 2025, the Department shall adopt  
11 rules or revise existing rules to effectuate the changes made  
12 to this subsection (v-4). The rules shall outline the  
13 essential elements of each form used in the implementation and  
14 enforcement of the provisions of this amendatory Act of the  
15 103rd General Assembly.

16 (w) (Blank).

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

1 Department shall notify the proper law enforcement agency, the  
2 proper State's Attorney, or the Attorney General.

3 (y) Beginning on July 22, 2010 (the effective date of  
4 Public Act 96-1189), a child with a disability who receives  
5 residential and educational services from the Department shall  
6 be eligible to receive transition services in accordance with  
7 Article 14 of the School Code from the age of 14.5 through age  
8 21, inclusive, notwithstanding the child's residential  
9 services arrangement. For purposes of this subsection, "child  
10 with a disability" means a child with a disability as defined  
11 by the federal Individuals with Disabilities Education  
12 Improvement Act of 2004.

13 (z) The Department shall access criminal history record  
14 information as defined as "background information" in this  
15 subsection and criminal history record information as defined  
16 in the Illinois Uniform Conviction Information Act for each  
17 Department employee or Department applicant. Each Department  
18 employee or Department applicant shall submit the employee's  
19 or applicant's fingerprints to the Illinois State Police in  
20 the form and manner prescribed by the Illinois State Police.  
21 These fingerprints shall be checked against the fingerprint  
22 records now and hereafter filed in the Illinois State Police  
23 and the Federal Bureau of Investigation criminal history  
24 records databases. The Illinois State Police shall charge a  
25 fee for conducting the criminal history record check, which  
26 shall be deposited into the State Police Services Fund and

1 shall not exceed the actual cost of the record check. The  
2 Illinois State Police shall furnish, pursuant to positive  
3 identification, all Illinois conviction information to the  
4 Department of Children and Family Services.

5 For purposes of this subsection:

6 "Background information" means all of the following:

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

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

20 (iii) Information obtained by the Department of  
21 Children and Family Services after performing a check of  
22 the Child Abuse and Neglect Tracking System (CANTS)  
23 operated and maintained by the Department.

24 "Department employee" means a full-time or temporary  
25 employee coded or certified within the State of Illinois  
26 Personnel System.

1 "Department applicant" means an individual who has  
2 conditional Department full-time or part-time work, a  
3 contractor, an individual used to replace or supplement staff,  
4 an academic intern, a volunteer in Department offices or on  
5 Department contracts, a work-study student, an individual or  
6 entity licensed by the Department, or an unlicensed service  
7 provider who works as a condition of a contract or an agreement  
8 and whose work may bring the unlicensed service provider into  
9 contact with Department clients or client records.

10 (aa) The changes made to this Section by Public Act  
11 104-165 ~~this amendatory Act of the 104th General Assembly~~ are  
12 declarative of existing law and are not a new enactment.

13 (Source: P.A. 103-22, eff. 8-8-23; 103-50, eff. 1-1-24;  
14 103-546, eff. 8-11-23; 103-605, eff. 7-1-24; 103-1061, eff.  
15 7-1-25; 104-107, eff. 7-1-26; 104-165, eff. 8-15-25; revised  
16 9-11-25.)

17 (20 ILCS 505/5.46)

18 Sec. 5.46. Application for Social Security benefits,  
19 Supplemental Security Income, Veterans benefits, and Railroad  
20 Retirement benefits.

21 (a) Definitions. As used in this Section:

22 "Achieving a Better Life Experience Account" or "ABLE  
23 account" means an account established for the purpose of  
24 financing certain qualified expenses of eligible individuals  
25 as specifically provided for in Section 529A of the Internal

1 Revenue Code and Section 16.6 of the State Treasurer Act.

2 "Benefits" means Social Security benefits, Supplemental  
3 Security Income, Veterans benefits, and Railroad Retirement  
4 benefits.

5 "DCFS Guardianship Administrator" means a Department  
6 representative appointed as guardian of the person or legal  
7 custodian of the minor youth in care.

8 "Youth's attorney and guardian ad litem" means the person  
9 appointed as the youth's attorney or guardian ad litem in  
10 accordance with the Juvenile Court Act of 1987 in the  
11 proceeding in which the Department is appointed as the youth's  
12 guardian or custodian.

13 (b) Application for benefits.

14 (1) Upon receiving temporary custody or guardianship  
15 of a youth in care, the Department shall assess the youth  
16 to determine whether the youth may be eligible for  
17 benefits. If, after the assessment, the Department  
18 determines that the youth may be eligible for benefits,  
19 the Department shall ensure that an application is filed  
20 on behalf of the youth. The Department shall prescribe by  
21 rule how it will review cases of youth in care at regular  
22 intervals to determine whether the youth may have become  
23 eligible for benefits after the initial assessment. The  
24 Department shall make reasonable efforts to encourage  
25 youth in care over the age of 18 who are likely eligible  
26 for benefits to cooperate with the application process and

1 to assist youth with the application process.

2 (2) When applying for benefits under this Section for  
3 a youth in care the Department shall identify a  
4 representative payee in accordance with the requirements  
5 of 20 CFR 404.2021 and 416.621. If the Department is  
6 seeking to be appointed as the youth's representative  
7 payee, the Department must consider input, if provided,  
8 from the youth's attorney and guardian ad litem regarding  
9 whether another representative payee, consistent with the  
10 requirements of 20 CFR 404.2021 and 416.621, is available.  
11 If the Department serves as the representative payee for a  
12 youth over the age of 18, the Department shall request a  
13 court order, as described in subparagraph (C) of paragraph  
14 (1) of subsection (d) and in subparagraph (C) of paragraph  
15 (2) of subsection (d).

16 (c) Notifications. The Department shall immediately notify  
17 a youth over the age of 16, the youth's attorney and guardian  
18 ad litem, and the youth's parent or legal guardian or another  
19 responsible adult of:

20 (1) any application for or any application to become  
21 representative payee for benefits on behalf of a youth in  
22 care;

23 (2) beginning January 1, 2025, any communications from  
24 the Social Security Administration, the U.S. Department of  
25 Veterans Affairs, or the Railroad Retirement Board  
26 pertaining to the acceptance or denial of benefits or the

1 selection of a representative payee; and

2 (3) beginning January 1, 2025, any appeal or other  
3 action requested by the Department regarding an  
4 application for benefits.

5 (d) Use of benefits. Consistent with federal law, when the  
6 Department serves as the representative payee for a youth  
7 receiving benefits and receives benefits on the youth's  
8 behalf, the Department shall:

9 (1) Beginning January 1, 2024, ensure that when the  
10 youth attains the age of 14 years and until the Department  
11 no longer serves as the representative payee, a minimum  
12 percentage of the youth's Supplemental Security Income  
13 benefits are conserved in accordance with paragraph (4) as  
14 follows:

15 (A) From the age of 14 through age 15, at least  
16 40%.

17 (B) From the age of 16 through age 17, at least  
18 80%.

19 (C) From the age of 18 and older, 100%, when a  
20 court order has been entered expressly authorizing the  
21 DCFS Guardianship Administrator to serve as the  
22 designated representative to establish an ABLE account  
23 on behalf of a youth in accordance with paragraph (4).

24 (2) Beginning January 1, 2024, ensure that when the  
25 youth attains the age of 14 years and until the Department  
26 no longer serves as the representative payee a minimum

1 percentage of the youth's Social Security benefits,  
2 Veterans benefits, or Railroad Retirement benefits are  
3 conserved in accordance with paragraph (3) or (4), as  
4 applicable, as follows:

5 (A) From the age of 14 through age 15, at least  
6 40%.

7 (B) From the age of 16 through age 17, at least  
8 80%.

9 (C) From the age of 18, 100%. If establishment of  
10 an ABLE account is necessary to conserve benefits for  
11 youth age 18 and older, then benefits shall be  
12 conserved in accordance with paragraph (4) when a  
13 court order has been entered expressly authorizing the  
14 DCFS Guardianship Administrator to serve as the  
15 designated representative to establish an ABLE account  
16 on behalf of a youth.

17 (3) Exercise discretion in accordance with federal law  
18 and in the best interests of the youth when making  
19 decisions to use or conserve the youth's benefits that are  
20 less than or not subject to asset or resource limits under  
21 federal law, including using the benefits to address the  
22 youth's special needs and conserving the benefits for the  
23 youth's reasonably foreseeable future needs.

24 (4) Appropriately monitor any federal asset or  
25 resource limits for the Supplemental Security Income  
26 benefits and ensure that the youth's best interest is

1 served by using or conserving the benefits in a way that  
2 avoids violating any federal asset or resource limits that  
3 would affect the youth's eligibility to receive the  
4 benefits, including, but not limited to:

5 (A) establishing an ABLE account authorized by  
6 Section 529A of the Internal Revenue Code of 1986, for  
7 the youth and conserving the youth's benefits in that  
8 account in a manner that appropriately avoids any  
9 federal asset or resource limits;

10 (B) if the Department determines that using the  
11 benefits for services for current special needs not  
12 already provided by the Department is in the best  
13 interest of the youth, using the benefits for those  
14 services;

15 (C) if federal law requires certain back payments  
16 of benefits to be placed in a dedicated account,  
17 complying with the requirements for dedicated accounts  
18 under 20 CFR 416.640(e); and

19 (D) applying any other exclusions from federal  
20 asset or resource limits available under federal law  
21 and using or conserving the youth's benefits in a  
22 manner that appropriately avoids any federal asset or  
23 resource limits.

24 (e) By July 1, 2024, the Department shall provide a report  
25 to the General Assembly regarding youth in care who receive  
26 benefits who are not subject to this Act. The report shall

1 discuss a goal of expanding conservation of children's  
2 benefits to all benefits of all children of any age for whom  
3 the Department serves as representative payee. The report  
4 shall include a description of any identified obstacles, steps  
5 to be taken to address the obstacles, and a description of any  
6 need for statutory, rule, or procedural changes.

7 (f) (1) Accounting.

8 (A) Beginning on November 17, 2023 (the effective date  
9 of Public Act 103-564) through December 31, 2024, upon  
10 request of the youth's attorney or guardian ad litem, the  
11 Department shall provide an annual accounting to the  
12 youth's attorney and guardian ad litem of how the youth's  
13 benefits have been used and conserved.

14 (B) Beginning January 1, 2025 and every year  
15 thereafter, an annual accounting of how the youth's  
16 benefits have been used and conserved shall be provided  
17 automatically to the youth's attorney and guardian ad  
18 litem.

19 (C) In addition, within 10 business days of a request  
20 from a youth or the youth's attorney and guardian ad  
21 litem, the Department shall provide an accounting to the  
22 youth of how the youth's benefits have been used and  
23 conserved.

24 (2) The accounting shall include:

25 (A) The amount of benefits received on the youth's  
26 behalf since the most recent accounting and the date

1 the benefits were received.

2 (B) Information regarding the youth's benefits and  
3 resources, including the youth's benefits, insurance,  
4 cash assets, trust accounts, earnings, and other  
5 resources.

6 (C) An accounting of the disbursement of benefit  
7 funds, including the date, amount, identification of  
8 payee, and purpose.

9 (D) Information regarding each request by the  
10 youth, the youth's attorney and guardian ad litem, or  
11 the youth's caregiver for disbursement of funds and a  
12 statement regarding the reason for not granting the  
13 request if the request was denied.

14 When the Department's guardianship of the youth is being  
15 terminated, prior to or upon the termination of guardianship,  
16 the Department shall provide (i) a final accounting to the  
17 youth's attorney and guardian ad litem, and to either the  
18 person or persons who will assume guardianship of the youth or  
19 who is in the process of adopting the youth, if the youth is  
20 under 18, or to the youth, if the youth is over 18 and (ii)  
21 information to the parent, guardian, or youth regarding how to  
22 apply to become the designated representative for the youth's  
23 ABLE account.

24 (g) Education. The Department shall provide the youth who  
25 have funds conserved under paragraphs (1) and (2) of  
26 subsection (d) with education and support, including specific

1 information regarding the existence, availability, and use of  
2 funds conserved for the youth in accordance with paragraphs  
3 (1) and (2) of subsection (d), beginning by age 14 in a  
4 developmentally appropriate manner. The Department shall  
5 ensure that each youth receives age-appropriate financial  
6 guidance designed to build financial literacy and informed  
7 decision-making. The guidance shall explain how conserved or  
8 used benefits contribute to the youth's long term financial  
9 stability, including the function of ABLE accounts, federal  
10 asset and resource limits that affect eligibility for  
11 benefits, and strategies to preserve eligibility for future  
12 benefits. The education and support services shall be  
13 developed in consultation with input from the Department's  
14 Statewide Youth Advisory Board. The Department shall review  
15 the education and support provided and seek feedback from the  
16 Statewide Youth Advisory Board regarding the effectiveness of  
17 the services. Education and informational materials related to  
18 ABLE accounts shall be developed in consultation with and  
19 approved by the State Treasurer.

20 (h) Adoption of rules. The Department shall adopt rules to  
21 implement the provisions of this Section by January 1, 2024.

22 (i) Reporting. No later than February 28, 2023, the  
23 Department shall file a report with the General Assembly  
24 providing the following information for State Fiscal Years  
25 2019, 2020, 2021, and 2022 and annually beginning February 28,  
26 2023, for the preceding fiscal year:

1 (1) The number of youth entering care.

2 (2) The number of youth entering care receiving each  
3 of the following types of benefits: Social Security  
4 benefits, Supplemental Security Income, Veterans benefits,  
5 Railroad Retirement benefits.

6 (3) The number of youth entering care for whom the  
7 Department filed an application for each of the following  
8 types of benefits: Social Security benefits, Supplemental  
9 Security Income, Veterans benefits, Railroad Retirement  
10 benefits.

11 (4) The number of youth entering care who were awarded  
12 each of the following types of benefits based on an  
13 application filed by the Department: Social Security  
14 benefits, Supplemental Security Income, Veterans benefits,  
15 Railroad Retirement benefits.

16 (j) Annually beginning December 31, 2023, the Department  
17 shall file a report with the General Assembly with the  
18 following information regarding the preceding fiscal year:

19 (1) the number of conserved accounts established and  
20 maintained for youth in care;

21 (2) the average amount conserved by age group; and

22 (3) the total amount conserved by age group.

23 (Source: P.A. 103-154, eff. 6-30-23; 103-564, eff. 11-17-23;  
24 104-417, eff. 8-15-25.)

25 (20 ILCS 505/35.10)

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

2 Sec. 35.10. Documents necessary for adult living. The  
3 Department shall assist a youth in care in identifying and  
4 obtaining documents necessary to function as an independent  
5 adult prior to the closure of the youth's case to terminate  
6 wardship as provided in Section 2-31 of the Juvenile Court Act  
7 of 1987. These necessary documents shall include, but not be  
8 limited to, any of the following:

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

10 (2) Social Security card.

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

17 (4) Medicaid card or other health eligibility  
18 documentation.

19 (5) Certified copy of birth certificate.

20 (6) Any applicable religious documents.

21 (7) Voter registration card.

22 (8) Immigration, citizenship, or naturalization  
23 documentation, if applicable.

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

25 (10) Life book or compilation of personal history and  
26 photographs.

1           (11) List of known relatives with relationships,  
2           addresses, telephone numbers, and other contact  
3           information, with the permission of the involved relative.

4           (12) Resume.

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

8           (14) List of placements while in care.

9           (15) List of community resources with referral  
10          information, including the Midwest Adoption Center for  
11          search and reunion services for former youth in care,  
12          whether or not they were adopted, and the Illinois Chapter  
13          of Foster Care Alumni of America.

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

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

20          If a court determines that a youth in care no longer requires  
21          wardship of the court and orders the wardship terminated and  
22          all proceedings under the Juvenile Court Act of 1987  
23          respecting the youth in care finally closed and discharged,  
24          the Department shall ensure that the youth in care receives a  
25          copy of the court's order.

26          (Source: P.A. 102-70, eff. 1-1-22; 102-1014, eff. 5-27-22;

1 102-1100, eff. 1-1-23; 103-154, eff. 6-30-23; revised  
2 12-12-25.)

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

4 Sec. 35.10. Successful transitions to and documents  
5 necessary for adult living.

6 (a) Definitions. As used in this Section:

7 "Mental and physical health and well-being" means a  
8 youth's overall state of physical functioning, emotional  
9 stability, psychological resilience, and social connectedness  
10 as supported by accessible, developmentally appropriate and  
11 culturally responsive care and services to aid youth in  
12 developing positive coping skills, safe and stable  
13 relationships, bodily autonomy, and access to resources that  
14 promote lifelong wellness.

15 "Financial stability" means a youth's ability to  
16 understand, manage, and grow the youth's financial resources  
17 to support independent living and long-term well-being after  
18 aging out of care. These skills may include, but are not  
19 limited to, opening and managing a bank account, fulfilling  
20 tax obligations, building and maintaining good credit,  
21 recognizing and avoiding predatory financial practices, and  
22 accessing available financial resources and assistance  
23 programs.

24 "Supportive adult" means a person, whether related to the  
25 youth or not, who is identified by the youth as a reliable

1 source of emotional, social, and practical support before and  
2 after the youth ages out of care.

3 (b) ~~(a)~~ The Department shall ~~make reasonable efforts to~~  
4 develop an age and developmentally appropriate individualized  
5 youth-driven transition plan for each youth in care aged 15  
6 and over to help such youth develop and strengthen those life  
7 skills that lead to successful adult living. The Department  
8 shall take proactive, timely, and tailored actions to engage  
9 youth in the development of the youth-driven transition plan  
10 with respect to the youth's age, developmental needs, lived  
11 experiences, strengths, and aspirations. As applicable, based  
12 on the youth's ~~minor's~~ age and developmental appropriateness,  
13 the youth-driven transition plan shall address the following  
14 areas:

- 15 (1) assessment and development of life skills;
- 16 (2) education;
- 17 (3) post high school goals and career planning;
- 18 (4) driver's education;
- 19 (5) participation in extracurricular activities;
- 20 (6) internships and apprenticeships;
- 21 (7) employment;
- 22 (8) housing;
- 23 (9) mental and physical health and well-being;
- 24 (10) financial stability;
- 25 (11) connections to supportive adults and peers;
- 26 (12) transition to adult services;

1 (13) documents necessary for adult living as provided  
2 in subsection (c) ~~(b)~~; and

3 (14) child care ~~childcare~~ and parenting supports.

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

10 (c) ~~(b)~~ The Department shall assist a youth in care in  
11 identifying and obtaining, at no cost to the youth, documents  
12 necessary to function as an independent adult prior to the  
13 closure of the youth's case to terminate wardship as provided  
14 in Section 2-31 of the Juvenile Court Act of 1987. Beginning at  
15 age 15, youth in care must be informed at their 6-month case  
16 plan reviews of the location of necessary documents and of any  
17 financial accounts opened in their name. These necessary  
18 documents shall include, but not be limited to, any of the  
19 following:

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

21 (2) Social Security card.

22 (3) Medical records, including, but not limited to,  
23 health passport, dental records, immunization records,  
24 name and contact information for all current medical,  
25 dental, and mental health providers, and a signed  
26 certification that the Department provided the youth with

1 education on executing a healthcare power of attorney.

2 (4) Medicaid card or other health eligibility  
3 documentation.

4 (5) Certified copy of birth certificate.

5 (6) Any applicable religious documents.

6 (7) Voter registration card.

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

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

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

12 (11) List of known relatives and persons willing to  
13 provide supports to the youth with relationships,  
14 addresses, telephone numbers, and other contact  
15 information, with the permission of the involved relative  
16 or supportive person.

17 (12) Resume.

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

21 (14) List of placements while in care.

22 (15) List of community resources with referral  
23 information, including Family Advocacy Centers, the  
24 Midwest Adoption Center for search and reunion services  
25 for former youth in care, whether or not they were  
26 adopted, and the Illinois Chapter of Foster Care Alumni of

1 America.

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

5 (17) If applicable, a final accounting of the account  
6 maintained on behalf of the youth as provided under  
7 Section 5.46.

8 (d) The Department shall develop a curriculum guided  
9 program for youth transitioning out of care that includes, but  
10 is not limited to:

11 (1) opening and maintaining a bank account;

12 (2) income-based budgeting;

13 (3) building and maintaining credit;

14 (4) fulfilling tax obligations;

15 (5) credit card usage;

16 (6) protecting against fraud and theft;

17 (7) accessing available funding resources for  
18 education, training, and childcare; and

19 (8) identifying and budgeting funds conserved in  
20 financial accounts opened in the youth's name.

21 (e) To ensure meaningful youth engagement in Successful  
22 Transition to Adulthood Review (STAR) hearings, established  
23 under Section 2-28.2 of the Juvenile Court Act of 1987, the  
24 Department shall:

25 (1) Ensure each youth who is eligible for a STAR  
26 hearing is provided with written and verbal notice of the

1 date, time, location, and purpose of the hearing by the  
2 youth's caseworker at least 14 days in advance of the  
3 hearing. Notice must include the name of the judge, an  
4 explanation of the youth's right to attend, and the option  
5 to request accommodations for disabilities.

6 (2) Ensure that all youth can attend their STAR  
7 hearings. If an in-person hearing is scheduled, and the  
8 youth wants to attend, the Department must provide  
9 transportation. If available and permitted by the court,  
10 the Department must inform the youth of an option to  
11 attend the youth's STAR hearing via secure  
12 videoconferencing technology. The Department must inform  
13 the youth of this option at least 14 days in advance and if  
14 the youth chooses to participate via secure  
15 videoconferencing, the Department must provide the youth  
16 with the necessary equipment and Internet access, where  
17 needed.

18 (3) Require residential treatment centers, group  
19 homes, and transitional living programs housing youth  
20 eligible for STAR hearings to facilitate their attendance  
21 by coordinating transportation, ensuring Internet access  
22 for remote participation, if permitted by the court, and  
23 reminding youth of the upcoming hearing. Facilities must  
24 not impede a youth's ability to attend a STAR hearing,  
25 whether in person or virtually.

26 If a court determines that a youth in care no longer requires

1 wardship of the court and orders the wardship terminated and  
2 all proceedings under the Juvenile Court Act of 1987  
3 respecting the youth in care finally closed and discharged,  
4 the Department shall ensure that the youth in care receives a  
5 copy of the court's order.

6 (Source: P.A. 103-154, eff. 6-30-23; 104-107, eff. 7-1-26;  
7 revised 12-12-25.)

8 Section 10. The Juvenile Court Act of 1987 is amended by  
9 changing Sections 2-28 and 2-28.2 as follows:

10 (705 ILCS 405/2-28)

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

12 Sec. 2-28. Court review.

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

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

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

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

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

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

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

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

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

6 (A) demonstrating that ongoing ~~on-going~~ assessment of  
7 the strengths and needs of the child continues to support  
8 the determination that the child's needs cannot be met  
9 through placement in a foster family home, that the  
10 placement provides the most effective and appropriate  
11 level of care for the child in the least restrictive,  
12 appropriate environment, and that the placement is  
13 consistent with the short-term and long-term permanency  
14 goal for the child, as specified in the permanency plan  
15 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) the efforts made by the agency to prepare the  
21 child to return home or to be placed with a fit and willing  
22 relative, a legal guardian, or an adoptive parent, or in a  
23 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.

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

1 the time frames set forth in this subsection and may not be  
2 delayed in anticipation of a report from any source or due to  
3 the agency's failure to timely file its written report (this  
4 written report means the one required under the next paragraph  
5 and does not mean the service plan also referred to in that  
6 paragraph).

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

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

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

1 (C) whether a minor is placed in a licensed child care  
2 facility under a corrective plan by the Department due to  
3 concerns impacting the minor's safety and well-being. The  
4 report shall explain the steps the Department is taking to  
5 ensure the safety and well-being of the minor and that the  
6 minor's needs are met in the facility;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 with the goal selected.

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

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

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

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

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

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

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

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

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

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

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

19                (A) Age of the child.

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

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

24                (D) Emotional, physical, and mental status or  
25                condition of the child.

26                (E) Types of services previously offered and whether

1 or not the services were successful and, if not  
2 successful, the reasons the services failed.

3 (F) Availability of services currently needed and  
4 whether the services exist.

5 (G) Status of siblings of the minor.

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

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

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

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

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

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

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

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

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

26          A guardian or custodian appointed by the court pursuant to

1 this Act shall file updated case plans with the court every 6  
2 months.

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

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

1 the minor, in which case the Department shall notify the  
2 parties of the placement change in writing immediately  
3 following the implementation of its decision. The Department  
4 shall notify others of the decision to change the minor's  
5 placement as required by Department rule.

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

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

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

18 (i) (Blank).

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

25 (iii) Whether the minor's current or planned  
26 placement is necessary, and appropriate to the plan

1 and goal, recognizing the right of minors to the least  
2 restrictive (most family-like) setting available and  
3 in close proximity to the parents' home consistent  
4 with the health, safety, best interest, and special  
5 needs of the minor and, if the minor is placed  
6 out-of-state, whether the out-of-state placement  
7 continues to be appropriate and consistent with the  
8 health, safety, and best interest of the minor.

9 (iv) (Blank).

10 (v) (Blank).

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

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

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

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

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

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

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

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

25 When the court orders a child restored to the custody of  
26 the parent or parents, the court shall order the parent or

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

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

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

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

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

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

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

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

18           Sec. 2-28. Court review.

19           (1) The court may require any legal custodian or guardian  
20 of the person appointed under this Act to report periodically  
21 to the court or may cite the legal custodian or guardian into  
22 court and require the legal custodian, guardian, or the legal  
23 custodian's or guardian's agency to make a full and accurate  
24 report of the doings of the legal custodian, guardian, or  
25 agency on behalf of the minor. The custodian or guardian,

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

25 (1.5) The public agency that is the custodian or guardian  
26 of the minor shall file a written report with the court no

1 later than 15 days after a minor in the agency's care remains:

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

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

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

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

15 (1.6) Within 30 days after placing a child in its care in a  
16 qualified residential treatment program, as defined by the  
17 federal Social Security Act, the Department of Children and  
18 Family Services shall prepare a written report for filing with  
19 the court and send copies of the report to all parties. Within  
20 20 days of the filing of the report, or as soon thereafter as  
21 the court's schedule allows but not more than 60 days from the  
22 date of placement, the court shall hold a hearing to consider  
23 the Department's report and determine whether placement of the  
24 child in a qualified residential treatment program provides  
25 the most effective and appropriate level of care for the child  
26 in the least restrictive environment and if the placement is

1 consistent with the short-term and long-term goals for the  
2 child, as specified in the permanency plan for the child. The  
3 court shall approve or disapprove the placement. If  
4 applicable, the requirements of Sections 2-27.1 and 2-27.2  
5 must also be met. The Department's written report and the  
6 court's written determination shall be included in and made  
7 part of the case plan for the child. If the child remains  
8 placed in a qualified residential treatment program, the  
9 Department shall submit evidence at each status and permanency  
10 hearing:

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

21 (B) documenting the specific treatment or service  
22 needs that should be met for the child in the placement and  
23 the length of time the child is expected to need the  
24 treatment or services;

25 (C) detailing the efforts made by the agency to  
26 prepare the child to return home or to be placed with a fit

1 and willing relative, a legal guardian, or an adoptive  
2 parent, or in a foster family home; and

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

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

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

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

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

1 following:

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

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

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

20 (D) detail regarding what progress or lack of progress  
21 the parent has made in correcting the conditions requiring  
22 the child to be in care; whether the child can be returned  
23 home without jeopardizing the child's health, safety, and  
24 welfare, what permanency goal is recommended to be in the  
25 best interests of the child, and the reasons for the  
26 recommendation. If a permanency goal under paragraph (A),

1 (B), or (B-1) of subsection (2.3) have been deemed  
2 inappropriate and not in the minor's best interest, the  
3 report must include the following information:

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

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

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

22 (iv) if the minor is not currently in a placement  
23 that will provide permanency, identification of all  
24 persons presently willing and able to provide  
25 permanency to the minor through either guardianship or  
26 adoption, and beginning July 1, 2025, if none are

1 available, a description of the efforts made in  
2 accordance with Section 2-27.3; and

3 (v) state the recommended permanency goal, why  
4 that goal is recommended, and why the other potential  
5 goals were not recommended; and -

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

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

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

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

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

1 the age and individual needs of the minor.

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

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

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

25 (i) whether the agency has discussed adoption and  
26 guardianship with the caregiver and what preference,

1 if any, the caregiver has as to the permanency goal;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (A) Age of the child.

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

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

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

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

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

25 (G) Status of siblings of the minor.

26 (H) If the minor is not currently in a placement

1           likely to achieve permanency, whether there is an  
2           identified and willing potential permanent caregiver for  
3           the minor, and if so, that potential permanent caregiver's  
4           intent regarding guardianship and adoption.

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

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

1 child home must be reasonably related to remedying a condition  
2 or conditions that gave rise to or which could give rise to any  
3 finding of child abuse or neglect.

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

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

21 The court shall review the Department's efforts to provide  
22 the minor with age and developmentally appropriate life  
23 skills. If the court finds the Department's efforts are not in  
24 the minor's best interest, the court may enter an order  
25 requiring the Department to develop, modify, or implement the  
26 service plan to develop the minor's life skills in an age and

1 developmentally appropriate manner.

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

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

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

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

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

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

1 remaining in the placement poses an imminent risk of harm to  
2 the minor, in which case the Department shall notify the  
3 parties of the placement change in writing immediately  
4 following the implementation of its decision. The Department  
5 shall notify others of the decision to change the minor's  
6 placement as required by Department rule.

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

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

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

19 (i) (Blank).

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

26 (iii) Whether the minor's current or planned

1 placement is necessary, and appropriate to the plan  
2 and goal, recognizing the right of minors to the least  
3 restrictive (most family-like) setting available and  
4 in close proximity to the parents' home consistent  
5 with the health, safety, best interest, and special  
6 needs of the minor and, if the minor is placed  
7 out-of-state, whether the out-of-state placement  
8 continues to be appropriate and consistent with the  
9 health, safety, and best interest of the minor.

10 (iv) (Blank).

11 (v) (Blank).

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

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

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

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

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

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

1 guardian, or legal custodian in any case in which the minor is  
2 found to be neglected or abused under Section 2-3 or dependent  
3 under Section 2-4 of this Act, unless the minor can be cared  
4 for at home without endangering the minor's health or safety  
5 and it is in the best interest of the minor, and if such  
6 neglect, abuse, or dependency is found by the court under  
7 paragraph (1) of Section 2-21 of this Act to have come about  
8 due to the acts or omissions or both of such parent, guardian,  
9 or legal custodian, until such time as an investigation is  
10 made as provided in paragraph (5) and a hearing is held on the  
11 issue of the health, safety, and best interest of the minor and  
12 the fitness of such parent, guardian, or legal custodian to  
13 care for the minor and the court enters an order that such  
14 parent, guardian, or legal custodian is fit to care for the  
15 minor. If a motion is filed to modify or vacate a private  
16 guardianship order and return the child to a parent, guardian,  
17 or legal custodian, the court may order the Department of  
18 Children and Family Services to assess the minor's current and  
19 proposed living arrangements and to provide ongoing monitoring  
20 of the health, safety, and best interest of the minor during  
21 the pendency of the motion to assist the court in making that  
22 determination. In the event that the minor has attained 18  
23 years of age and the guardian or custodian petitions the court  
24 for an order terminating the minor's guardianship or custody,  
25 guardianship or custody shall terminate automatically 30 days  
26 after the receipt of the petition unless the court orders

1 otherwise. No legal custodian or guardian of the person may be  
2 removed without the legal custodian's or guardian's consent  
3 until given notice and an opportunity to be heard by the court.

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

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

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

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

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

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

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

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

23 (705 ILCS 405/2-28.2)

24 (This Section may contain text from a Public Act with a  
25 delayed effective date)

1           Sec. 2-28.2. Successful Transition to Adulthood Review  
2 hearings.

3           (a) The court shall conduct Successful Transition to  
4 Adulthood Review (STAR) hearings to review the Department's  
5 efforts to ensure the minor is provided with opportunities to  
6 engage in individualized future-focused planning towards  
7 adulthood, to develop age-appropriate daily living skills to  
8 live successfully as an adult, and if applicable, to be  
9 prepared to transition out of the care of the Department at age  
10 21.

11           (b) The court shall conduct a STAR hearing for all minors  
12 for whom the court has entered a permanency goal of  
13 independence and for all minors who are 17 years of age or  
14 older. The minor's first STAR hearing shall be conducted  
15 within 6 months of the minor qualifying for a STAR hearing.  
16 Subsequent STAR hearings may be conducted contemporaneously  
17 with the minor's permanency hearing. At a minimum, the court  
18 shall conduct STAR hearings for eligible minors within 6  
19 months of the minor becoming eligible for a STAR hearing and  
20 annually thereafter. The court may schedule additional STAR  
21 hearings as necessary and in the minor's best interest, or  
22 upon the request of the minor.

23           (c) Fourteen days in advance of the STAR hearing the  
24 Department shall provide the court with the minor's ~~youth's~~  
25 service plan that includes the following information:

26           (1) a copy of the youth-driven transition plan

1 developed in accordance with Section 35.10 of the Children  
2 and Family Services Act;

3 (2) for minors ~~youth~~ 17 years of age and older, the ILO  
4 TLP Quarterly Discharge Launch Plan, if applicable;

5 (3) a description of the documents necessary for adult  
6 living as provided in Section 35.10 of the Children and  
7 Family Services Act that the minor has, the documents the  
8 minor continues to need, and the Department's plan to  
9 ensure the minor has such documents prior to case closure;

10 (4) a description of the Department's efforts to  
11 assist the minor ~~youth~~ in developing and maintaining  
12 connections with supportive adults and a copy of the  
13 minor's Ongoing Family Finding and Relative Engagement  
14 Plan developed in accordance with Section 2-27.3; and

15 (5) for minors ~~youth~~ who are likely to need a guardian  
16 as a person with a disability, in accordance with Article  
17 XIa of the Probate Act of 1975, a description of the  
18 Department's efforts to obtain any necessary assessments.

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

20 (1) review the Department's efforts to assist the  
21 minor in developing and implementing an individualized  
22 youth-driven transition plan to develop life skills that  
23 will lead to successful adult living;

24 (2) review the plan developed by the Department and  
25 the minor to ensure that it is reasonably likely to ensure  
26 the minor can live independent of supports from the

1 Department;

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

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

8 (5) review the Department's efforts to ensure that the  
9 minor is aware of available supports and services  
10 post-case closure and how to access such supports and  
11 services; ~~and~~

12 (6) if applicable, review the Department's efforts to  
13 obtain any needed assessments to determine whether the  
14 youth may qualify for a guardian as a person with a  
15 disability under Article XIa of the Probate Act of 1975;  
16 and -

17 (7) allow the minor the opportunity to express to the  
18 court the minor's goals, preferences, and concerns  
19 regarding the minor's transition to independence. The  
20 court shall give considerable weight to the minor's  
21 preferences in determining the minor's best interests.

22 (e) The court shall review and ensure the Department is in  
23 compliance with its obligations under subsection (e) of  
24 Section 35.10 of the Children and Family Services Act to  
25 support meaningful youth engagement in STAR hearings. This  
26 includes, but is not limited to, verifying that the minor

1 received timely and adequate notice, that the minor was  
2 offered in-person or virtual participation options, as  
3 permitted by the court, that the minor was provided with  
4 necessary supports, and that the Department and any placement  
5 providers did not hinder the minor's ability to attend the  
6 hearing.

7 (f) When scheduling STAR hearings, to the extent  
8 reasonable, the court must consider the minor's availability  
9 and preferred method of court participation, whether in person  
10 or via secure videoconferencing technology, if available and  
11 permitted by the court.

12 (g) If the court finds that the youth-driven transition  
13 plan for the minor is not in the minor's best interest or will  
14 not be reasonably likely to result in the development of life  
15 skills necessary for adult living, the court shall make  
16 specific factual findings supporting its findings and order  
17 the Department to develop a new plan with the minor consistent  
18 with the court's findings. If the court finds that the  
19 Department has failed to make reasonable efforts to (i) assist  
20 the minor in developing and accomplishing a youth-driven  
21 transition plan or (ii) obtain any necessary assessments for  
22 minors to determine whether the youth may qualify for a  
23 guardian as a person with a disability under Article XIa of the  
24 Probate Act of 1975, then the court shall make specific  
25 factual findings and may enter such orders it deems necessary  
26 to ensure that the minor is developing necessary life skills

1 and, when appropriate, is prepared to successfully transition  
2 to adulthood.

3 (Source: P.A. 104-107, eff. 7-1-26.)

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

1 INDEX

2 Statutes amended in order of appearance

3 20 ILCS 505/5

4 20 ILCS 505/5.46

5 20 ILCS 505/35.10

6 705 ILCS 405/2-28

7 705 ILCS 405/2-28.2