

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

23 (h) If the Department finds that there is no appropriate
24 program or facility within or available to the Department for
25 a youth in care and that no licensed private facility has an
26 adequate and appropriate program or none agrees to accept the

1 youth in care, the Department shall create an appropriate
2 individualized, program-oriented plan for such youth in care.
3 The plan may be developed within the Department or through
4 purchase of services by the Department to the extent that it is
5 within its statutory authority to do.

6 (i) Service programs shall be available throughout the
7 State and shall include but not be limited to the following
8 services:

- 9 (1) case management;
- 10 (2) homemakers;
- 11 (3) counseling;
- 12 (4) parent education;
- 13 (5) day care;
- 14 (6) emergency assistance and advocacy; and
- 15 (7) kinship navigator and relative caregiver supports.

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

- 18 (1) comprehensive family-based services;
- 19 (2) assessments;
- 20 (3) respite care; and
- 21 (4) in-home health services.

22 The Department shall provide transportation for any of the
23 services it makes available to children or families or for
24 which it refers children or families.

25 (j) The Department may provide categories of financial
26 assistance and education assistance grants, and shall

1 establish rules and regulations concerning the assistance and
2 grants, to persons who adopt or become subsidized guardians of
3 children with physical or mental disabilities, children who
4 are older, or other hard-to-place children who (i) immediately
5 prior to their adoption or subsidized guardianship were youth
6 in care or (ii) were determined eligible for financial
7 assistance with respect to a prior adoption and who become
8 available for adoption because the prior adoption has been
9 dissolved and the parental rights of the adoptive parents have
10 been terminated or because the child's adoptive parents have
11 died. The Department may continue to provide financial
12 assistance and education assistance grants for a child who was
13 determined eligible for financial assistance under this
14 subsection (j) in the interim period beginning when the
15 child's adoptive parents died and ending with the finalization
16 of the new adoption of the child by another adoptive parent or
17 parents. The Department may also provide categories of
18 financial assistance and education assistance grants, and
19 shall establish rules and regulations for the assistance and
20 grants, to persons appointed guardian of the person under
21 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
22 4-25, or 5-740 of the Juvenile Court Act of 1987 for children
23 who were youth in care for 12 months immediately prior to the
24 appointment of the guardian.

25 The amount of assistance may vary, depending upon the
26 needs of the child and the adoptive parents or subsidized

1 guardians, as set forth in the annual assistance agreement.
2 Special purpose grants are allowed where the child requires
3 special service but such costs may not exceed the amounts
4 which similar services would cost the Department if it were to
5 provide or secure them as guardian of the child.

6 Any financial assistance provided under this subsection is
7 inalienable by assignment, sale, execution, attachment,
8 garnishment, or any other remedy for recovery or collection of
9 a judgment or debt.

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

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

18 (l) The Department shall offer family preservation
19 services, as defined in Section 8.2 of the Abused and
20 Neglected Child Reporting Act, to help families, including
21 adoptive and extended families. Family preservation services
22 shall be offered (i) to prevent the placement of children in
23 substitute care when the children can be cared for at home or
24 in the custody of the person responsible for the children's
25 welfare, (ii) to reunite children with their families, or
26 (iii) to maintain an adoption or subsidized guardianship.

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

20 The Department shall notify the child and the child's
21 family of the Department's responsibility to offer and provide
22 family preservation services as identified in the service
23 plan. The child and the child's family shall be eligible for
24 services as soon as the report is determined to be
25 "indicated". The Department may offer services to any child or
26 family with respect to whom a report of suspected child abuse

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

19 The Department may, at its discretion except for those
20 children also adjudicated neglected or dependent, accept for
21 care and training any child who has been adjudicated addicted,
22 as a truant minor in need of supervision or as a minor
23 requiring authoritative intervention, under the Juvenile Court
24 Act or the Juvenile Court Act of 1987, but no such child shall
25 be committed to the Department by any court without the
26 approval of the Department. On and after January 1, 2015 (the

1 effective date of Public Act 98-803) and before January 1,
2 2017, a minor charged with a criminal offense under the
3 Criminal Code of 1961 or the Criminal Code of 2012 or
4 adjudicated delinquent shall not be placed in the custody of
5 or committed to the Department by any court, except (i) a minor
6 less than 16 years of age committed to the Department under
7 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
8 for whom an independent basis of abuse, neglect, or dependency
9 exists, which must be defined by departmental rule, or (iii) a
10 minor for whom the court has granted a supplemental petition
11 to reinstate wardship pursuant to subsection (2) of Section
12 2-33 of the Juvenile Court Act of 1987. On and after January 1,
13 2017, a minor charged with a criminal offense under the
14 Criminal Code of 1961 or the Criminal Code of 2012 or
15 adjudicated delinquent shall not be placed in the custody of
16 or committed to the Department by any court, except (i) a minor
17 less than 15 years of age committed to the Department under
18 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
19 for whom an independent basis of abuse, neglect, or dependency
20 exists, which must be defined by departmental rule, or (iii) a
21 minor for whom the court has granted a supplemental petition
22 to reinstate wardship pursuant to subsection (2) of Section
23 2-33 of the Juvenile Court Act of 1987. An independent basis
24 exists when the allegations or adjudication of abuse, neglect,
25 or dependency do not arise from the same facts, incident, or
26 circumstances which give rise to a charge or adjudication of

1 delinquency. The Department shall assign a caseworker to
2 attend any hearing involving a youth in the care and custody of
3 the Department who is placed on aftercare release, including
4 hearings involving sanctions for violation of aftercare
5 release conditions and aftercare release revocation hearings.

6 As soon as is possible, the Department shall develop and
7 implement a special program of family preservation services to
8 support intact, relative, foster, and adoptive families who
9 are experiencing extreme hardships due to the difficulty and
10 stress of caring for a child who has been diagnosed with a
11 pervasive developmental disorder if the Department determines
12 that those services are necessary to ensure the health and
13 safety of the child. The Department may offer services to any
14 family whether or not a report has been filed under the Abused
15 and Neglected Child Reporting Act. The Department may refer
16 the child or family to services available from other agencies
17 in the community if the conditions in the child's or family's
18 home are reasonably likely to subject the child or family to
19 future reports of suspected child abuse or neglect. Acceptance
20 of these services shall be voluntary. The Department shall
21 develop and implement a public information campaign to alert
22 health and social service providers and the general public
23 about these special family preservation services. The nature
24 and scope of the services offered and the number of families
25 served under the special program implemented under this
26 paragraph shall be determined by the level of funding that the

1 Department annually allocates for this purpose. The term
2 "pervasive developmental disorder" under this paragraph means
3 a neurological condition, including, but not limited to,
4 Asperger's Syndrome and autism, as defined in the most recent
5 edition of the Diagnostic and Statistical Manual of Mental
6 Disorders of the American Psychiatric Association.

7 (1-1) The General Assembly recognizes that the best
8 interests of the child require that the child be placed in the
9 most permanent living arrangement that is an appropriate
10 option for the child, consistent with the child's best
11 interest, using the factors set forth in subsection (4.05) of
12 Section 1-3 of the Juvenile Court Act of 1987 as soon as is
13 practically possible. To achieve this goal, the General
14 Assembly directs the Department of Children and Family
15 Services to conduct concurrent planning so that permanency may
16 occur at the earliest opportunity. Permanent living
17 arrangements may include prevention of placement of a child
18 outside the home of the family when the child can be cared for
19 at home without endangering the child's health or safety;
20 reunification with the family, when safe and appropriate, if
21 temporary placement is necessary; or movement of the child
22 toward the most appropriate living arrangement and legal
23 status.

24 When determining reasonable efforts to be made with
25 respect to a child, as described in this subsection, and in
26 making such reasonable efforts, the child's health and safety

1 shall be the paramount concern.

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

14 A decision to place a child in substitute care shall be
15 made with considerations of the child's health, safety, and
16 best interests. The Department shall make diligent efforts to
17 place the child with a relative, document those diligent
18 efforts, and document reasons for any failure or inability to
19 secure such a relative placement. If the primary issue
20 preventing an emergency placement of a child with a relative
21 is a lack of resources, including, but not limited to,
22 concrete goods, safety modifications, and services, the
23 Department shall make diligent efforts to assist the relative
24 in obtaining the necessary resources. No later than July 1,
25 2025, the Department shall adopt rules defining what is
26 diligent and necessary in providing supports to potential

1 relative placements. At the time of placement, consideration
2 should also be given so that if reunification fails or is
3 delayed, the placement has the potential to be an appropriate
4 permanent placement for the child.

5 The Department shall adopt rules addressing concurrent
6 planning for reunification and permanency. The Department
7 shall consider the following factors when determining
8 appropriateness of concurrent planning:

- 9 (1) the likelihood of prompt reunification;
- 10 (2) the past history of the family;
- 11 (3) the barriers to reunification being addressed by
12 the family;
- 13 (4) the level of cooperation of the family;
- 14 (4.5) the child's wishes;
- 15 (5) the caregivers' willingness to work with the
16 family to reunite;
- 17 (6) the willingness and ability of the caregivers' to
18 provide a permanent placement;
- 19 (7) the age of the child;
- 20 (8) placement of siblings; and
- 21 (9) the wishes of the parent or parents unless the
22 parental preferences are contrary to the best interests of
23 the child.

24 (m) The Department may assume temporary custody of any
25 child if:

- 26 (1) it has received a written consent to such

1 temporary custody signed by the parents of the child or by
2 the parent having custody of the child if the parents are
3 not living together or by the guardian or custodian of the
4 child if the child is not in the custody of either parent,
5 or

6 (2) the child is found in the State and neither a
7 parent, guardian nor custodian of the child can be
8 located.

9 If the child is found in the child's residence without a
10 parent, guardian, custodian, or responsible caretaker, the
11 Department may, instead of removing the child and assuming
12 temporary custody, place an authorized representative of the
13 Department in that residence until such time as a parent,
14 guardian, or custodian enters the home and expresses a
15 willingness and apparent ability to ensure the child's health
16 and safety and resume permanent charge of the child, or until a
17 relative enters the home and is willing and able to ensure the
18 child's health and safety and assume charge of the child until
19 a parent, guardian, or custodian enters the home and expresses
20 such willingness and ability to ensure the child's safety and
21 resume permanent charge. After a caretaker has remained in the
22 home for a period not to exceed 12 hours, the Department must
23 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
24 5-415 of the Juvenile Court Act of 1987.

25 The Department shall have the authority, responsibilities
26 and duties that a legal custodian of the child would have

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

13 The Department shall ensure that any child taken into
14 custody is scheduled for an appointment for a medical
15 examination.

16 A parent, guardian, or custodian of a child in the
17 temporary custody of the Department who would have custody of
18 the child if the child were not in the temporary custody of the
19 Department may deliver to the Department a signed request that
20 the Department surrender the temporary custody of the child.
21 The Department may retain temporary custody of the child for
22 10 days after the receipt of the request, during which period
23 the Department may cause to be filed a petition pursuant to the
24 Juvenile Court Act of 1987. If a petition is so filed, the
25 Department shall retain temporary custody of the child until
26 the court orders otherwise. If a petition is not filed within

1 the 10-day period, the child shall be surrendered to the
2 custody of the requesting parent, guardian, or custodian not
3 later than the expiration of the 10-day period, at which time
4 the authority and duties of the Department with respect to the
5 temporary custody of the child shall terminate.

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

20 (n) The Department may place children under 18 years of
21 age in licensed child care facilities when in the opinion of
22 the Department, appropriate services aimed at family
23 preservation have been unsuccessful and cannot ensure the
24 child's health and safety or are unavailable and such
25 placement would be for their best interest. Payment for board,
26 clothing, care, training and supervision of any child placed

1 in a licensed child care facility may be made by the
2 Department, by the parents or guardians of the estates of
3 those children, or by both the Department and the parents or
4 guardians, except that no payments shall be made by the
5 Department for any child placed in a licensed child care
6 facility for board, clothing, care, training, and supervision
7 of such a child that exceed the average per capita cost of
8 maintaining and of caring for a child in institutions for
9 dependent or neglected children operated by the Department.
10 However, such restriction on payments does not apply in cases
11 where children require specialized care and treatment for
12 problems of severe emotional disturbance, physical disability,
13 social adjustment, or any combination thereof and suitable
14 facilities for the placement of such children are not
15 available at payment rates within the limitations set forth in
16 this Section. All reimbursements for services delivered shall
17 be absolutely inalienable by assignment, sale, attachment, or
18 garnishment or otherwise.

19 (n-1) The Department shall provide or authorize child
20 welfare services, aimed at assisting minors to achieve
21 sustainable self-sufficiency as independent adults, for any
22 minor eligible for the reinstatement of wardship pursuant to
23 subsection (2) of Section 2-33 of the Juvenile Court Act of
24 1987, whether or not such reinstatement is sought or allowed,
25 provided that the minor consents to such services and has not
26 yet attained the age of 21. The Department shall have

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

24 (o) The Department shall establish an administrative
25 review and appeal process for children and families who
26 request or receive child welfare services from the Department.

1 Youth in care who are placed by private child welfare
2 agencies, and caregivers with whom those youth are placed,
3 shall be afforded the same procedural and appeal rights as
4 children and families in the case of placement by the
5 Department, including the right to an initial review of a
6 private agency decision by that agency. The Department shall
7 ensure that any private child welfare agency, which accepts
8 youth in care for placement, affords those rights to children
9 and caregivers with whom those children are placed. The
10 Department shall accept for administrative review and an
11 appeal hearing a complaint made by (i) a child or caregiver
12 with whom the child is placed concerning a decision following
13 an initial review by a private child welfare agency or (ii) a
14 prospective adoptive parent who alleges a violation of
15 subsection (j-5) of this Section. An appeal of a decision
16 concerning a change in the placement of a child shall be
17 conducted in an expedited manner. A court determination that a
18 current placement is necessary and appropriate under Section
19 2-28 of the Juvenile Court Act of 1987 does not constitute a
20 judicial determination on the merits of an administrative
21 appeal, filed by a former caregiver, involving a change of
22 placement decision. No later than July 1, 2025, the Department
23 shall adopt rules to develop a reconsideration process to
24 review: a denial of certification of a relative, a denial of
25 placement with a relative, and a denial of visitation with an
26 identified relative. Rules shall include standards and

1 criteria for reconsideration that incorporate the best
2 interests of the child under subsection (4.05) of Section 1-3
3 of the Juvenile Court Act of 1987, address situations where
4 multiple relatives seek certification, and provide that all
5 rules regarding placement changes shall be followed. The rules
6 shall outline the essential elements of each form used in the
7 implementation and enforcement of the provisions of this
8 amendatory Act of the 103rd General Assembly.

9 (p) (Blank).

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

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

1 be credited to the account, unless disbursed in accordance
2 with this subsection.

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

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

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

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

1 (q-5) The Department shall require periodic verification
2 of accounts identified as belonging to or held for the benefit
3 of a youth in care to ensure the preservation of the youth's
4 financial resources.

5 (q-10)The Department shall adopt rules establishing a
6 process by which a youth, or the youth's parent, guardian,
7 attorney, or guardian ad litem may request an accounting
8 of funds held, conserved, or expended by the Department on
9 behalf of a youth in care and accounts known to the
10 Department under subsection (q-5).

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

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

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

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

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

24 The Department shall provide written notification to the
25 court of the specific arrangements for supervised visitation
26 and projected monthly costs within 60 days of the court order.

1 The Department shall send to the court information related to
2 the costs incurred except in cases where the court has
3 determined the parties are financially unable to pay. The
4 court may order additional periodic reports as appropriate.

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

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

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

23 (3) information containing details of the child's
24 individualized education program ~~educational plan~~ when the
25 child is receiving special education services.

26 The caregiver, appropriate facility staff, or prospective

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

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

1 a copy of the information provided to the caregiver,
2 appropriate facility staff, or prospective adoptive parent or
3 parents. The information provided to the caregiver,
4 appropriate facility staff, or prospective adoptive parent or
5 parents shall be reviewed and approved regarding accuracy at
6 the supervisory level.

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

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

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

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

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

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

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

23 (1) it shall post information on the Department's
24 website;

25 (2) it shall provide the information to every licensed
26 child welfare agency and any entity providing subsidized

1 guardianship support services in Illinois courts;

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

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

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

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

24 No later than July 1, 2026, the Department shall provide a
25 mechanism for the public to make information requests by
26 electronic means.

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

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

20 (v) The Department shall access criminal history record
21 information as defined in the Illinois Uniform Conviction
22 Information Act and information maintained in the adjudicatory
23 and dispositional record system as defined in Section 2605-355
24 of the Illinois State Police Law if the Department determines
25 the information is necessary to perform its duties under the
26 Abused and Neglected Child Reporting Act, the Child Care Act

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

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

1 within the past 5 years.

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

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

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

22 (i) check the child abuse and neglect registry for
23 information concerning the prospective relative caregiver
24 and any other adult living in the home. If any prospective
25 relative caregiver or other adult living in the home has
26 resided in another state in the preceding 5 years, the

1 Department shall request a check of that other state's
2 child abuse and neglect registry; and

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

21 No later than July 1, 2025, the Department shall adopt
22 rules or revise existing rules to effectuate the changes made
23 to this subsection (v-4). The rules shall outline the
24 essential elements of each form used in the implementation and
25 enforcement of the provisions of this amendatory Act of the
26 103rd General Assembly.

1 (w) (Blank).

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

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

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

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

16 For purposes of this subsection:

17 "Background information" means all of the following:

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

25 (ii) Information obtained by the Department of
26 Children and Family Services after performing a check of

1 the Illinois State Police's Sex Offender Database, as
2 authorized by Section 120 of the Sex Offender Community
3 Notification Law, concerning a Department employee or
4 Department applicant.

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

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

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

21 (aa) The changes made to this Section by Public Act
22 104-165 ~~this amendatory Act of the 104th General Assembly~~ are
23 declarative of existing law and are not a new enactment.

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

1 9-11-25.)

2 (20 ILCS 505/35.10)

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

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

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

12 (2) Social Security card.

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

19 (4) Medicaid card or other health eligibility
20 documentation.

21 (5) Certified copy of birth certificate.

22 (6) Any applicable religious documents.

23 (7) Voter registration card.

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

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

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

4 (11) List of known relatives with relationships,
5 addresses, telephone numbers, and other contact
6 information, with the permission of the involved relative.

7 (12) Resume.

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

11 (14) List of placements while in care.

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

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

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

23 If a court determines that a youth in care no longer requires
24 wardship of the court and orders the wardship terminated and
25 all proceedings under the Juvenile Court Act of 1987
26 respecting the youth in care finally closed and discharged,

1 the Department shall ensure that the youth in care receives a
2 copy of the court's order.

3 (Source: P.A. 102-70, eff. 1-1-22; 102-1014, eff. 5-27-22;
4 102-1100, eff. 1-1-23; 103-154, eff. 6-30-23; revised
5 12-12-25.)

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

7 Sec. 35.10. Successful transitions to and documents
8 necessary for adult living.

9 (a) The Department shall make reasonable efforts to
10 develop, in partnership with the youth, an age and
11 developmentally appropriate individualized youth-driven
12 transition plan for each youth in care aged 15 and over to help
13 such youth develop and strengthen those life skills that lead
14 to successful adult living and that reflects the youth's age,
15 developmental needs, lived experiences, strengths, and
16 aspirations. As applicable, based on the youth's ~~minor's~~ age
17 and developmental appropriateness, the youth-driven transition
18 plan shall address the following areas:

- 19 (1) assessment and development of life skills;
- 20 (2) education;
- 21 (3) post high school goals and career planning;
- 22 (4) driver's education;
- 23 (5) participation in extracurricular activities;
- 24 (6) internships and apprenticeships;
- 25 (7) employment;

1 (8) housing;

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

3 (10) the youth's financial stability, including
4 developmentally appropriate financial literacy education
5 and information regarding any financial accounts
6 established in the youth's name or for the youth's benefit
7 of which the Department is aware ~~financial stability~~;

8 (11) connections to supportive adults and peers;

9 (12) transition to adult services;

10 (13) documents necessary for adult living as provided
11 in subsection (b), and information regarding the process
12 by which such documents may be obtained; and

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

14 The Department shall include the youth-driven transition
15 plan in the youth's service plan. The Department shall make
16 reasonable efforts to assist the youth in accomplishing the
17 plan, to develop strategies to resolve barriers, and to ensure
18 the youth is aware of any post-case closure supports and
19 services and how to access such supports and services.

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

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

1 (2) Social Security card.

2 (3) Medical records, including, but not limited to,
3 health passport, dental records, immunization records,
4 name and contact information for all current medical,
5 dental, and mental health providers, and a signed
6 certification that the Department provided the youth with
7 education on executing a healthcare power of attorney.

8 (4) Medicaid card or other health eligibility
9 documentation.

10 (5) Certified copy of birth certificate.

11 (6) Any applicable religious documents.

12 (7) Voter registration card.

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

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

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

18 (11) List of known relatives and persons willing to
19 provide supports to the youth with relationships,
20 addresses, telephone numbers, and other contact
21 information, with the permission of the involved relative
22 or supportive person.

23 (12) Resume.

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

1 (14) List of placements while in care.

2 (15) List of community resources with referral
3 information, including Family Advocacy Centers, the
4 Midwest Adoption Center for search and reunion services
5 for former youth in care, whether or not they were
6 adopted, and the Illinois Chapter of Foster Care Alumni of
7 America.

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

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

14 (18) Documentation related to financial accounts
15 established in the youth in care's name or for the youth's
16 benefit.

17 (c) To ensure meaningful youth engagement in Successful
18 Transition to Adulthood Review (STAR) hearings, established
19 under Section 2-28.2 of the Juvenile Court Act of 1987, the
20 Department shall make reasonable efforts to:

21 (1) ensure that each youth in care who is eligible for
22 a STAR hearing is informed of court hearings concerning
23 his or her case at least 10 days in advance of the hearing
24 whenever practicable, and is afforded the opportunity to
25 attend or participate in the STAR hearing; and

26 (2) support each youth in care's attendance in the

1 youth's STAR hearings, including by providing or arranging
2 transportation or other appropriate accommodations
3 consistent with the youth's age and developmental needs.

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

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

12 Section 7. The Department of Children and Family Services
13 Statewide Youth Advisory Board Act is amended by changing
14 Sections 5 and 15 as follows:

15 (20 ILCS 527/5)

16 Sec. 5. Statewide Youth Advisory Board; regional youth
17 advisory boards. The Department of Children and Family
18 Services shall convene and maintain a Statewide Youth Advisory
19 Board and regional youth advisory boards. Each regional youth
20 advisory board shall work with the Department or its designee
21 to determine how to best provide services to current and
22 former youth in foster care living within each of the regions.
23 The Statewide Youth Advisory Board shall advise the Department
24 and the General Assembly with respect to all matters involving

1 or affecting current and former youth in foster care.
2 Responsibilities of the Statewide Youth Advisory Board shall
3 include:

4 (1) providing the Department and the General Assembly
5 with the perspective of youth under the care of the
6 Department;

7 (2) identifying, analyzing, and recommending solutions
8 to any issues concerning adoption and guardianship and
9 youth in foster care;

10 (3) reviewing and advising the Department on proposed
11 or pending legislation, primarily as it concerns current
12 and former youth in foster care; and

13 (4) reviewing and making recommendations on Department
14 foster care and child welfare service delivery policies,
15 guidelines, procedures, rulemaking, and training.

16 (Source: P.A. 98-806, eff. 1-1-15.)

17 (20 ILCS 527/15)

18 Sec. 15. Meetings.

19 (a) Regular meetings of the regional youth advisory boards
20 shall be held monthly.

21 (b) Regular meetings of the Statewide Youth Advisory Board
22 shall be held at least 5 times per year.

23 (c) The Director of the Department or the Director's
24 designee shall meet with the Statewide Youth Advisory Board at
25 least quarterly in order to discuss the issues and concerns of

1 youth in foster care. The Director or the Director's designee
2 shall affirmatively engage with the Statewide Youth Advisory
3 Board regarding proposed or newly implemented Department
4 policies, guidelines, procedures, rules, and training that
5 materially affect current or former youth in foster care and
6 shall provide the Board a reasonable opportunity to review and
7 offer input when practicable.

8 (d) All meetings shall take place at locations, dates, and
9 times determined by the Department or its designee in
10 accordance with the bylaws for the Statewide Youth Advisory
11 Board and the regional youth advisory boards.

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

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

15 (705 ILCS 405/2-28)

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

17 Sec. 2-28. Court review.

18 (1) The court may require any legal custodian or guardian
19 of the person appointed under this Act to report periodically
20 to the court or may cite the legal custodian or guardian into
21 court and require the legal custodian, guardian, or the legal
22 custodian's or guardian's agency to make a full and accurate
23 report of the doings of the legal custodian, guardian, or
24 agency on behalf of the minor. 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) the efforts made by the agency to prepare the
26 child to return home or to be placed with a fit and willing

1 relative, a legal guardian, or an adoptive parent, or in a
2 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.

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

1 unless the minor is placed in the guardianship of a suitable
2 relative or other person and the court determines that further
3 monitoring by the court does not further the health, safety,
4 or best interest of the child and that this is a stable
5 permanent placement. The permanency hearings must occur within
6 the time frames set forth in this subsection and may not be
7 delayed in anticipation of a report from any source or due to
8 the agency's failure to timely file its written report (this
9 written report means the one required under the next paragraph
10 and does not mean the service plan also referred to in that
11 paragraph).

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

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

26 (B) beginning July 1, 2025, a written description of

1 ongoing family finding and relative engagement efforts in
2 accordance with the requirements under Section 2-27.3 the
3 agency has undertaken since the most recent report to the
4 court to plan for the emotional and legal permanency of
5 the minor;

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

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

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

1 age-appropriate manner;

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

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

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

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

24 The caseworker must appear and testify at the permanency
25 hearing. If a permanency hearing has not previously been
26 scheduled by the court, the moving party shall move for the

1 setting of a permanency hearing and the entry of an order
2 within the time frames set forth in this subsection.

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

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

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

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

24 If the court has determined that goals (A), (B), and
25 (B-1) are not appropriate and not in the minor's best
26 interest, the court may select one of the following goals:

1 (C), (D), (E), (F), (G), or (H) for the minor as
2 appropriate and based on the best interests of the minor.
3 The court shall determine the appropriate goal for the
4 minor based on best interest factors and any
5 considerations outlined in that goal.

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

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

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

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

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

26 (v) whether the parent or parents have been

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

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

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

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

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

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

25 (v) whether the minor is already placed in a
26 pre-adoptive home, and if not, whether such a home has

1 been identified; and

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

6 (E) Adoption, provided that parental rights have been
7 terminated or relinquished.

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

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

24 In selecting any permanency goal, the court shall indicate
25 in writing the reasons the goal was selected and why the
26 preceding goals were deemed inappropriate and not in the

1 child's best interest. Where the court has selected a
2 permanency goal other than (A), (B), or (B-1), the Department
3 of Children and Family Services shall not provide further
4 reunification services, except as provided in paragraph (F) of
5 this subsection (2.3), but shall provide services consistent
6 with the goal selected.

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

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

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

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

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

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

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

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

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

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

24 (A) Age of the child.

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

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

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

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

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

10 (G) Status of siblings of the minor.

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

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

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

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

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

23 The court shall review the Sibling Contact Support Plan
24 developed or modified under subsection (f) of Section 7.4 of
25 the Children and Family Services Act, if applicable. If the
26 Department has not convened a meeting to develop or modify a

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

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

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

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

1 (2.5) of this Section and as otherwise specifically authorized
2 by law, the court is not empowered under this Section to order
3 specific placements, specific services, or specific service
4 providers to be included in the service plan.

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

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

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

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

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

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

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

23 (i) (Blank).

24 (ii) Whether the services required by the court
25 and by any service plan prepared within the prior 6
26 months have been provided and (A) if so, whether the

1 services were reasonably calculated to facilitate the
2 achievement of the permanency goal or (B) if not
3 provided, why the services were not provided.

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

14 (iv) (Blank).

15 (v) (Blank).

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 youth. The Department of Children and
24 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; revised 8-20-25.)

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

23 Sec. 2-28. Court review.

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

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

1 care for the minor and the court enters an order that such
2 parent, guardian, or legal custodian is fit to care for the
3 minor.

4 (1.5) The public agency that is the custodian or guardian
5 of the minor shall file a written report with the court no
6 later than 15 days after a minor in the agency's care remains:

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

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

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

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

20 (1.6) Within 30 days after placing a child in its care in a
21 qualified residential treatment program, as defined by the
22 federal Social Security Act, the Department of Children and
23 Family Services shall prepare a written report for filing with
24 the court and send copies of the report to all parties. Within
25 20 days of the filing of the report, or as soon thereafter as
26 the court's schedule allows but not more than 60 days from the

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

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

26 (B) documenting the specific treatment or service

1 needs that should be met for the child in the placement and
2 the length of time the child is expected to need the
3 treatment or services;

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

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

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

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

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

25 The public agency that is the custodian or guardian of the
26 minor, or another agency responsible for the minor's care,

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (2.3) At the permanency hearing, the court shall determine
24 the permanency goal of the child. The court shall set one of
25 the following permanency goals:

26 (A) The minor will be returned home by a specific date

1 within 5 months.

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

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

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

26 (C) The guardianship of the minor shall be transferred

1 to an individual or couple on a permanent basis. Prior to
2 changing the goal to guardianship, the court shall
3 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 or in a certified
18 relative caregiver home as defined in Section 2.36 of
19 the Child Care Act of 1969; and

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

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

1 determination on termination of parental rights, the court
2 shall consider the following:

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

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

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

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

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

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

26 (E) Adoption, provided that parental rights have been

1 terminated or relinquished.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (A) Age of the child.

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

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

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

25 (E) Types of services previously offered and whether
26 or not the services were successful and, if not

1 successful, the reasons the services failed.

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

4 (G) Status of siblings of the minor.

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

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

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

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

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

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

26 The court shall review the Department's efforts to provide

1 the minor with age and developmentally appropriate life
2 skills. If the court finds the Department's efforts are not in
3 the minor's best interest, the court may enter an order
4 requiring the Department to develop, modify, or implement the
5 service plan to develop the minor's life skills in an age and
6 developmentally appropriate manner.

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

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

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

1 service plan is filed. Except as authorized by subsection
2 (2.5) of this Section and as otherwise specifically authorized
3 by law, the court is not empowered under this Section to order
4 specific placements, specific services, or specific service
5 providers to be included in the service plan.

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

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

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

1 necessitates the removal to protect the minor's health,
2 safety, and best interest. If the Department determines
3 removal is necessary, the Department shall notify the parties
4 of the planned placement change in writing no later than 10
5 days prior to the implementation of its determination unless
6 remaining in the placement poses an imminent risk of harm to
7 the minor, in which case the Department shall notify the
8 parties of the placement change in writing immediately
9 following the implementation of its decision. The Department
10 shall notify others of the decision to change the minor's
11 placement as required by Department rule.

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

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

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

24 (i) (Blank).

25 (ii) Whether the services required by the court
26 and by any service plan prepared within the prior 6

1 months have been provided and (A) if so, whether the
2 services were reasonably calculated to facilitate the
3 achievement of the permanency goal or (B) if not
4 provided, why the services were not provided.

5 (iii) Whether the minor's current or planned
6 placement is necessary, and appropriate to the plan
7 and goal, recognizing the right of minors to the least
8 restrictive (most family-like) setting available and
9 in close proximity to the parents' home consistent
10 with the health, safety, best interest, and special
11 needs of the minor and, if the minor is placed
12 out-of-state, whether the out-of-state placement
13 continues to be appropriate and consistent with the
14 health, safety, and best interest of the minor.

15 (iv) (Blank).

16 (v) (Blank).

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

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

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

1 (a) The Department, the minor, or the current foster
2 parent or relative caregiver seeking private guardianship
3 may file a motion for private guardianship of the minor.
4 Appointment of a guardian under this Section requires
5 approval of the court.

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

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

1 connections between the parent whose rights have been
2 terminated and the minor ~~youth~~. The Department of Children
3 and Family Services shall document its determinations and
4 efforts to foster connections in the child's case plan.

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

1 determination. In the event that the minor has attained 18
2 years of age and the guardian or custodian petitions the court
3 for an order terminating the minor's guardianship or custody,
4 guardianship or custody shall terminate automatically 30 days
5 after the receipt of the petition unless the court orders
6 otherwise. No legal custodian or guardian of the person may be
7 removed without the legal custodian's or guardian's consent
8 until given notice and an opportunity to be heard by the court.

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

17 If the minor is being restored to the custody of a parent,
18 legal custodian, or guardian who lives outside of Illinois,
19 and an Interstate Compact has been requested and refused, the
20 court may order the Department of Children and Family Services
21 to arrange for an assessment of the minor's proposed living
22 arrangement and for ongoing monitoring of the health, safety,
23 and best interest of the minor and compliance with any order of
24 protective supervision entered in accordance with Section
25 2-24.

26 (5) Whenever a parent, guardian, or legal custodian files

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

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

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

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

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

1 8-20-25.)

2 (705 ILCS 405/2-28.2)

3 (This Section may contain text from a Public Act with a
4 delayed effective date)

5 Sec. 2-28.2. Successful Transition to Adulthood Review
6 hearings.

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

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

1 upon the request of the minor.

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

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

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

10 (3) a description of the documents necessary for adult
11 living as provided in Section 35.10 of the Children and
12 Family Services Act that the minor has, the documents the
13 minor continues to need, and the Department's plan to
14 ensure the minor has such documents prior to case closure;

15 (4) a description of the Department's efforts to
16 assist the minor ~~youth~~ in developing and maintaining
17 connections with supportive adults and a copy of the
18 minor's Ongoing Family Finding and Relative Engagement
19 Plan developed in accordance with Section 2-27.3; and

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

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

25 (1) review the Department's efforts to assist the
26 minor in developing and implementing an individualized

1 youth-driven transition plan to develop life skills that
2 will lead to successful adult living;

3 (2) review the plan developed by the Department and
4 the minor to ensure that it is reasonably likely to ensure
5 the minor can live independent of supports from the
6 Department;

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

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

13 (5) review the Department's efforts to ensure that the
14 minor is aware of available supports and services
15 post-case closure and how to access such supports and
16 services; ~~and~~

17 (6) if applicable, review the Department's efforts to
18 obtain any needed assessments to determine whether the
19 youth may qualify for a guardian as a person with a
20 disability under Article XIa of the Probate Act of 1975;
21 and -

22 (7) allow the minor the opportunity to express to the
23 court the minor's goals, preferences, and concerns
24 regarding the minor's transition to independence. The
25 court shall give considerable weight to the minor's
26 preferences in determining the minor's best interests.

1 (e) When scheduling STAR hearings, to the extent
2 reasonable, the court must consider the minor's availability
3 and preferred method of court participation, whether in person
4 or via secure videoconferencing technology, if available and
5 permitted by the court.

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

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

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

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

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