



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3251

Introduced 2/3/2026, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

| | |
|-------------------|-----------------------------|
| 705 ILCS 405/2-27 | from Ch. 37, par. 802-27 |
| 705 ILCS 405/2-28 | |
| 705 ILCS 405/2-33 | |
| 755 ILCS 5/11-5 | from Ch. 110 1/2, par. 11-5 |

Amends the Juvenile Court Act of 1987 concerning abused, neglected, and dependent minors. Provides that when the minor is placed in the custody of a suitable relative or other person as legal custodian or guardian or placed in subsidized guardianship of a suitable relative or other person as legal guardian, custody or guardianship continues until the court otherwise directs, but not after the minor reaches the age of 18 years. Provides that when a minor is placed in the guardianship of a probation officer, committed to an agency for care or placement, or committed to the Department of Children and Family Services for care and service, custody or guardianship granted continues until the court otherwise directs, but not after the minor reaches the age of 21 years. Makes other changes. Amends the Probate Act of 1975. Provides that if the minor is a youth in care under the guardianship of the Department of Children and Family Services pursuant to the Juvenile Court Act of 1987 when the petition for the appointment of a guardian of a minor is filed, the court's determinations and findings shall be made consistent with the court review provisions of the Juvenile Court Act of 1987. Provides that any motion to modify or vacate the appointment of a guardian of a minor who was a youth in care immediately preceding the filing of a petition for the appointment of a minor guardian shall be filed and reviewed pursuant to the supplemental provisions to reinstate wardship of the Juvenile Court Act of 1987. Provides that if custody and guardianship is to be restored to a parent or guardian who was a respondent in the Juvenile Court Act of 1987 case, the court's determinations and findings shall be made consistent with the court review provisions of the Juvenile Court Act of 1987. Defines "youth in care". Effective immediately.

LRB104 20395 RLC 33855 b

1 AN ACT concerning guardianship.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 2-27, 2-28, and 2-33 as follows:

6 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

7 Sec. 2-27. Placement; legal custody or guardianship.

8 (1) If the court determines and puts in writing the
9 factual basis supporting the determination of whether the
10 parents, guardian, or legal custodian of a minor adjudged a
11 ward of the court are unfit or are unable, for some reason
12 other than financial circumstances alone, to care for,
13 protect, train or discipline the minor or are unwilling to do
14 so, and that the health, safety, and best interest of the minor
15 will be jeopardized if the minor remains in the custody of the
16 minor's parents, guardian or custodian, the court may at this
17 hearing and at any later point:

18 (a) place the minor in the custody of a suitable
19 relative or other person as legal custodian or guardian;

20 (a-5) with the approval of the Department of Children
21 and Family Services, place the minor in the subsidized
22 guardianship of a suitable relative or other person as
23 legal guardian; "subsidized guardianship" has the meaning

1 ascribed to that term in Section 4d of the Children and
2 Family Services Act;

3 (b) place the minor under the guardianship of a
4 probation officer;

5 (c) commit the minor to an agency for care or
6 placement, except an institution under the authority of
7 the Department of Corrections or of the Department of
8 Children and Family Services;

9 (d) on and after the effective date of this amendatory
10 Act of the 98th General Assembly and before January 1,
11 2017, commit the minor to the Department of Children and
12 Family Services for care and service; however, a minor
13 charged with a criminal offense under the Criminal Code of
14 1961 or the Criminal Code of 2012 or adjudicated
15 delinquent shall not be placed in the custody of or
16 committed to the Department of Children and Family
17 Services by any court, except (i) a minor less than 16
18 years of age and committed to the Department of Children
19 and Family Services under Section 5-710 of this Act, (ii)
20 a minor under the age of 18 for whom an independent basis
21 of abuse, neglect, or dependency exists, or (iii) a minor
22 for whom the court has granted a supplemental petition to
23 reinstate wardship pursuant to subsection (2) of Section
24 2-33 of this Act. On and after January 1, 2017, commit the
25 minor to the Department of Children and Family Services
26 for care and service; however, a minor charged with a

1 criminal offense under the Criminal Code of 1961 or the
2 Criminal Code of 2012 or adjudicated delinquent shall not
3 be placed in the custody of or committed to the Department
4 of Children and Family Services by any court, except (i) a
5 minor less than 15 years of age and committed to the
6 Department of Children and Family Services under Section
7 5-710 of this Act, (ii) a minor under the age of 18 for
8 whom an independent basis of abuse, neglect, or dependency
9 exists, or (iii) a minor for whom the court has granted a
10 supplemental petition to reinstate wardship pursuant to
11 subsection (2) of Section 2-33 of this Act. An independent
12 basis exists when the allegations or adjudication of
13 abuse, neglect, or dependency do not arise from the same
14 facts, incident, or circumstances which give rise to a
15 charge or adjudication of delinquency. The Department
16 shall be given due notice of the pendency of the action and
17 the Guardianship Administrator of the Department of
18 Children and Family Services shall be appointed guardian
19 of the person of the minor. Whenever the Department seeks
20 to discharge a minor from its care and service, the
21 Guardianship Administrator shall petition the court for an
22 order terminating guardianship. The Guardianship
23 Administrator may designate one or more other officers of
24 the Department, appointed as Department officers by
25 administrative order of the Department Director,
26 authorized to affix the signature of the Guardianship

1 Administrator to documents affecting the guardian-ward
2 relationship of children for whom the Guardianship
3 Administrator has been appointed guardian at such times as
4 the Guardianship Administrator is unable to perform the
5 duties of the Guardianship Administrator office. The
6 signature authorization shall include but not be limited
7 to matters of consent of marriage, enlistment in the armed
8 forces, legal proceedings, adoption, major medical and
9 surgical treatment and application for driver's license.
10 Signature authorizations made pursuant to the provisions
11 of this paragraph shall be filed with the Secretary of
12 State and the Secretary of State shall provide upon
13 payment of the customary fee, certified copies of the
14 authorization to any court or individual who requests a
15 copy.

16 (1.5) In making a determination under this Section, the
17 court shall also consider whether, based on health, safety,
18 and the best interests of the minor,

19 (a) appropriate services aimed at family preservation
20 and family reunification have been unsuccessful in
21 rectifying the conditions that have led to a finding of
22 unfitness or inability to care for, protect, train, or
23 discipline the minor, or

24 (b) no family preservation or family reunification
25 services would be appropriate,
26 and if the petition or amended petition contained an

1 allegation that the parent is an unfit person as defined in
2 subdivision (D) of Section 1 of the Adoption Act, and the order
3 of adjudication recites that parental unfitness was
4 established by clear and convincing evidence, the court shall,
5 when appropriate and in the best interest of the minor, enter
6 an order terminating parental rights and appointing a guardian
7 with power to consent to adoption in accordance with Section
8 2-29.

9 When making a placement, the court, wherever possible,
10 shall require the Department of Children and Family Services
11 to select a person holding the same religious belief as that of
12 the minor or a private agency controlled by persons of like
13 religious faith of the minor and shall require the Department
14 to otherwise comply with Section 7 of the Children and Family
15 Services Act in placing the child. In addition, whenever
16 alternative plans for placement are available, the court shall
17 ascertain and consider, to the extent appropriate in the
18 particular case, the views and preferences of the minor.

19 (2) (i) ~~When a minor is placed with a suitable relative or~~
20 ~~other person pursuant to item (a) of subsection (1), the court~~
21 ~~shall appoint the suitable relative or other person the legal~~
22 ~~custodian or guardian of the person of the minor. When a minor~~
23 ~~is committed to any agency, the court shall appoint the proper~~
24 ~~officer or representative thereof as legal custodian or~~
25 ~~guardian of the person of the minor.~~ Legal custodians and
26 guardians of the person of the minor appointed under

1 subsection (1) have the respective rights and duties set forth
2 in subsection (8) or (9) of Section 1-3 except as otherwise
3 provided by order of court; but no guardian of the person may
4 consent to adoption of the minor unless that authority is
5 conferred upon the guardian in accordance with Section 2-29.

6 (ii) The following additional provisions apply to legal
7 custodians or guardians appointed under paragraphs (b), (c),
8 and (d) of subsection (1):

9 (A) When a minor is committed to any agency, the court
10 shall appoint the proper officer or representative thereof
11 as legal custodian or guardian of the person of the minor.

12 (B) An agency whose representative is appointed
13 guardian of the person or legal custodian of the minor may
14 place the minor in any child care facility, but the
15 facility must be licensed under the Child Care Act of 1969
16 or have been approved by the Department of Children and
17 Family Services as meeting the standards established for
18 such licensing.

19 (C) No agency may place a minor adjudicated under
20 Sections 2-3 or 2-4 in a child care facility unless the
21 placement is in compliance with the rules and regulations
22 for placement under this Section promulgated by the
23 Department of Children and Family Services under Section 5
24 of the Children and Family Services Act. ~~Like authority~~
25 ~~and restrictions shall be conferred by the court upon any~~
26 ~~probation officer who has been appointed guardian of the~~

1 ~~person of a minor.~~

2 (3) No placement by any probation officer or agency whose
3 representative is appointed guardian of the person or legal
4 custodian of a minor may be made in any out of State child care
5 facility unless it complies with the Interstate Compact on the
6 Placement of Children. Placement with a parent, however, is
7 not subject to that Interstate Compact.

8 (4) The clerk of the court shall issue to the legal
9 custodian or guardian of the person a certified copy of the
10 order of court, as proof of the legal custodian's or
11 guardian's authority. No other process is necessary as
12 authority for the keeping of the minor.

13 (5) (a) Custody or guardianship granted under (a) or (a-5)
14 of subsection (1) ~~this Section~~ continues until the court
15 otherwise directs, but not after the minor reaches the age of
16 18 years.

17 (b) Custody or guardianship granted under paragraph (b),
18 (c), or (d) of subsection (1), continues until the court
19 otherwise directs, but not after the minor reaches the age of
20 21 years. ~~but not after the minor reaches the age of 19 years~~
21 except as set forth in Section 2-31, or if the minor was
22 previously committed to the Department of Children and Family
23 Services for care and service and the court has granted a
24 supplemental petition to reinstate wardship pursuant to
25 subsection (2) of Section 2-33.

26 (6) (Blank).

1 (Source: P.A. 103-22, eff. 8-8-23; 103-1061, eff. 7-1-25.)

2 (705 ILCS 405/2-28)

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

4 Sec. 2-28. Court review.

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

1 is in the best interests of the minor, and if such neglect,
2 abuse, or dependency is found by the court under paragraph (1)
3 of Section 2-21 of this Act to have come about due to the acts
4 or omissions or both of such parent, guardian, or legal
5 custodian, until such time as an investigation is made as
6 provided in paragraph (5) and a hearing is held on the issue of
7 the fitness of such parent, guardian, or legal custodian to
8 care for the minor and the court enters an order that such
9 parent, guardian, or legal custodian is fit to care for the
10 minor.

11 (1.5) The public agency that is the custodian or guardian
12 of the minor shall file a written report with the court no
13 later than 15 days after a minor in the agency's care remains:

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

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

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

21 The report shall explain the steps the agency is taking to
22 ensure the minor is placed appropriately, how the minor's
23 needs are being met in the minor's shelter placement, and if a
24 future placement has been identified by the Department, why
25 the anticipated placement is appropriate for the needs of the
26 minor and the anticipated placement date.

1 (1.6) Within 30 days after placing a child in its care in a
2 qualified residential treatment program, as defined by the
3 federal Social Security Act, the Department of Children and
4 Family Services shall prepare a written report for filing with
5 the court and send copies of the report to all parties. Within
6 20 days of the filing of the report, or as soon thereafter as
7 the court's schedule allows but not more than 60 days from the
8 date of placement, the court shall hold a hearing to consider
9 the Department's report and determine whether placement of the
10 child in a qualified residential treatment program provides
11 the most effective and appropriate level of care for the child
12 in the least restrictive environment and if the placement is
13 consistent with the short-term and long-term goals for the
14 child, as specified in the permanency plan for the child. The
15 court shall approve or disapprove the placement. If
16 applicable, the requirements of Sections 2-27.1 and 2-27.2
17 must also be met. The Department's written report and the
18 court's written determination shall be included in and made
19 part of the case plan for the child. If the child remains
20 placed in a qualified residential treatment program, the
21 Department shall submit evidence at each status and permanency
22 hearing:

23 (A) demonstrating that ongoing ~~on-going~~ assessment of
24 the strengths and needs of the child continues to support
25 the determination that the child's needs cannot be met
26 through placement in a foster family home, that the

1 placement provides the most effective and appropriate
2 level of care for the child in the least restrictive,
3 appropriate environment, and that the placement is
4 consistent with the short-term and long-term permanency
5 goal for the child, as specified in the permanency plan
6 for the child;

7 (B) documenting the specific treatment or service
8 needs that should be met for the child in the placement and
9 the length of time the child is expected to need the
10 treatment or services;

11 (C) the efforts made by the agency to prepare the
12 child to return home or to be placed with a fit and willing
13 relative, a legal guardian, or an adoptive parent, or in a
14 foster family home; and

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

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

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

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

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

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

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

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

24 (D) detail regarding what progress or lack of progress
25 the parent has made in correcting the conditions requiring
26 the child to be in care; whether the child can be returned

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

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

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

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

26 (iv) if the minor is not currently in a placement

1 that will provide permanency, identification of all
2 persons presently willing and able to provide
3 permanency to the minor through either guardianship or
4 adoption, and beginning July 1, 2025, if none are
5 available, a description of the efforts made in
6 accordance with Section 2-27.3; and

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

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

15 (2.3) At the permanency hearing, the court shall determine
16 the permanency goal of the child. The court shall set one of
17 the following permanency goals:

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

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

25 (B-1) The minor will be in short-term care with a
26 continued goal to return home pending a status hearing.

1 When the court finds that a parent has not made reasonable
2 efforts or reasonable progress to date, the court shall
3 identify what actions the parent and the Department must
4 take in order to justify a finding of reasonable efforts
5 or reasonable progress and shall set a status hearing to
6 be held not earlier than 9 months from the date of
7 adjudication nor later than 11 months from the date of
8 adjudication during which the parent's progress will again
9 be reviewed.

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

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

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

25 (ii) whether the agency has discussed adoption and
26 guardianship with the minor, as age-appropriate, and

1 what preference, if any, the minor has as to the
2 permanency goal;

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

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

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

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

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

24 (ii) whether the agency has discussed adoption and
25 guardianship with the minor, as age-appropriate, and
26 what preference, if any, the minor has as to the

1 permanency goal;

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

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

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

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

18 (E) Adoption, provided that parental rights have been
19 terminated or relinquished.

20 (F) Provided that permanency goals (A) through (E)
21 have been deemed inappropriate and not in the minor's best
22 interests, the minor over age 15 will be in substitute
23 care pending independence. In selecting this permanency
24 goal, the Department of Children and Family Services may
25 provide services to enable reunification and to strengthen
26 the minor's connections with family, fictive kin, and

1 other responsible adults, provided the services are in the
2 minor's best interest. The services shall be documented in
3 the service plan.

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

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

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

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

26 (2) The court has deemed all other permanency

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

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

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

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

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

25 (4) The child has lived with the relative,
26 certified relative caregiver, or foster parent for at

1 least one year; and

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

6 (2.4) The court shall set a permanency goal that is in the
7 best interest of the child. In determining that goal, the
8 court shall consult with the minor in an age-appropriate
9 manner regarding the proposed permanency or transition plan
10 for the minor. The court's determination shall include the
11 following factors:

12 (A) Age of the child.

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

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

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

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

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

24 (G) Status of siblings of the minor.

25 (H) If the minor is not currently in a placement
26 likely to achieve permanency, whether there is an

1 identified and willing potential permanent caregiver for
2 the minor, and if so, that potential permanent caregiver's
3 intent regarding guardianship and adoption.

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

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

1 or conditions that gave rise to or which could give rise to any
2 finding of child abuse or neglect.

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

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

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

26 If the goal has been achieved, the court shall enter

1 orders that are necessary to conform the minor's legal custody
2 and status to those findings.

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

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

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

25 (2.5) If, after reviewing the evidence, including evidence
26 from the Department, the court determines that the minor's

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

25 (3) Following the permanency hearing, the court shall
26 enter a written order that includes the determinations

1 required under subsections (2) and (2.3) of this Section and
2 sets forth the following:

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

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

11 (i) (Blank).

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

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

1 health, safety, and best interest of the minor.

2 (iv) (Blank).

3 (v) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (Source: P.A. 103-22, eff. 8-8-23; 103-154, eff. 6-30-23;
8 103-171, eff. 1-1-24; 103-605, eff. 7-1-24; 103-1061, eff.
9 2-5-25; 104-2, eff. 6-16-25; revised 8-20-25.)

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

11 Sec. 2-28. Court review.

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

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

18 (1.5) The public agency that is the custodian or guardian
19 of the minor shall file a written report with the court no
20 later than 15 days after a minor in the agency's care remains:

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

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

25 (3) in a detention center or Department of Juvenile
26 Justice facility solely because the public agency cannot

1 find an appropriate placement for the minor.

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

8 (1.6) Within 30 days after placing a child in its care in a
9 qualified residential treatment program, as defined by the
10 federal Social Security Act, the Department of Children and
11 Family Services shall prepare a written report for filing with
12 the court and send copies of the report to all parties. Within
13 20 days of the filing of the report, or as soon thereafter as
14 the court's schedule allows but not more than 60 days from the
15 date of placement, the court shall hold a hearing to consider
16 the Department's report and determine whether placement of the
17 child in a qualified residential treatment program provides
18 the most effective and appropriate level of care for the child
19 in the least restrictive environment and if the placement is
20 consistent with the short-term and long-term goals for the
21 child, as specified in the permanency plan for the child. The
22 court shall approve or disapprove the placement. If
23 applicable, the requirements of Sections 2-27.1 and 2-27.2
24 must also be met. The Department's written report and the
25 court's written determination shall be included in and made
26 part of the case plan for the child. If the child remains

1 placed in a qualified residential treatment program, the
2 Department shall submit evidence at each status and permanency
3 hearing:

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

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

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

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

25 (E) detailing efforts to ensure the minor is engaged
26 in age and developmentally appropriate activities to

1 develop life skills, which may include extracurricular
2 activities, coaching by caregivers, or instruction in
3 individual or group settings. For minors who have
4 participated in life skills assessments, the results of
5 such assessments and how the minor's identified needs are
6 being addressed.

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

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

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

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

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

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

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

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

1 the available permanency options with the minor in an
2 age-appropriate manner;

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

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

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

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

25 The caseworker must appear and testify at the permanency
26 hearing. If a permanency hearing has not previously been

1 scheduled by the court, the moving party shall move for the
2 setting of a permanency hearing and the entry of an order
3 within the time frames set forth in this subsection.

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

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

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

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

25 If the court has determined that goals (A), (B), and
26 (B-1) are not appropriate and not in the minor's best

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

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

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

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

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

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

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

5 (D) The minor will be in substitute care pending court
6 determination on termination of parental rights. Prior to
7 changing the goal to substitute care pending court
8 determination on termination of parental rights, the court
9 shall 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, in a certified
24 relative caregiver home as defined in Section 2.36 of
25 the Child Care Act of 1969;

26 (v) whether the minor is already placed in a

1 pre-adoptive home, and if not, whether such a home has
2 been identified; and

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

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

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

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

25 In selecting any permanency goal, the court shall indicate
26 in writing the reasons the goal was selected. If the court has

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

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

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

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

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

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

26 (b) the child exhibits an extreme level of

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

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

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

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

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

1 (A) Age of the child.

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

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

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

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

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

13 (G) Status of siblings of the minor.

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

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

1 to the extent of their probative value.

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

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

26 The court shall review the Sibling Contact Support Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (i) (Blank).

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

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

24 (iv) (Blank).

25 (v) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (Source: P.A. 103-22, eff. 8-8-23; 103-154, eff. 6-30-23;
8 103-171, eff. 1-1-24; 103-605, eff. 7-1-24; 103-1061, eff.
9 2-5-25; 104-2, eff. 6-16-25; 104-107, eff. 7-1-26; revised
10 8-20-25.)

11 (705 ILCS 405/2-33)

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

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

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

17 (a) wardship and guardianship under the Juvenile Court
18 Act of 1987 was vacated in conjunction with the
19 appointment of a private guardian under the Probate Act of
20 1975 or under the Juvenile Court Act of 1987;

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

25 (c) it is in the minor's best interest that wardship

1 be reinstated.

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

5 (a) wardship and guardianship under this Act was
6 vacated pursuant to:

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

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

13 (iii) an order entered under subsection (3) of
14 Section 2-31 based on the minor's attaining the age of
15 19 years before the effective date of this amendatory
16 Act of the 101st General Assembly;

17 (b) the minor is not presently a ward of the court
18 under Article II of this Act nor is there a petition for
19 adjudication of wardship pending on behalf of the minor;
20 and

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

23 (3) The supplemental petition must be filed in the same
24 proceeding in which the original adjudication order was
25 entered. Unless excused by court for good cause shown, the
26 petitioner shall give notice of the time and place of the

1 hearing on the supplemental petition, in person or by mail, to
2 the minor, if the minor is 14 years of age or older, and to the
3 parties to the juvenile court proceeding. Notice shall be
4 provided at least 3 court days in advance of the hearing date.
5 Any hearing on a supplemental petition filed under subsection
6 (1) for a change in custody shall be conducted consistent with
7 Section 2-28 of this Act.

8 (3.5) Whenever a petition is filed to reinstate wardship
9 pursuant to subsection (1), prior to granting the petition,
10 the court may order the Department of Children and Family
11 Services to assess the minor's current and proposed living
12 arrangements and to provide ongoing monitoring of the health,
13 safety, and best interest of the minor during the pendency of
14 the petition to assist the court in making that determination.

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

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

23 (a) Within 30 days of such commitment, prepare and
24 file with the court a case plan which complies with the
25 federal Adoption Assistance and Child Welfare Act of 1980
26 and is consistent with the health, safety and best

1 interests of the minor; and

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

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

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

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

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

11 (a) wardship and guardianship under the Juvenile Court
12 Act of 1987 was vacated in conjunction with the
13 appointment of a private guardian under the Probate Act of
14 1975 or under the Juvenile Court Act of 1987;

15 (b) the minor is not presently a ward of the court
16 under Article II of this Act nor is there a petition for
17 adjudication of wardship pending on behalf of the minor;
18 and

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

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

24 (a) wardship and guardianship under this Act was
25 vacated pursuant to:

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

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

7 (iii) an order entered under subsection (3) of
8 Section 2-31 based on the minor's attaining the age of
9 19 years before the effective date of this amendatory
10 Act of the 101st General Assembly;

11 (b) the minor is not presently a ward of the court
12 under Article II of this Act nor is there a petition for
13 adjudication of wardship pending on behalf of the minor;
14 and

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

17 (3) The supplemental petition must be filed in the same
18 proceeding in which the original adjudication order was
19 entered. Unless excused by court for good cause shown, the
20 petitioner shall give notice of the time and place of the
21 hearing on the supplemental petition, in person or by mail, to
22 the minor, if the minor is 14 years of age or older, and to the
23 parties to the juvenile court proceeding. Notice shall be
24 provided at least 3 court days in advance of the hearing date.
25 Any hearing on a supplemental petition filed under subsection
26 (1) for a change in custody shall be conducted consistent with

1 Section 2-28 of this Act.

2 (3.5) Whenever a petition is filed to reinstate wardship
3 pursuant to subsection (1), prior to granting the petition,
4 the court may order the Department of Children and Family
5 Services to assess the minor's current and proposed living
6 arrangements and to provide ongoing monitoring of the health,
7 safety, and best interest of the minor during the pendency of
8 the petition to assist the court in making that determination.

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

13 (5) Whenever a minor is committed to the Department of
14 Children and Family Services for care and services following
15 the reinstatement of wardship under this Section, the
16 Department shall:

17 (a) Within 30 days of such commitment, prepare and
18 file with the court a case plan which complies with the
19 federal Adoption Assistance and Child Welfare Act of 1980
20 and is consistent with the health, safety and best
21 interests of the minor; and

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

25 (6) Whenever the court grants a petition to reinstate
26 wardship under this Section, the court shall schedule the case

1 for a permanency hearing in accordance with Section 2-28 and a
2 Successful Transition to Adulthood Review hearing in
3 accordance with Section 2-28.2, if applicable.

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

5 Section 10. The Probate Act of 1975 is amended by changing
6 Section 11-5 as follows:

7 (755 ILCS 5/11-5) (from Ch. 110 1/2, par. 11-5)

8 Sec. 11-5. Appointment of guardian.

9 (a) Upon the filing of a petition for the appointment of a
10 guardian or on its own motion, the court may appoint a guardian
11 of the estate or of both the person and estate, of a minor, or
12 may appoint a guardian of the person only of a minor or minors,
13 as the court finds to be in the best interest of the minor or
14 minors.

15 (a-1) A parent, adoptive parent or adjudicated parent,
16 whose parental rights have not been terminated, may designate
17 in any writing, including a will, a person qualified to act
18 under Section 11-3 to be appointed as guardian of the person or
19 estate, or both, of an unmarried minor or of a child likely to
20 be born. A parent, adoptive parent or adjudicated parent,
21 whose parental rights have not been terminated, or a guardian
22 or a standby guardian of an unmarried minor or of a child
23 likely to be born may designate in any writing, including a
24 will, a person qualified to act under Section 11-3 to be

1 appointed as successor guardian of the minor's person or
2 estate, or both. The designation must be witnessed by 2 or more
3 credible witnesses at least 18 years of age, neither of whom is
4 the person designated as the guardian. The designation may be
5 proved by any competent evidence. If the designation is
6 executed and attested in the same manner as a will, it shall
7 have prima facie validity. The designation of a guardian or
8 successor guardian does not affect the rights of the other
9 parent in the minor.

10 (b) The court lacks jurisdiction to proceed on a petition
11 for the appointment of a guardian of a minor if it finds that
12 (i) the minor has a living parent, adoptive parent or
13 adjudicated parent, whose parental rights have not been
14 terminated, whose whereabouts are known, and who is willing
15 and able to make and carry out day-to-day child care decisions
16 concerning the minor, unless: (1) the parent or parents
17 voluntarily relinquished physical custody of the minor; (2)
18 after receiving notice of the hearing under Section 11-10.1,
19 the parent or parents fail to object to the appointment at the
20 hearing on the petition; (3) the parent or parents consent to
21 the appointment as evidenced by a written document that has
22 been notarized and dated, or by a personal appearance and
23 consent in open court; or (4) the parent or parents, due to an
24 administrative separation, are unable to give consent to the
25 appointment in person or by a notarized, written document as
26 evidenced by a sworn affidavit submitted by the petitioner

1 describing the parent's or parents' inability to receive
2 notice or give consent; or (ii) there is a guardian for the
3 minor appointed by a court of competent jurisdiction. There
4 shall be a rebuttable presumption that a parent of a minor is
5 willing and able to make and carry out day-to-day child care
6 decisions concerning the minor, but the presumption may be
7 rebutted by a preponderance of the evidence. If a short-term
8 guardian has been appointed for the minor prior to the filing
9 of the petition and the petitioner for guardianship is not the
10 short-term guardian, there shall be a rebuttable presumption
11 that it is in the best interest of the minor to remain in the
12 care of the short-term guardian. The petitioner shall have the
13 burden of proving by a preponderance of the evidence that it is
14 not in the child's best interest to remain with the short-term
15 guardian.

16 (b-1) If the court finds the appointment of a guardian of
17 the minor to be in the best interest of the minor, and if a
18 standby guardian has previously been appointed for the minor
19 under Section 11-5.3, the court shall appoint the standby
20 guardian as the guardian of the person or estate, or both, of
21 the minor unless the court finds, upon good cause shown, that
22 the appointment would no longer be in the best interest of the
23 minor.

24 (b-2) No petition for the appointment of a guardian of a
25 minor shall be filed if the primary purpose of the filing is to
26 reduce the financial resources available to the minor in order

1 to cause the minor to qualify for public or private financial
2 assistance from an educational institution. The court may deny
3 the petition if it finds by a preponderance of the evidence
4 that the primary purpose of the filing is to enable the minor
5 to declare financial independence so that the minor may obtain
6 public or private financial assistance from an educational
7 institution or a State or federal student financial aid
8 program.

9 (b-3) If the minor is a youth in care under the
10 guardianship of the Department of Children and Family Services
11 pursuant to the Juvenile Court Act of 1987 when the petition
12 for the appointment of a guardian of a minor is filed, the
13 court's determinations and findings shall be made consistent
14 with subsection (4) of Section 2-28 of the Juvenile Court Act
15 of 1987. Any motion to modify or vacate the appointment of a
16 guardian of a minor who was a youth in care immediately
17 preceding the filing of a petition for the appointment of a
18 minor guardian shall be filed and reviewed pursuant to Section
19 2-33 of the Juvenile Court Act of 1987. If custody and
20 guardianship is to be restored to a parent or guardian who was
21 a respondent in the Juvenile Court Act of 1987 case, the
22 court's determinations and findings shall be made consistent
23 with subsection (4) of Section 2-28 of the Juvenile Court Act
24 of 1987. For purposes of this subsection, "youth in care" has
25 the meaning provided in Section 4d of the Children and Family
26 Services Act.

1 (c) If the minor is 14 years of age or more, the minor may
2 nominate the guardian of the minor's person and estate,
3 subject to approval of the court. If the minor's nominee is not
4 approved by the court or if, after notice to the minor, the
5 minor fails to nominate a guardian of the minor's person or
6 estate, the court may appoint the guardian without nomination.

7 (d) The court shall not appoint as guardian of the person
8 of the minor any person whom the court has determined had
9 caused or substantially contributed to the minor becoming a
10 neglected or abused minor as defined in the Juvenile Court Act
11 of 1987, unless 2 years have elapsed since the last proven
12 incident of abuse or neglect and the court determines that
13 appointment of such person as guardian is in the best
14 interests of the minor.

15 (e) Previous statements made by the minor relating to any
16 allegations that the minor is an abused or neglected child
17 within the meaning of the Abused and Neglected Child Reporting
18 Act, or an abused or neglected minor within the meaning of the
19 Juvenile Court Act of 1987, shall be admissible in evidence in
20 a hearing concerning appointment of a guardian of the person
21 or estate of the minor. No such statement, however, if
22 uncorroborated and not subject to cross-examination, shall be
23 sufficient in itself to support a finding of abuse or neglect.

24 (Source: P.A. 103-475, eff. 1-1-24.)

25 Section 95. No acceleration or delay. Where this Act makes

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.