



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3942

Introduced 2/6/2026, by Sen. Mary Edly-Allen

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-745
705 ILCS 405/5-750

Amends the Juvenile Court Act of 1987. Provides that required notification by the court under the Act does not prevent the Department of Juvenile Justice from exercising its release authority under the Unified Code of Corrections. Provides that, if a youth is released to aftercare supervision prior to the date set by the court for reporting, the Department shall ensure that a report is given to the court that complies with the requirements of the Act. Provides that the Department shall also make reasonable efforts to facilitate the youth's appearance in court, if required. Provides that, if the court sets a court date after a youth's anticipated release from a Department facility, this does not prevent the Department from exercising its release authority under the Unified Code of Corrections. Provides that if a youth is released to aftercare supervision prior to the date set by the court for the youth's return, the Department shall make reasonable efforts to facilitate the youth's appearance in court.

LRB104 18091 RLC 31530 b

1 AN ACT concerning courts.

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 5-745 and 5-750 as follows:

6 (705 ILCS 405/5-745)

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

8 Sec. 5-745. Court review.

9 (1) The court may require any legal custodian or guardian
10 of the person appointed under this Act, including the
11 Department of Juvenile Justice for youth committed under
12 Section 5-750 of this Act, to report periodically to the court
13 or may cite the legal custodian or guardian into court and
14 require the legal custodian or guardian, or the legal
15 custodian's or guardian's agency, to make a full and accurate
16 report of the doings of the legal custodian, guardian, or
17 agency on behalf of the minor, including efforts to secure
18 post-release placement of the youth after release from the
19 Department's facilities. The legal custodian or guardian,
20 within 10 days after the citation, shall make the report,
21 either in writing verified by affidavit or orally under oath
22 in open court, or otherwise as the court directs. Upon the
23 hearing of the report, the court may remove the legal

1 custodian or guardian and appoint another in the legal
2 custodian's or guardian's stead or restore the minor to the
3 custody of the minor's parents or former guardian or legal
4 custodian.

5 (2) If the Department of Children and Family Services is
6 appointed legal custodian or guardian of a minor under Section
7 5-740 of this Act, the Department of Children and Family
8 Services shall file updated case plans with the court every 6
9 months. Every agency which has guardianship of a child shall
10 file a supplemental petition for court review, or review by an
11 administrative body appointed or approved by the court and
12 further order within 18 months of the sentencing order and
13 each 18 months thereafter. The petition shall state facts
14 relative to the child's present condition of physical, mental,
15 and emotional health as well as facts relative to the minor's
16 present custodial or foster care. The petition shall be set
17 for hearing and the clerk shall mail 10 days' ~~days~~ notice of
18 the hearing by certified mail, return receipt requested, to
19 the person or agency having the physical custody of the child,
20 the minor and other interested parties unless a written waiver
21 of notice is filed with the petition.

22 If the minor is in the custody of the Illinois Department
23 of Children and Family Services, pursuant to an order entered
24 under this Article, the court shall conduct permanency
25 hearings as set out in subsections (1), (1.5), (1.6), (2),
26 (2.3), (2.4), (2.5), and (3) of Section 2-28 of Article II of

1 this Act.

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

5 (3) The minor or any person interested in the minor may
6 apply to the court for a change in custody of the minor and the
7 appointment of a new custodian or guardian of the person or for
8 the restoration of the minor to the custody of the minor's
9 parents or former guardian or custodian. In the event that the
10 minor has attained 18 years of age and the guardian or
11 custodian petitions the court for an order terminating the
12 minor's guardianship or custody, guardianship or legal custody
13 shall terminate automatically 30 days after the receipt of the
14 petition unless the court orders otherwise. No legal custodian
15 or guardian of the person may be removed without the legal
16 custodian's or guardian's consent until given notice and an
17 opportunity to be heard by the court.

18 (4) If the minor is committed to the Department of
19 Juvenile Justice under Section 5-750 of this Act, the
20 Department shall notify the court in writing of the occurrence
21 of any of the following:

22 (a) a critical incident involving a youth committed to
23 the Department; as used in this paragraph (a), "critical
24 incident" means any incident that involves a serious risk
25 to the life, health, or well-being of the youth and
26 includes, but is not limited to, an accident or suicide

1 attempt resulting in serious bodily harm or
2 hospitalization, psychiatric hospitalization, alleged or
3 suspected abuse, or escape or attempted escape from
4 custody, filed within 10 days of the occurrence;

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

9 (c) a youth, except a youth who has been adjudicated a
10 habitual or violent juvenile offender under Section 5-815
11 or 5-820 of this Act or committed for first degree murder,
12 who has been held in a Department facility for over one
13 consecutive year; or

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

17 The notification required by this subsection (4) shall contain
18 a brief description of the incident or situation and a summary
19 of the youth's current physical, mental, and emotional health
20 and the actions the Department took in response to the
21 incident or to identify an aftercare release host site, as
22 applicable. Upon receipt of the notification, the court may
23 require the Department to make a full report under subsection
24 (1) of this Section.

25 (5) With respect to any report required to be filed with
26 the court under this Section, the Independent Juvenile

1 Ombudsperson shall provide a copy to the minor's court
2 appointed guardian ad litem, if the Department has received
3 written notice of the appointment, and to the minor's
4 attorney, if the Department has received written notice of
5 representation from the attorney. If the Department has a
6 record that a guardian has been appointed for the minor and a
7 record of the last known address of the minor's court
8 appointed guardian, the Independent Juvenile Ombudsperson
9 shall send a notice to the guardian that the report is
10 available and will be provided by the Independent Juvenile
11 Ombudsperson upon request. If the Department has no record
12 regarding the appointment of a guardian for the minor, and the
13 Department's records include the last known addresses of the
14 minor's parents, the Independent Juvenile Ombudsperson shall
15 send a notice to the parents that the report is available and
16 will be provided by the Independent Juvenile Ombudsperson upon
17 request.

18 (Source: P.A. 103-22, eff. 8-8-23; 103-1061, eff. 2-5-25;
19 104-66, eff. 1-1-26; revised 11-21-25.)

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

21 Sec. 5-745. Court review.

22 (1) The court may require any legal custodian or guardian
23 of the person appointed under this Act, including the
24 Department of Juvenile Justice for youth committed under
25 Section 5-750 of this Act, to report periodically to the court

1 or may cite the legal custodian or guardian into court and
2 require the legal custodian or guardian, or the legal
3 custodian's or guardian's agency, to make a full and accurate
4 report of the doings of the legal custodian, guardian, or
5 agency on behalf of the minor, including efforts to secure
6 post-release placement of the youth after release from the
7 Department's facilities. The legal custodian or guardian,
8 within 10 days after the citation, shall make the report,
9 either in writing verified by affidavit or orally under oath
10 in open court, or otherwise as the court directs. Upon the
11 hearing of the report, the court may remove the legal
12 custodian or guardian and appoint another in the legal
13 custodian's or guardian's stead or restore the minor to the
14 custody of the minor's parents or former guardian or legal
15 custodian.

16 (2) If the Department of Children and Family Services is
17 appointed legal custodian or guardian of a minor under Section
18 5-740 of this Act, the Department of Children and Family
19 Services shall file updated case plans with the court every 6
20 months. Every agency which has guardianship of a child shall
21 file a supplemental petition for court review, or review by an
22 administrative body appointed or approved by the court and
23 further order within 18 months of the sentencing order and
24 each 18 months thereafter. The petition shall state facts
25 relative to the child's present condition of physical, mental,
26 and emotional health as well as facts relative to the minor's

1 present custodial or foster care. The petition shall be set
2 for hearing and the clerk shall mail 10 days' ~~days~~ notice of
3 the hearing by certified mail, return receipt requested, to
4 the person or agency having the physical custody of the child,
5 the minor and other interested parties unless a written waiver
6 of notice is filed with the petition.

7 If the minor is in the custody of the Illinois Department
8 of Children and Family Services, pursuant to an order entered
9 under this Article, the court shall conduct permanency
10 hearings as set out in subsections (1), (1.5), (1.6), (2),
11 (2.3), (2.4), (2.5), and (3) of Section 2-28 of Article II of
12 this Act and Successful Transition to Adulthood Review
13 hearings as set out in Section 2-28.2 of Article II of this
14 Act.

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

18 (3) The minor or any person interested in the minor may
19 apply to the court for a change in custody of the minor and the
20 appointment of a new custodian or guardian of the person or for
21 the restoration of the minor to the custody of the minor's
22 parents or former guardian or custodian. In the event that the
23 minor has attained 18 years of age and the guardian or
24 custodian petitions the court for an order terminating the
25 minor's guardianship or custody, guardianship or legal custody
26 shall terminate automatically 30 days after the receipt of the

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

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

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

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

22 (c) a youth, except a youth who has been adjudicated a
23 habitual or violent juvenile offender under Section 5-815
24 or 5-820 of this Act or committed for first degree murder,
25 who has been held in a Department facility for over one
26 consecutive year; or

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

4 The notification required by this subsection (4) shall contain
5 a brief description of the incident or situation and a summary
6 of the youth's current physical, mental, and emotional health
7 and the actions the Department took in response to the
8 incident or to identify an aftercare release host site, as
9 applicable. Upon receipt of the notification, the court may
10 require the Department to make a full report under subsection
11 (1) of this Section. Required notification by the court under
12 this Act does not prevent the Department from exercising its
13 release authority under Section 3-2.5-20 of the Unified Code
14 of Corrections. If a youth is released to aftercare
15 supervision prior to the date set by the court for reporting,
16 the Department shall ensure that a report is given to the court
17 that complies with the requirements of this Act. The
18 Department shall also make reasonable efforts to facilitate
19 the youth's appearance in court, if required.

20 (5) With respect to any report required to be filed with
21 the court under this Section, the Independent Juvenile
22 Ombudsperson shall provide a copy to the minor's court
23 appointed guardian ad litem, if the Department has received
24 written notice of the appointment, and to the minor's
25 attorney, if the Department has received written notice of
26 representation from the attorney. If the Department has a

1 record that a guardian has been appointed for the minor and a
2 record of the last known address of the minor's court
3 appointed guardian, the Independent Juvenile Ombudsperson
4 shall send a notice to the guardian that the report is
5 available and will be provided by the Independent Juvenile
6 Ombudsperson upon request. If the Department has no record
7 regarding the appointment of a guardian for the minor, and the
8 Department's records include the last known addresses of the
9 minor's parents, the Independent Juvenile Ombudsperson shall
10 send a notice to the parents that the report is available and
11 will be provided by the Independent Juvenile Ombudsperson upon
12 request.

13 (Source: P.A. 103-22, eff. 8-8-23; 103-1061, eff. 2-5-25;
14 104-66, eff. 1-1-26; 104-107, eff. 7-1-26; revised 11-21-25.)

15 (705 ILCS 405/5-750)

16 Sec. 5-750. Commitment to the Department of Juvenile
17 Justice.

18 (1) Except as provided in subsection (2) of this Section,
19 when any delinquent has been adjudged a ward of the court under
20 this Act, the court may commit the minor to the Department of
21 Juvenile Justice, if it finds that (a) the minor's parents,
22 guardian or legal custodian are unfit or are unable, for some
23 reason other than financial circumstances alone, to care for,
24 protect, train or discipline the minor, or are unwilling to do
25 so, and the best interests of the minor and the public will not

1 be served by placement under Section 5-740, or it is necessary
2 to ensure the protection of the public from the consequences
3 of criminal activity of the delinquent; and (b) commitment to
4 the Department of Juvenile Justice is the least restrictive
5 alternative based on evidence that efforts were made to locate
6 less restrictive alternatives to secure confinement and the
7 reasons why efforts were unsuccessful in locating a less
8 restrictive alternative to secure confinement. Before the
9 court commits a minor to the Department of Juvenile Justice,
10 it shall make a finding that secure confinement is necessary,
11 following a review of the following individualized factors:

12 (A) Age of the minor.

13 (B) Criminal background of the minor.

14 (C) Review of results of any assessments of the minor,
15 including child centered assessments such as the CANS.

16 (D) Educational background of the minor, indicating
17 whether the minor has ever been assessed for a learning
18 disability, and if so what services were provided as well
19 as any disciplinary incidents at school.

20 (E) Physical, mental and emotional health of the
21 minor, indicating whether the minor has ever been
22 diagnosed with a health issue and if so what services were
23 provided and whether the minor was compliant with
24 services.

25 (F) Community based services that have been provided
26 to the minor, and whether the minor was compliant with the

1 services, and the reason the services were unsuccessful.

2 (G) Services within the Department of Juvenile Justice
3 that will meet the individualized needs of the minor.

4 (1.5) Before the court commits a minor to the Department
5 of Juvenile Justice, the court must find reasonable efforts
6 have been made to prevent or eliminate the need for the minor
7 to be removed from the home, or reasonable efforts cannot, at
8 this time, for good cause, prevent or eliminate the need for
9 removal, and removal from home is in the best interests of the
10 minor, the minor's family, and the public.

11 (2) When a minor of the age of at least 13 years is
12 adjudged delinquent for the offense of first degree murder,
13 the court shall declare the minor a ward of the court and order
14 the minor committed to the Department of Juvenile Justice
15 until the minor's 21st birthday, without the possibility of
16 aftercare release, furlough, or non-emergency authorized
17 absence for a period of 5 years from the date the minor was
18 committed to the Department of Juvenile Justice, except that
19 the time that a minor spent in custody for the instant offense
20 before being committed to the Department of Juvenile Justice
21 shall be considered as time credited towards that 5 year
22 period. Upon release from a Department facility, a minor
23 adjudged delinquent for first degree murder shall be placed on
24 aftercare release until the age of 21, unless sooner
25 discharged from aftercare release or custodianship is
26 otherwise terminated in accordance with this Act or as

1 otherwise provided for by law. Nothing in this subsection (2)
2 shall preclude the State's Attorney from seeking to prosecute
3 a minor as an adult as an alternative to proceeding under this
4 Act.

5 (3) Except as provided in subsection (2), the commitment
6 of a delinquent to the Department of Juvenile Justice shall be
7 for an indeterminate term which shall automatically terminate
8 upon the delinquent attaining the age of 21 years or upon
9 completion of that period for which an adult could be
10 committed for the same act, whichever occurs sooner, unless
11 the delinquent is sooner discharged from aftercare release or
12 custodianship is otherwise terminated in accordance with this
13 Act or as otherwise provided for by law.

14 (3.5) Every delinquent minor committed to the Department
15 of Juvenile Justice under this Act shall be eligible for
16 aftercare release without regard to the length of time the
17 minor has been confined or whether the minor has served any
18 minimum term imposed. Aftercare release shall be administered
19 by the Department of Juvenile Justice, under the direction of
20 the Director. If the court sets a court date after a youth's
21 anticipated release from a Department facility, this does not
22 prevent the Department from exercising its release authority
23 under Section 3-2.5-20 of the Unified Code of Corrections. If
24 a youth is released to aftercare supervision prior to the date
25 set by the court for the youth's return, the Department shall
26 make reasonable efforts to facilitate the youth's appearance

1 in court. Unless sooner discharged, the Department of Juvenile
2 Justice shall discharge a minor from aftercare release upon
3 completion of the following aftercare release terms:

4 (a) One and a half years from the date a minor is
5 released from a Department facility, if the minor was
6 committed for a Class X felony;

7 (b) One year from the date a minor is released from a
8 Department facility, if the minor was committed for a
9 Class 1 or 2 felony; and

10 (c) Six months from the date a minor is released from a
11 Department facility, if the minor was committed for a
12 Class 3 felony or lesser offense.

13 (4) When the court commits a minor to the Department of
14 Juvenile Justice, it shall order the minor conveyed forthwith
15 to the appropriate reception station or other place designated
16 by the Department of Juvenile Justice, and shall appoint the
17 Director of Juvenile Justice legal custodian of the minor. The
18 clerk of the court shall issue to the Director of Juvenile
19 Justice a certified copy of the order, which constitutes proof
20 of the Director's authority. No other process need issue to
21 warrant the keeping of the minor.

22 (5) If a minor is committed to the Department of Juvenile
23 Justice, the clerk of the court shall forward to the
24 Department:

25 (a) the sentencing order and copies of committing
26 petition;

1 (b) all reports;

2 (c) the court's statement of the basis for ordering
3 the disposition;

4 (d) any sex offender evaluations;

5 (e) any risk assessment or substance abuse treatment
6 eligibility screening and assessment of the minor by an
7 agent designated by the State to provide assessment
8 services for the courts;

9 (f) the number of days, if any, which the minor has
10 been in custody and for which the minor is entitled to
11 credit against the sentence, which information shall be
12 provided to the clerk by the sheriff;

13 (g) any medical or mental health records or summaries
14 of the minor;

15 (h) the municipality where the arrest of the minor
16 occurred, the commission of the offense occurred, and the
17 minor resided at the time of commission;

18 (h-5) a report detailing the minor's criminal history
19 in a manner and form prescribed by the Department of
20 Juvenile Justice;

21 (i) all additional matters which the court directs the
22 clerk to transmit; and

23 (j) all police reports for sex offenses as defined by
24 the Sex Offender Management Board Act.

25 (6) Whenever the Department of Juvenile Justice lawfully
26 discharges from its custody and control a minor committed to

1 it, the Director of Juvenile Justice shall petition the court
2 for an order terminating the minor's custodianship. The
3 custodianship shall terminate automatically 30 days after
4 receipt of the petition unless the court orders otherwise.

5 (7) If, while on aftercare release, a minor committed to
6 the Department of Juvenile Justice who resides in this State
7 is charged under the criminal laws of this State, the criminal
8 laws of any other state, or federal law with an offense that
9 could result in a sentence of imprisonment within the
10 Department of Corrections, the penal system of any state, or
11 the federal Bureau of Prisons, the commitment to the
12 Department of Juvenile Justice and all rights and duties
13 created by that commitment are automatically suspended pending
14 final disposition of the criminal charge. If the minor is
15 found guilty of the criminal charge and sentenced to a term of
16 imprisonment in the penitentiary system of the Department of
17 Corrections, the penal system of any state, or the federal
18 Bureau of Prisons, the commitment to the Department of
19 Juvenile Justice shall be automatically terminated. If the
20 criminal charge is dismissed, the minor is found not guilty,
21 or the minor completes a criminal sentence other than
22 imprisonment within the Department of Corrections, the penal
23 system of any state, or the federal Bureau of Prisons, the
24 previously imposed commitment to the Department of Juvenile
25 Justice and the full aftercare release term shall be
26 automatically reinstated unless custodianship is sooner

1 terminated. Nothing in this subsection (7) shall preclude the
2 court from ordering another sentence under Section 5-710 of
3 this Act or from terminating the Department's custodianship
4 while the commitment to the Department is suspended.

5 (Source: P.A. 102-350, eff. 8-13-21; 103-22, eff. 8-8-23.)

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