



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4781

Introduced 2/6/2024, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Provides that the amendatory Act may be referred to as the Kinship in Demand (KIND) Act. Provides that the KIND Act creates the statutory vision and authority for the Department of Children and Family Services to execute a kin-first approach to service delivery and directs the juvenile courts to provide necessary oversight of the Department's obligations to maintain family connections and promote equitable opportunities for youth and families to thrive with relational permanence. Amends the Children and Family Services Act. Contains provisions concerning Department rules on relative, kinship, and licensed foster care; grants to subsidized guardians of hard-to-place children; a requirement on the Department to make reasonable efforts to place a child with a relative; documentation of the Department's reasons for failing to secure a relative placement; foster care maintenance payments for relatives who qualify for certification as a kinship caregiver home; subsidized guardianship support services for children and their guardians; certification and background checks on relative caregivers; annual reports regarding relative and kinship care placements; performance audits; and other matters. Amends the Child Care Act of 1969. Requires the Department to adopt standards for certifying kinship caregiver family homes that are different from licensing standards used for non-relative foster family homes. Contains provisions concerning background screenings of prospective kinship caregivers; a requirement that the Department assist relatives and prospective kinship caregivers with completing the steps required for approval as a kinship caregiver home; orientation activities for prospective kinship caregivers; Guardianship Assistance Program payments and services for relative caregivers; and other matters. Amends the Juvenile Court Act of 1987. Makes changes to provisions concerning "best interest" determinations; emergency placement of a minor with a willing relative pending a temporary custody hearing; court assessments on the Department's effort to place a minor with a relative; court ordered family-finding efforts; required notification to a minor's located relatives that the minor has been removed from the custody of the minor's parents; and other matters. Effective immediately.

LRB103 38607 KTG 68743 b

A BILL FOR

1 AN ACT concerning children.

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

4 Section 1. This Act may be referred to as the Kinship in
5 Demand (KIND) Act.

6 Section 2. Legislative findings and declaration of policy.
7 The General Assembly finds, determines, and declares the
8 following:

9 (1) The Kinship in Demand Act creates the statutory
10 vision and authority for the Department of Children and
11 Family Services to execute a kin-first approach to service
12 delivery and directs the juvenile courts to provide
13 necessary oversight of the Department's obligations to
14 maintain family connections and promote equitable
15 opportunities for youth and families to thrive with
16 relational permanence.

17 (2) Connection to family, community, and culture
18 creates emotional and relational permanency. Emotional and
19 relational permanency includes recognizing and supporting
20 many types of important long-term relationships that help
21 a youth feel loved and connected.

22 (3) Federal policy prioritizes placement with
23 relatives or close family friends when youth enter into

1 the foster system. Research consistently demonstrates that
2 placing youth with their kin lessens the trauma of family
3 separation, reduces placement disruptions, enhances
4 permanency options if youth cannot be reunified, results
5 in higher placement satisfaction for youth in care, and
6 delivers better social, behavioral, mental health, and
7 educational outcomes for youth than non-kin foster care.

8 (4) Kinship placements are not only more stable, they
9 are shown to reduce the time to permanence when both
10 subsidized guardianship and adoption are available as
11 permanency options. By making the duration in foster care
12 shorter, kinship placements can help to mitigate the
13 long-term consequences of family separation. This reality
14 means that the State should encourage kinship
15 guardianship, and carefully consider how such arrangements
16 help children with existing family structures which can be
17 damaged by the termination of parental rights.

18 (5) It is in the State's public policy interest to
19 adopt a kin-first culture for the Illinois foster system
20 and ensure that youth placed in the care of relatives by
21 the Department of Children and Family Services receive
22 equitable resources and permanency planning tailored to
23 each family's unique needs. The Department of Children and
24 Family Services must promote kinship placement, help youth
25 in care maintain connections with their families, tailor
26 services and supports to kinship families, and listen to

1 the voices of youth, their families, and kinship
2 caregivers to materially improve young people's
3 experiences. The Department's policies and resource
4 allocations must align with kin-first values and the
5 Department must pursue federal funding opportunities to
6 enhance kinship care. Lawyers and judges in juvenile court
7 play a meaningful role in creating a kin-first culture.
8 The juvenile court must have sufficient information at all
9 stages of the process to provide essential judicial
10 oversight of the Department's efforts to contact and
11 engage relatives as well as hear directly from relatives
12 who assert they have capacity to provide placement and
13 relational permanence for youth in the care of the
14 Department.

15 (6) The financial costs of raising a child, whether
16 borne by a relative or a foster parent, are significant.
17 Youth in care who are placed with relatives should not be
18 deprived of the financial resources available to
19 non-relative foster parents. Foster home licensing
20 standards comprise the foundation on which different and
21 insufficient financial support for relative caregivers
22 compared to non-relatives is built, a disparity that
23 undermines the economic security, well-being, and
24 equitable access to federal foster care maintenance
25 payments for youth living with kin. In September 2023, the
26 U.S. Department of Health and Human Services authorized

1 states to voluntarily establish different licensing or
2 approval standards for kinship caregivers to remove
3 barriers to kinship caregiving that harms youth and
4 impedes attainment of permanency. To address inequities
5 and harms, the General Assembly intends to effectuate this
6 federal rule and to leverage every opportunity permitted
7 by the federal government to obtain federal funds for (i)
8 family finding and relative placements, including payments
9 for kinship caregivers at least equivalent to those
10 provided to licensed foster parents and (ii) kinship
11 navigator programs, which the federal government asserts
12 are essential components of the foster system, designed to
13 support kinship caregivers who are providing homes for
14 youth in care.

15 Section 5. The Children and Family Services Act is amended
16 by changing Sections 4d, 5, 6a, 7, and 7.3 and by adding
17 Sections 50 and 55 as follows:

18 (20 ILCS 505/4d)

19 Sec. 4d. Definitions ~~Definition~~. As used in this Act:

20 "Kinship caregiver" has the meaning ascribed to that term
21 in Section 2.36 of the Child Care Act of 1969.

22 "Kinship caregiver home" has the meaning ascribed to that
23 term in Section 2.37 of the Child Care Act of 1969.

24 "Relative" has the meaning ascribed to that term in

1 Section 2.36 of the Child Care Act of 1969.

2 "Relative home" has the meaning ascribed to that term in
3 Section 2.38 of the Child Care Act of 1969.

4 "Subsidized guardian" means a person who receives
5 guardianship assistance program payments for providing care as
6 the guardian of the person of a minor.

7 "Subsidized guardianship" means the exit of a child from
8 foster care under the responsibility of the State to a
9 guardian of a person of a minor who receives guardianship
10 assistance program payments. Payments may be funded through
11 State funds, federal funds, or both State and federal funds.

12 "Youth in care" means persons placed in the temporary
13 custody or guardianship of the Department pursuant to the
14 Juvenile Court Act of 1987.

15 (Source: P.A. 100-159, eff. 8-18-17.)

16 (20 ILCS 505/5)

17 Sec. 5. Direct child welfare services; Department of
18 Children and Family Services. To provide direct child welfare
19 services when not available through other public or private
20 child care or program facilities.

21 (a) For purposes of this Section:

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

25 (A) were committed to the Department pursuant to

1 the Juvenile Court Act or the Juvenile Court Act of
2 1987 and who continue under the jurisdiction of the
3 court; or

4 (B) were accepted for care, service and training
5 by the Department prior to the age of 18 and whose best
6 interest in the discretion of the Department would be
7 served by continuing that care, service and training
8 because of severe emotional disturbances, physical
9 disability, social adjustment or any combination
10 thereof, or because of the need to complete an
11 educational or vocational training program.

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

16 (3) "Child welfare services" means public social
17 services which are directed toward the accomplishment of
18 the following purposes:

19 (A) protecting and promoting the health, safety
20 and welfare of children, including homeless,
21 dependent, or neglected children;

22 (B) remedying, or assisting in the solution of
23 problems which may result in, the neglect, abuse,
24 exploitation, or delinquency of children;

25 (C) preventing the unnecessary separation of
26 children from their families by identifying family

1 problems, assisting families in resolving their
2 problems, and preventing the breakup of the family
3 where the prevention of child removal is desirable and
4 possible when the child can be cared for at home
5 without endangering the child's health and safety;

6 (D) restoring to their families children who have
7 been removed, by the provision of services to the
8 child and the families when the child can be cared for
9 at home without endangering the child's health and
10 safety;

11 (E) placing children in suitable permanent family
12 arrangements, through guardianship or adoption, in
13 cases where restoration to the birth family is not
14 safe, possible, or appropriate;

15 (F) at the time of placement, conducting
16 concurrent planning, as described in subsection (1-1)
17 of this Section, so that permanency may occur at the
18 earliest opportunity. Consideration should be given so
19 that if reunification fails or is delayed, the
20 placement made is the best available placement to
21 provide permanency for the child;

22 (G) (blank);

23 (H) (blank); and

24 (I) placing and maintaining children in facilities
25 that provide separate living quarters for children
26 under the age of 18 and for children 18 years of age

1 and older, unless a child 18 years of age is in the
2 last year of high school education or vocational
3 training, in an approved individual or group treatment
4 program, in a licensed shelter facility, or secure
5 child care facility. The Department is not required to
6 place or maintain children:

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

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

11 (iii) who are female children who are
12 pregnant, pregnant and parenting, or parenting, or

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

17 (b) (Blank).

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

1 and placement availability.

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

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

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

1 Section concerning advance disbursements shall not apply with
2 respect to the following: payments to local public agencies
3 for child day care services as authorized by Section 5a of this
4 Act; and youth service programs receiving grant funds under
5 Section 17a-4.

6 (e) (Blank).

7 (f) (Blank).

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

13 (1) reunification, guardianship, and adoption;

14 (2) relative, kinship, and licensed foster care;

15 (3) family counseling;

16 (4) protective services;

17 (5) (blank);

18 (6) homemaker service;

19 (7) return of runaway children;

20 (8) (blank);

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

25 (10) interstate services.

26 Rules and regulations established by the Department shall

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

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

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

- 23 (1) case management;
- 24 (2) homemakers;
- 25 (3) counseling;
- 26 (4) parent education;

- 1 (5) day care; ~~and~~
- 2 (6) emergency assistance and advocacy; ~~and~~ -
- 3 (7) kinship navigator and relative caregiver supports.

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

- 6 (1) comprehensive family-based services;
- 7 (2) assessments;
- 8 (3) respite care; and
- 9 (4) in-home health services.

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

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

1 determined eligible for financial assistance under this
2 subsection (j) in the interim period beginning when the
3 child's: (i) adoptive parents died and ending with the
4 finalization of a subsidized guardianship or ~~the~~ new adoption
5 of the child by subsidized guardianship or another adoptive
6 parent or parents or (ii) subsidized guardians died and ending
7 with the finalization of the new adoption or guardianship of
8 the child by another adoptive parent or subsidized guardian.

9 The Department may also provide categories of financial
10 assistance and education assistance grants, and shall
11 establish rules and regulations for the assistance and grants,
12 to persons appointed guardian of the person under Section 5-7
13 of the Juvenile Court Act or Section 2-27, 3-28, 4-25, or 5-740
14 of the Juvenile Court Act of 1987 for children who were youth
15 in care for 12 months immediately prior to the appointment of
16 the guardian.

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

24 Any financial assistance provided under this subsection is
25 inalienable by assignment, sale, execution, attachment,
26 garnishment, or any other remedy for recovery or collection of

1 a judgment or debt.

2 (j-5) The Department shall not deny or delay the placement
3 of a child for subsidized guardianship or adoption if an
4 approved family is available either outside of the Department
5 region handling the case, or outside of the State of Illinois.

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

10 (l) The Department shall offer family preservation
11 services, as defined in Section 8.2 of the Abused and
12 Neglected Child Reporting Act, to help families, including
13 adoptive and extended families. Family preservation services
14 shall be offered (i) to prevent the placement of children in
15 substitute care when the children can be cared for at home or
16 in the custody of the person responsible for the children's
17 welfare, (ii) to reunite children with their families, or
18 (iii) to maintain an adoption or subsidized guardianship
19 ~~adoptive placement~~. Family preservation services shall only be
20 offered when doing so will not endanger the children's health
21 or safety. With respect to children who are in substitute care
22 pursuant to the Juvenile Court Act of 1987, family
23 preservation services shall not be offered if a goal other
24 than those of subdivisions (A), (B), or (B-1) of subsection
25 (2) of Section 2-28 of that Act has been set, except that
26 reunification services may be offered as provided in paragraph

1 (F) of subsection (2) of Section 2-28 of that Act. Nothing in
2 this paragraph shall be construed to create a private right of
3 action or claim on the part of any individual or child welfare
4 agency, except that when a child is the subject of an action
5 under Article II of the Juvenile Court Act of 1987 and the
6 child's service plan calls for services to facilitate
7 achievement of the permanency goal, the court hearing the
8 action under Article II of the Juvenile Court Act of 1987 may
9 order the Department to provide the services set out in the
10 plan, if those services are not provided with reasonable
11 promptness and if those services are available.

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

1 if the report is determined to be unfounded, if the conditions
2 in the child's or family's home are reasonably likely to
3 subject the child or family to future reports of suspected
4 child abuse or neglect. Acceptance of such services shall be
5 voluntary. The Department may also provide services to any
6 child or family after completion of a family assessment, as an
7 alternative to an investigation, as provided under the
8 "differential response program" provided for in subsection
9 (a-5) of Section 7.4 of the Abused and Neglected Child
10 Reporting Act.

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

1 exists, which must be defined by departmental rule, or (iii) a
2 minor for whom the court has granted a supplemental petition
3 to reinstate wardship pursuant to subsection (2) of Section
4 2-33 of the Juvenile Court Act of 1987. On and after January 1,
5 2017, a minor charged with a criminal offense under the
6 Criminal Code of 1961 or the Criminal Code of 2012 or
7 adjudicated delinquent shall not be placed in the custody of
8 or committed to the Department by any court, except (i) a minor
9 less than 15 years of age committed to the Department under
10 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
11 for whom an independent basis of abuse, neglect, or dependency
12 exists, which must be defined by departmental rule, or (iii) a
13 minor for whom the court has granted a supplemental petition
14 to reinstate wardship pursuant to subsection (2) of Section
15 2-33 of the Juvenile Court Act of 1987. An independent basis
16 exists when the allegations or adjudication of abuse, neglect,
17 or dependency do not arise from the same facts, incident, or
18 circumstances which give rise to a charge or adjudication of
19 delinquency. The Department shall assign a caseworker to
20 attend any hearing involving a youth in the care and custody of
21 the Department who is placed on aftercare release, including
22 hearings involving sanctions for violation of aftercare
23 release conditions and aftercare release revocation hearings.

24 As soon as is possible ~~after August 7, 2009 (the effective~~
25 ~~date of Public Act 96-134)~~, the Department shall develop and
26 implement a special program of family preservation services to

1 support intact, relative and kinship caregiver, foster, and
2 adoptive families who are experiencing extreme hardships due
3 to the difficulty and stress of caring for a child who has been
4 diagnosed with a pervasive developmental disorder if the
5 Department determines that those services are necessary to
6 ensure the health and safety of the child. The Department may
7 offer services to any family whether or not a report has been
8 filed under the Abused and Neglected Child Reporting Act. The
9 Department may refer the child or family to services available
10 from other agencies in the community if the conditions in the
11 child's or family's home are reasonably likely to subject the
12 child or family to future reports of suspected child abuse or
13 neglect. Acceptance of these services shall be voluntary. The
14 Department shall develop and implement a public information
15 campaign to alert health and social service providers and the
16 general public about these special family preservation
17 services. The nature and scope of the services offered and the
18 number of families served under the special program
19 implemented under this paragraph shall be determined by the
20 level of funding that the Department annually allocates for
21 this purpose. The term "pervasive developmental disorder"
22 under this paragraph means a neurological condition,
23 including, but not limited to, Asperger's Syndrome and autism,
24 as defined in the most recent edition of the Diagnostic and
25 Statistical Manual of Mental Disorders of the American
26 Psychiatric Association.

1 (1-1) The General Assembly recognizes that the best
2 interests of the child require that the child be placed in a
3 ~~the most~~ permanent living arrangement that is an appropriate
4 option for the child, using the factors set forth in
5 subsection (4.05) of Section 1-3 of the Juvenile Court Act of
6 1987 as soon as is practically possible. To achieve this goal,
7 the General Assembly directs the Department of Children and
8 Family Services to conduct concurrent planning so that
9 permanency may occur at the earliest opportunity. Permanent
10 living arrangements may include prevention of placement of a
11 child outside the home of the family when the child can be
12 cared for at home without endangering the child's health or
13 safety; reunification with the family, when safe and
14 appropriate, if temporary placement is necessary; or movement
15 of the child toward the most appropriate ~~permanent~~ living
16 arrangement and ~~permanent~~ legal status.

17 When determining reasonable efforts to be made with
18 respect to a child, as described in this subsection, and in
19 making such reasonable efforts, the child's health and safety
20 shall be the paramount concern.

21 When a child is placed in foster care, the Department
22 shall ensure and document that reasonable efforts were made to
23 prevent or eliminate the need to remove the child from the
24 child's home. The Department must make reasonable efforts to
25 reunify the family when temporary placement of the child
26 occurs unless otherwise required, pursuant to the Juvenile

1 Court Act of 1987. At any time after the dispositional hearing
2 where the Department believes that further reunification
3 services would be ineffective, it may request a finding from
4 the court that reasonable efforts are no longer appropriate.
5 The Department is not required to provide further
6 reunification services after such a finding.

7 A decision to place a child in substitute care shall be
8 made with considerations of the child's health, safety, and
9 best interests. The Department shall make reasonable efforts
10 to place the child with a relative, document those reasonable
11 efforts, and document reasons for any failure or inability to
12 secure such a relative placement. If the primary issue
13 preventing an emergency placement of a child with a relative
14 is a lack of resources, including, but not limited to,
15 concrete goods, safety modifications, and services, the
16 Department shall make reasonable efforts to assist the
17 relative in obtaining the necessary resources. At the time of
18 placement, consideration should also be given so that if
19 reunification fails or is delayed, the placement has the
20 potential to be an appropriate permanent placement ~~made is the~~
21 ~~best available placement to provide permanency~~ for the child.

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

- 26 (1) the likelihood of prompt reunification;

- 1 (2) the past history of the family;
- 2 (3) the barriers to reunification being addressed by
- 3 the family;
- 4 (4) the level of cooperation of the family;
- 5 (4.5) the child's wishes;
- 6 (5) the relative, kinship caregiver, or other foster
- 7 parents' willingness to work with the family to reunite;
- 8 (6) the willingness and ability of the relative,
- 9 kinship caregiver, or other foster family to provide a
- 10 permanent placement ~~an adoptive home or long term~~
- 11 ~~placement;~~
- 12 (7) the age of the child;
- 13 (8) placement of siblings; and -
- 14 (9) the wishes of the parent or parents unless the
- 15 parental preferences jeopardize the health and safety of
- 16 the child.

17 (m) The Department may assume temporary custody of any
18 child if:

- 19 (1) it has received a written consent to such
- 20 temporary custody signed by the parents of the child or by
- 21 the parent having custody of the child if the parents are
- 22 not living together or by the guardian or custodian of the
- 23 child if the child is not in the custody of either parent,
- 24 or
- 25 (2) the child is found in the State and neither a
- 26 parent, guardian nor custodian of the child can be

1 located.

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

18 The Department shall have the authority, responsibilities
19 and duties that a legal custodian of the child would have
20 pursuant to subsection (9) of Section 1-3 of the Juvenile
21 Court Act of 1987. Whenever a child is taken into temporary
22 custody pursuant to an investigation under the Abused and
23 Neglected Child Reporting Act, or pursuant to a referral and
24 acceptance under the Juvenile Court Act of 1987 of a minor in
25 limited custody, the Department, during the period of
26 temporary custody and before the child is brought before a

1 judicial officer as required by Section 2-9, 3-11, 4-8, or
2 5-415 of the Juvenile Court Act of 1987, shall have the
3 authority, responsibilities and duties that a legal custodian
4 of the child would have under subsection (9) of Section 1-3 of
5 the Juvenile Court Act of 1987.

6 The Department shall ensure that any child taken into
7 custody is scheduled for an appointment for a medical
8 examination.

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

25 (m-1) The Department may place children under 18 years of
26 age in a secure child care facility licensed by the Department

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

13 (n) The Department may place children under 18 years of
14 age in licensed child care facilities when in the opinion of
15 the Department, appropriate services aimed at family
16 preservation have been unsuccessful and cannot ensure the
17 child's health and safety or are unavailable and such
18 placement would be for their best interest. Payment for board,
19 clothing, care, training and supervision of any child placed
20 in a licensed child care facility may be made by the
21 Department, by the parents or guardians of the estates of
22 those children, or by both the Department and the parents or
23 guardians, except that no payments shall be made by the
24 Department for any child placed in a licensed child care
25 facility for board, clothing, care, training, and supervision
26 of such a child that exceed the average per capita cost of

1 maintaining and of caring for a child in institutions for
2 dependent or neglected children operated by the Department.
3 However, such restriction on payments does not apply in cases
4 where children require specialized care and treatment for
5 problems of severe emotional disturbance, physical disability,
6 social adjustment, or any combination thereof and suitable
7 facilities for the placement of such children are not
8 available at payment rates within the limitations set forth in
9 this Section. All reimbursements for services delivered shall
10 be absolutely inalienable by assignment, sale, attachment, or
11 garnishment or otherwise.

12 (n-1) The Department shall provide or authorize child
13 welfare services, aimed at assisting minors to achieve
14 sustainable self-sufficiency as independent adults, for any
15 minor eligible for the reinstatement of wardship pursuant to
16 subsection (2) of Section 2-33 of the Juvenile Court Act of
17 1987, whether or not such reinstatement is sought or allowed,
18 provided that the minor consents to such services and has not
19 yet attained the age of 21. The Department shall have
20 responsibility for the development and delivery of services
21 under this Section. An eligible youth may access services
22 under this Section through the Department of Children and
23 Family Services or by referral from the Department of Human
24 Services. Youth participating in services under this Section
25 shall cooperate with the assigned case manager in developing
26 an agreement identifying the services to be provided and how

1 the youth will increase skills to achieve self-sufficiency. A
2 homeless shelter is not considered appropriate housing for any
3 youth receiving child welfare services under this Section. The
4 Department shall continue child welfare services under this
5 Section to any eligible minor until the minor becomes 21 years
6 of age, no longer consents to participate, or achieves
7 self-sufficiency as identified in the minor's service plan.
8 The Department of Children and Family Services shall create
9 clear, readable notice of the rights of former foster youth to
10 child welfare services under this Section and how such
11 services may be obtained. The Department of Children and
12 Family Services and the Department of Human Services shall
13 disseminate this information statewide. The Department shall
14 adopt regulations describing services intended to assist
15 minors in achieving sustainable self-sufficiency as
16 independent adults.

17 (o) The Department shall establish an administrative
18 review and appeal process for children and families who
19 request or receive child welfare services from the Department.
20 Youth in care who are placed by private child welfare
21 agencies, and caregivers ~~foster families~~ with whom those youth
22 are placed, shall be afforded the same procedural and appeal
23 rights as children and families in the case of placement by the
24 Department, including the right to an initial review of a
25 private agency decision by that agency. The Department shall
26 ensure that any private child welfare agency, which accepts

1 youth in care for placement, affords those rights to children
2 and caregivers with whom those youth are placed ~~foster~~
3 ~~families~~. The Department shall accept for administrative
4 review and an appeal hearing a complaint made by (i) a child or
5 caregiver with whom the youth is placed ~~foster family~~
6 concerning a decision following an initial review by a private
7 child welfare agency, ~~or~~ (ii) a prospective subsidized
8 guardian or adoptive parent who alleges a violation of
9 subsection (j-5) of this Section, or (iii) a prospective
10 kinship caregiver who alleges a violation of Section 3.4 of
11 the Child Care Act of 1969. An appeal of a decision concerning
12 a change in the placement of a child shall be conducted in an
13 expedited manner. A court determination that a current ~~foster~~
14 ~~home~~ placement is necessary and appropriate under Section 2-28
15 of the Juvenile Court Act of 1987 does not constitute a
16 judicial determination on the merits of an administrative
17 appeal, filed by a former caregiver ~~foster parent~~, involving a
18 change of placement decision.

19 (p) (Blank).

20 (q) The Department may receive and use, in their entirety,
21 for the benefit of children any gift, donation, or bequest of
22 money or other property which is received on behalf of such
23 children, or any financial benefits to which such children are
24 or may become entitled while under the jurisdiction or care of
25 the Department, except that the benefits described in Section
26 5.46 must be used and conserved consistent with the provisions

1 under Section 5.46.

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

13 In disbursing funds from children's accounts, the
14 Department shall:

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

23 (2) Calculate on a monthly basis the amounts paid from
24 State funds for the child's board and care, medical care
25 not covered under Medicaid, and social services; and
26 utilize funds from the child's account, as covered by

1 regulation, to reimburse those costs. Monthly,
2 disbursements from all children's accounts, up to 1/12 of
3 \$13,000,000, shall be deposited by the Department into the
4 General Revenue Fund and the balance over 1/12 of
5 \$13,000,000 into the DCFS Children's Services Fund.

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

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

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

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

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

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

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

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

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

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

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

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

26 The caregiver ~~caretaker~~ shall be informed of any known

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

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

1 provided to the prospective caregiver ~~adoptive parent or~~
2 ~~parents or other caretaker~~ shall be reviewed and approved
3 regarding accuracy at the supervisory level.

4 (u-5) Effective July 1, 1995, only foster care placements
5 licensed as foster family homes pursuant to the Child Care Act
6 of 1969 shall be eligible to receive foster care payments from
7 the Department. Beginning July 1, 2024, relatives who qualify
8 for certification as a kinship caregiver home under Section
9 3.4 of the Child Care Act of 1969 shall be eligible to receive
10 foster care maintenance payments from the Department in an
11 amount no less than payments made to unrelated foster family
12 homes. Beginning January 1, 2025, relative homes providing
13 care to a child placed by the Department that are not certified
14 as a kinship caregiver home under Section 3.4 of the Child Care
15 Act of 1969 or a licensed foster family home shall be eligible
16 to receive payments from the Department in an amount no less
17 90% of the payments made to kinship caregiver homes. Relative
18 ~~caregivers who, as of July 1, 1995, were approved pursuant to~~
19 ~~approved relative placement rules previously promulgated by~~
20 ~~the Department at 89 Ill. Adm. Code 335 and had submitted an~~
21 ~~application for licensure as a foster family home may continue~~
22 ~~to receive foster care payments only until the Department~~
23 ~~determines that they may be licensed as a foster family home or~~
24 ~~that their application for licensure is denied or until~~
25 ~~September 30, 1995, whichever occurs first.~~

26 (u-6) To assist relatives and kinship caregivers, the

1 Department shall develop and implement a support program, as
2 follows:

3 (1) For relatives and kinship caregivers, the
4 Department is authorized to reimburse or prepay reasonable
5 expenditures to remedy home conditions necessary to
6 fulfill the safety-related requirements of kinship
7 caregiver homes.

8 (2) The Department may provide short-term emergency
9 funds to relatives and kinship caregiver homes
10 experiencing extreme hardships due to the difficulty and
11 stress associated with adding youth in care as new
12 household members. The program shall be funded through
13 appropriations from the General Revenue Fund, specifically
14 designated for such purposes.

15 (3) Consistent with federal law, the Department shall
16 include in any State Plan made in accordance with the
17 Adoption Assistance and Child Welfare Act of 1980, Titles
18 IV-E and XIX of the Social Security, and any other
19 applicable federal laws the provision of kinship navigator
20 program services for which the federal government pays
21 some or all of the cost to support relatives and kinship
22 caregivers of youth in care. The Department shall apply
23 for and administer all relevant federal aid in accordance
24 with law. Federal funds acquired for the kinship navigator
25 program shall be used for the development, implementation,
26 and operation of kinship navigator program services. The

1 kinship navigator program services shall provide
2 information, referral services, support, and assistance to
3 relatives and kinship caregivers of youth in care to
4 address their unique needs and challenges. Until the
5 Department is approved to receive federal funds for these
6 purposes, the Department shall provide quarterly updates
7 to the General Assembly on the Department's progress in
8 pursuing federal funding.

9 (u-7) To support finding permanency for children through
10 subsidized guardianship and to prevent disruption in
11 guardianship placements, the Department shall establish and
12 maintain accessible subsidized guardianship support services
13 for all children under 18 years of age placed in guardianship
14 who, immediately preceding the guardianship, were in the
15 custody or guardianship of the Department under Article II of
16 the Juvenile Court Act of 1987 and all children residing in
17 this State placed in guardianship in accordance with the
18 Interstate Compact on Placement of Children Act.

19 The Department shall establish and maintain a toll-free
20 number to respond to requests from the public about its
21 subsidized guardianship support services under this subsection
22 and shall staff the toll-free number so that calls are
23 answered on a timely basis, but in no event more than one
24 business day after the receipt of a request. To meet this
25 obligation, the Department may utilize the same toll-free
26 number the Department operates to respond to post-adoption

1 requests under subsection (b-5) of Section 18.9 of the
2 Adoption Act. The Department shall publicize information about
3 the Department's subsidized guardianship support services and
4 toll-free number as follows:

5 (1) it shall post information on the Department's
6 website;

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

10 (3) it shall reference such information in the
11 materials the Department provides to relative and kinship
12 caregivers pursuing subsidized guardianship to inform them
13 of their rights and responsibilities under the Child Care
14 Act of 1969 and the Children and Family Services Act;

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

20 (5) it shall include, in each annual notification
21 letter mailed to subsidized guardians, a short, 2-sided
22 flier or news bulletin in plain language that describes
23 access to post-guardianship finalization services, how to
24 access services under the Family Support Program, formerly
25 known as the Individual Care Grant Program, the webpage
26 address to the Post Adoption and Guardianship Services

1 booklet, information on how to request that a copy of the
2 booklet be mailed, and a sticker or magnet that includes
3 the toll-free number to access the Department's subsidized
4 guardianship support services; and

5 (6) it shall ensure that kinship navigator programs of
6 this State have this information to include in materials
7 the programs provide to kinship caregivers.

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

19 Every licensed child welfare agency and any entity
20 providing kinship navigator programs funded by the Department
21 shall provide the Department's website address and link to the
22 Department's subsidized guardianship support services
23 information set forth in subsection (d), including the
24 Department's toll-free number, to every relative who is or
25 will be providing guardianship placement for a child placed by
26 the Department. Beginning January 1, 2025, this information

1 shall be provided prior to placement.

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

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

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

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

18 (v-3) Prior to the final approval for placement of a child
19 in a relative home as defined in Section 2.38 of the Child Care
20 Act of 1969 or a kinship caregiver home as defined in Section
21 2.37 of the Child Care Act of 1969, the Department shall ensure
22 that background screening meets the standards required under
23 subsection (c) of Section 3.4 of the Child Care Act of 1969.

24 (w) (Blank). ~~Within 120 days of August 20, 1995 (the~~
25 ~~effective date of Public Act 89-392), the Department shall~~
26 ~~prepare and submit to the Governor and the General Assembly, a~~

1 ~~written plan for the development of in-state licensed secure~~
2 ~~child care facilities that care for children who are in need of~~
3 ~~secure living arrangements for their health, safety, and~~
4 ~~well-being. For purposes of this subsection, secure care~~
5 ~~facility shall mean a facility that is designed and operated~~
6 ~~to ensure that all entrances and exits from the facility, a~~
7 ~~building or a distinct part of the building, are under the~~
8 ~~exclusive control of the staff of the facility, whether or not~~
9 ~~the child has the freedom of movement within the perimeter of~~
10 ~~the facility, building, or distinct part of the building. The~~
11 ~~plan shall include descriptions of the types of facilities~~
12 ~~that are needed in Illinois; the cost of developing these~~
13 ~~secure care facilities; the estimated number of placements;~~
14 ~~the potential cost savings resulting from the movement of~~
15 ~~children currently out-of-state who are projected to be~~
16 ~~returned to Illinois; the necessary geographic distribution of~~
17 ~~these facilities in Illinois; and a proposed timetable for~~
18 ~~development of such facilities.~~

19 (x) The Department shall conduct annual credit history
20 checks to determine the financial history of children placed
21 under its guardianship pursuant to the Juvenile Court Act of
22 1987. The Department shall conduct such credit checks starting
23 when a youth in care turns 12 years old and each year
24 thereafter for the duration of the guardianship as terminated
25 pursuant to the Juvenile Court Act of 1987. The Department
26 shall determine if financial exploitation of the child's

1 personal information has occurred. If financial exploitation
2 appears to have taken place or is presently ongoing, the
3 Department shall notify the proper law enforcement agency, the
4 proper State's Attorney, or the Attorney General.

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

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

1 fee for conducting the criminal history record check, which
2 shall be deposited into the State Police Services Fund and
3 shall not exceed the actual cost of the record check. The
4 Illinois State Police shall furnish, pursuant to positive
5 identification, all Illinois conviction information to the
6 Department of Children and Family Services.

7 For purposes of this subsection:

8 "Background information" means all of the following:

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

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

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

26 "Department employee" means a full-time or temporary

1 employee coded or certified within the State of Illinois
2 Personnel System.

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

12 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
13 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.
14 1-1-24; 103-546, eff. 8-11-23; revised 9-25-23.)

15 (20 ILCS 505/6a) (from Ch. 23, par. 5006a)

16 Sec. 6a. Case plan.

17 (a) With respect to each Department client for whom the
18 Department is providing placement service, the Department
19 shall develop a case plan designed to stabilize the family
20 situation and prevent placement of a child outside the home of
21 the family when the child can be cared for at home without
22 endangering the child's health or safety, reunify the family
23 if temporary placement is necessary when safe and appropriate,
24 or move the child toward an appropriate ~~the most~~ permanent
25 living arrangement and permanent legal status, using the

1 factors set forth in subsection (4.05) of Section 1-3 of the
2 Juvenile Court Act of 1987. Such case plan shall provide for
3 the utilization of family preservation services as defined in
4 Section 8.2 of the Abused and Neglected Child Reporting Act.
5 Such case plan shall be reviewed and updated every 6 months.
6 The Department shall ensure that incarcerated parents are able
7 to participate in case plan reviews via teleconference or
8 videoconference. Where appropriate, the case plan shall
9 include recommendations concerning alcohol or drug abuse
10 evaluation.

11 If the parent is incarcerated, the case plan must address
12 the tasks that must be completed by the parent and how the
13 parent will participate in the administrative case review and
14 permanency planning hearings and, wherever possible, must
15 include treatment that reflects the resources available at the
16 facility where the parent is confined. The case plan must
17 provide for visitation opportunities, unless visitation is not
18 in the best interests of the child.

19 (b) The Department may enter into written agreements with
20 child welfare agencies to establish and implement case plan
21 demonstration projects. The demonstration projects shall
22 require that service providers develop, implement, review and
23 update client case plans. The Department shall examine the
24 effectiveness of the demonstration projects in promoting the
25 family reunification or the permanent placement of each client
26 and shall report its findings to the General Assembly no later

1 than 90 days after the end of the fiscal year in which any such
2 demonstration project is implemented.

3 (Source: P.A. 99-836, eff. 1-1-17.)

4 (20 ILCS 505/7) (from Ch. 23, par. 5007)

5 Sec. 7. Placement of children; considerations.

6 (a) In placing any child under this Act, the Department
7 shall place the child, as far as possible, in the care and
8 custody of some individual holding the same religious belief
9 as the parents of the child, or with some child care facility
10 which is operated by persons of like religious faith as the
11 parents of such child.

12 (a-5) In placing a child under this Act, the Department
13 shall place the child with the child's sibling or siblings
14 under Section 7.4 of this Act unless the placement is not in
15 each child's best interest, or is otherwise not possible under
16 the Department's rules. If the child is not placed with a
17 sibling under the Department's rules, the Department shall
18 consider placements that are likely to develop, preserve,
19 nurture, and support sibling relationships, where doing so is
20 in each child's best interest.

21 (b) In placing a child under this Act, the Department
22 shall ~~may~~ place a child with a relative if the Department
23 determines that the relative will be able to adequately
24 provide for the child's safety and welfare based on the
25 factors set forth in the Department's rules governing such

1 ~~relative~~ placements, and that the placement is consistent with
2 the child's best interests, taking into consideration the
3 factors set out in subsection (4.05) of Section 1-3 of the
4 Juvenile Court Act of 1987.

5 When the Department first assumes custody of a child, in
6 placing that child under this Act, the Department shall make
7 reasonable efforts to identify, locate, and provide notice to
8 all adult grandparents and other adult relatives of the child
9 who are ready, willing, and able to care for the child. At a
10 minimum, these reasonable efforts shall be renewed each time
11 the child requires a placement change, or a child is separated
12 from siblings, and it is appropriate for the child to be cared
13 for in a home environment. The Department must document its
14 efforts to identify, locate, and provide notice to such
15 potential relative placements and maintain the documentation
16 in the child's case file. If a relative home is not available,
17 the Department may make an initial, temporary placement of a
18 child in a licensed non-relative home while engaging in
19 reasonable efforts to locate relatives, including family
20 finding efforts required under the Juvenile Court Act of 1987.

21 If the Department determines that a placement with any
22 identified relative is not in the child's best interests or
23 that the relative does not meet the requirements to be a
24 relative caregiver, as set forth in Department rules or by
25 statute, the Department must document the basis for that
26 decision, ~~and~~ maintain the documentation in the child's case

1 file, inform the identified relative of the relative's rights
2 under Section 1-5 of the Juvenile Court Act of 1987, report
3 this information to the court in accordance with the
4 requirements of Section 2-28 of the Juvenile Court Act of
5 1987, and report the reason for denial in accordance with
6 Section 50 of this Act.

7 If, pursuant to the Department's rules, any person files
8 an administrative appeal of the Department's decision not to
9 place a child with a relative, it is the Department's burden to
10 prove that the decision is consistent with the child's best
11 interests. The Department shall report information related to
12 these appeals pursuant to Section 50 of this Act.

13 When the Department determines that the child requires
14 placement in an environment, other than a home environment,
15 the Department shall continue to make reasonable efforts to
16 identify and locate relatives to serve as visitation resources
17 for the child and potential future placement resources unless
18 and until excused by the court. ~~, except when the Department~~
19 ~~determines that those efforts would be futile or inconsistent~~
20 ~~with the child's best interests.~~

21 ~~If the Department determines that efforts to identify and~~
22 ~~locate relatives would be futile or inconsistent with the~~
23 ~~child's best interests, the Department shall document the~~
24 ~~basis of its determination and maintain the documentation in~~
25 ~~the child's case file.~~

26 If the Department determines that an individual or a group

1 of relatives are inappropriate to serve as visitation
2 resources or possible placement resources, the Department
3 shall document the basis of its determination, ~~and~~ maintain
4 the documentation in the child's case file, inform the
5 identified relative of the relative's rights under Section 1-5
6 of the Juvenile Court Act of 1987, and report this information
7 to the court in accordance with the requirements of Section
8 2-28 of the Juvenile Court Act of 1987.

9 When the Department determines that an individual or a
10 group of relatives are appropriate to serve as visitation
11 resources or current or ~~possible~~ future placement resources,
12 the Department shall document the basis of its determination,
13 maintain the documentation in the child's case file, create a
14 visitation or transition plan, or both, and incorporate the
15 visitation or transition plan, or both, into the child's case
16 plan. The Department shall report this information to the
17 court as part of the Department's family finding efforts
18 required under Section 2-28 of the Juvenile Court Act of 1987.

19 For the purpose of this subsection, any determination as to
20 the child's best interests shall include consideration of the
21 factors set out in subsection (4.05) of Section 1-3 of the
22 Juvenile Court Act of 1987.

23 The Department may not place a child with a relative
24 unless the home meets the minimum standards for background
25 screening required under subsection (c) of Section 3.4 of the
26 Child Care Act of 1969. ~~, with the exception of certain~~

1 ~~circumstances which may be waived as defined by the Department~~
2 ~~in rules, if the results of a check of the Law Enforcement~~
3 ~~Agencies Data System (LEADS) identifies a prior criminal~~
4 ~~conviction of the relative or any adult member of the~~
5 ~~relative's household for any of the following offenses under~~
6 ~~the Criminal Code of 1961 or the Criminal Code of 2012:~~

7 ~~(1) murder;~~

8 ~~(1.1) solicitation of murder;~~

9 ~~(1.2) solicitation of murder for hire;~~

10 ~~(1.3) intentional homicide of an unborn child;~~

11 ~~(1.4) voluntary manslaughter of an unborn child;~~

12 ~~(1.5) involuntary manslaughter;~~

13 ~~(1.6) reckless homicide;~~

14 ~~(1.7) concealment of a homicidal death;~~

15 ~~(1.8) involuntary manslaughter of an unborn child;~~

16 ~~(1.9) reckless homicide of an unborn child;~~

17 ~~(1.10) drug induced homicide;~~

18 ~~(2) a sex offense under Article 11, except offenses~~
19 ~~described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,~~
20 ~~11-40, and 11-45;~~

21 ~~(3) kidnapping;~~

22 ~~(3.1) aggravated unlawful restraint;~~

23 ~~(3.2) forcible detention;~~

24 ~~(3.3) aiding and abetting child abduction;~~

25 ~~(4) aggravated kidnapping;~~

26 ~~(5) child abduction;~~

- 1 ~~(6) aggravated battery of a child as described in~~
- 2 ~~Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;~~
- 3 ~~(7) criminal sexual assault;~~
- 4 ~~(8) aggravated criminal sexual assault;~~
- 5 ~~(8.1) predatory criminal sexual assault of a child;~~
- 6 ~~(9) criminal sexual abuse;~~
- 7 ~~(10) aggravated sexual abuse;~~
- 8 ~~(11) heinous battery as described in Section 12-4.1 or~~
- 9 ~~subdivision (a) (2) of Section 12-3.05;~~
- 10 ~~(12) aggravated battery with a firearm as described in~~
- 11 ~~Section 12-4.2 or subdivision (c) (1), (c) (2), (c) (3), or~~
- 12 ~~(c) (4) of Section 12-3.05;~~
- 13 ~~(13) tampering with food, drugs, or cosmetics;~~
- 14 ~~(14) drug-induced infliction of great bodily harm as~~
- 15 ~~described in Section 12-4.7 or subdivision (g) (1) of~~
- 16 ~~Section 12-3.05;~~
- 17 ~~(15) aggravated stalking;~~
- 18 ~~(16) home invasion;~~
- 19 ~~(17) vehicular invasion;~~
- 20 ~~(18) criminal transmission of HIV;~~
- 21 ~~(19) criminal abuse or neglect of an elderly person or~~
- 22 ~~person with a disability as described in Section 12-21 or~~
- 23 ~~subsection (b) of Section 12-4.4a;~~
- 24 ~~(20) child abandonment;~~
- 25 ~~(21) endangering the life or health of a child;~~
- 26 ~~(22) ritual mutilation;~~

1 ~~(23) ritualized abuse of a child;~~

2 ~~(24) an offense in any other state the elements of~~
3 ~~which are similar and bear a substantial relationship to~~
4 ~~any of the foregoing offenses.~~

5 For the purpose of this subsection, "relative" has the
6 meaning ascribed to that term in Section 2.36 of the Child Care
7 Act of 1969. An eligible relative with whom a child is placed
8 in accordance with this subsection may, but is not required
9 to, apply for certification as a kinship caregiver home in
10 accordance with Section 3.4 of the Child Care Act of 1969;
11 however, as of July 1, 2024, kinship caregiver payments shall
12 be made to kinship caregiver homes as provided under Section 5
13 of this Act. ~~shall include any person, 21 years of age or over,~~
14 ~~other than the parent, who (i) is currently related to the~~
15 ~~child in any of the following ways by blood or adoption:~~
16 ~~grandparent, sibling, great grandparent, parent's sibling,~~
17 ~~sibling's child, first cousin, second cousin, godparent, or~~
18 ~~grandparent's sibling; or (ii) is the spouse of such a~~
19 ~~relative; or (iii) is the child's step parent, or adult~~
20 ~~step sibling; or (iv) is a fictive kin; "relative" also~~
21 ~~includes a person related in any of the foregoing ways to a~~
22 ~~sibling of a child, even though the person is not related to~~
23 ~~the child, when the child and the child's sibling are placed~~
24 ~~together with that person. For children who have been in the~~
25 ~~guardianship of the Department, have been adopted, and are~~
26 ~~subsequently returned to the temporary custody or guardianship~~

1 ~~of the Department, a "relative" may also include any person~~
2 ~~who would have qualified as a relative under this paragraph~~
3 ~~prior to the adoption, but only if the Department determines,~~
4 ~~and documents, that it would be in the child's best interests~~
5 ~~to consider this person a relative, based upon the factors for~~
6 ~~determining best interests set forth in subsection (4.05) of~~
7 ~~Section 1-3 of the Juvenile Court Act of 1987.~~ A relative with
8 whom a child is placed pursuant to this subsection may, but is
9 not required to, apply for licensure as a foster family home
10 pursuant to the Child Care Act of 1969; provided, however,
11 that as of July 1, 1995, foster care payments shall be made
12 only to licensed foster family homes pursuant to the terms of
13 Section 5 of this Act.

14 ~~Notwithstanding any other provision under this subsection~~
15 ~~to the contrary, a fictive kin with whom a child is placed~~
16 ~~pursuant to this subsection shall apply for licensure as a~~
17 ~~foster family home pursuant to the Child Care Act of 1969~~
18 ~~within 6 months of the child's placement with the fictive kin.~~
19 ~~The Department shall not remove a child from the home of a~~
20 ~~fictive kin on the basis that the fictive kin fails to apply~~
21 ~~for licensure within 6 months of the child's placement with~~
22 ~~the fictive kin, or fails to meet the standard for licensure.~~
23 ~~All other requirements established under the rules and~~
24 ~~procedures of the Department concerning the placement of a~~
25 ~~child, for whom the Department is legally responsible, with a~~
26 ~~relative shall apply. By June 1, 2015, the Department shall~~

1 ~~promulgate rules establishing criteria and standards for~~
2 ~~placement, identification, and licensure of fictive kin.~~

3 ~~For purposes of this subsection, "fictive kin" means any~~
4 ~~individual, unrelated by birth or marriage, who:~~

5 ~~(i) is shown to have significant and close personal or~~
6 ~~emotional ties with the child or the child's family prior~~
7 ~~to the child's placement with the individual; or~~

8 ~~(ii) is the current foster parent of a child in the~~
9 ~~custody or guardianship of the Department pursuant to this~~
10 ~~Act and the Juvenile Court Act of 1987, if the child has~~
11 ~~been placed in the home for at least one year and has~~
12 ~~established a significant and family-like relationship~~
13 ~~with the foster parent, and the foster parent has been~~
14 ~~identified by the Department as the child's permanent~~
15 ~~connection, as defined by Department rule.~~

16 The provisions added to this subsection (b) by Public Act
17 98-846 shall become operative on and after June 1, 2015.

18 (c) In placing a child under this Act, the Department
19 shall ensure that the child's health, safety, and best
20 interests are met. In rejecting placement of a child with an
21 identified relative, the Department shall (i) ensure that the
22 child's health, safety, and best interests are met, (ii)
23 inform the identified relative of the relative's rights under
24 Section 1-5 of the Juvenile Court Act of 1987, (iii) report
25 that the Department rejected the relative placement to the
26 court in accordance with the requirements of Section 2-28 of

1 the Juvenile Court Act of 1987, and report the reason for
2 denial in accordance with Section 50. In evaluating the best
3 interests of the child, the Department shall take into
4 consideration the factors set forth in subsection (4.05) of
5 Section 1-3 of the Juvenile Court Act of 1987.

6 The Department shall consider the individual needs of the
7 child and the capacity of the relative, kinship caregivers, or
8 prospective foster or adoptive parents to meet the needs of
9 the child. When a child must be placed outside the child's home
10 and cannot be immediately returned to the child's parents or
11 guardian, a comprehensive, individualized assessment shall be
12 performed of that child at which time the needs of the child
13 shall be determined. Only if race, color, or national origin
14 is identified as a legitimate factor in advancing the child's
15 best interests shall it be considered. Race, color, or
16 national origin shall not be routinely considered in making a
17 placement decision. The Department shall make special efforts
18 for the diligent recruitment of potential foster and adoptive
19 families that reflect the ethnic and racial diversity of the
20 children for whom foster and adoptive homes are needed.
21 "Special efforts" shall include contacting and working with
22 community organizations and religious organizations and may
23 include contracting with those organizations, utilizing local
24 media and other local resources, and conducting outreach
25 activities.

26 (c-1) At the time of placement, the Department shall

1 consider concurrent planning, as described in subsection (1-1)
2 of Section 5, so that permanency may occur at the earliest
3 opportunity. Consideration should be given so that if
4 reunification fails or is delayed, the placement made is the
5 best available placement to provide permanency for the child.
6 To the extent that doing so is in the child's best interests as
7 set forth in subsection (4.05) of Section 1-3 of the Juvenile
8 Court Act of 1987, the Department should consider placements
9 that will permit the child to maintain a meaningful
10 relationship with the child's parents.

11 (d) The Department may accept gifts, grants, offers of
12 services, and other contributions to use in making special
13 recruitment efforts.

14 (e) The Department in placing children in relative,
15 kinship caregiver, adoptive, or foster care homes may not, in
16 any policy or practice relating to the placement of children
17 for adoption or foster care, discriminate against any child or
18 prospective caregiver ~~adoptive or foster parent~~ on the basis
19 of race.

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

21 (20 ILCS 505/7.3)

22 Sec. 7.3. Placement plan. The Department shall develop and
23 implement a written plan for placing children. The plan shall
24 include at least the following features:

25 (1) A plan for recruiting minority adoptive and foster

1 families. The plan shall include strategies for using
2 existing resources in minority communities, use of
3 minority outreach staff whenever possible, use of minority
4 foster homes for placements after birth and before
5 adoption, and other techniques as appropriate.

6 (2) A plan for training adoptive and foster families
7 of minority children.

8 (3) A plan for employing social workers in adoption
9 and foster care. The plan shall include staffing goals and
10 objectives.

11 (4) A plan for ensuring that adoption and foster care
12 workers attend training offered or approved by the
13 Department regarding the State's goal of encouraging
14 cultural diversity and the needs of special needs
15 children.

16 (5) A plan that includes policies and procedures for
17 determining for each child requiring placement outside of
18 the child's home, and who cannot be immediately returned
19 to the child's parents or guardian, the placement needs of
20 that child. In the rare instance when an individualized
21 assessment identifies, documents, and substantiates that
22 race, color, or national origin is a factor that needs to
23 be considered in advancing a particular child's best
24 interests, it shall be considered in making a placement.

25 (6) A plan for improving the certification of relative
26 homes as kinship caregiver homes, including establishing

1 and expanding access to a kinship navigator, providing an
2 effective process for ensuring relatives are informed of
3 the benefits of kinship caregiver home certification under
4 Section 3.4 of the Child Care Act of 1969, and tailoring
5 kinship caregiver home certification standards that are
6 appropriately distinct from foster home licensure
7 standards.

8 Beginning July 1, 2025 and every 3 years thereafter, the
9 plans required under this Section 7.3 shall be evaluated by
10 the Department and revised based on the findings of that
11 evaluation.

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

13 (20 ILCS 505/50 new)

14 Sec. 50. Annual reports regarding relative and kinship
15 care placements. Beginning January 1, 2025, and annually
16 thereafter, the Department shall post on its website data from
17 the preceding State fiscal year regarding:

18 (1) the number of youth in care who exited to
19 permanency through guardianship specifying the length of
20 stay in out-of-home care or whether the type of
21 guardianship was private guardianship and subsidized for
22 each case;

23 (2) number of youth with the permanency goal of
24 guardianship, adoption, and with the concurrent goals of
25 guardianship and adoption;

1 (3) the number of youth in care placed in non-relative
2 licensed care who exited non-relative care for placement
3 in either a relative home as defined in 2.38 of the Child
4 Care Act of 1969 or a kinship caregiver home as defined in
5 Section 2.37 of the Child Care Act of 1969;

6 (4) the number of homes that successfully became a
7 kinship caregiver home in accordance with Section 3.4 of
8 the Child Care Act of 1969;

9 (5) the number of youth in care who had been placed in
10 relative care who exited relative placement for placement
11 in non-related licensed care during the State fiscal year
12 and the placement disruption reason;

13 (6) the number of homes assessed by the Department for
14 certification as a kinship caregiver home in accordance
15 with Section 3.4 of the Child Care Act of 1969 that the
16 Department did not certify, the reason or reasons the
17 Department did not certify those homes for the designation
18 as a kinship caregiver home, and whether the youth who
19 would have been placed in that kinship caregiver home were
20 placed or remained in non-relative licensed care
21 placement. Data regarding the reason certification did not
22 occur shall include and indicate that a relative elected
23 not to complete the certification because the relative
24 identified the certification process to be onerous;

25 (7) the number of waivers that the Department granted
26 and denied for the permissible circumstances defined in

1 the Department rules for placements with relative and
2 kinship caregivers; and

3 (8) the number of appeals of the Department's
4 decisions not to place a child with a relative as
5 permitted under subsection (b) of Section 7 and the number
6 of those appeals that were overturned and affirmed. For
7 data related to each appeal, the Department shall indicate
8 whether the child resides in a licensed non-relative
9 placement or in the home of a relative at the time of the
10 appeal, the reason for the Department's denial of the
11 placement with the relative, and the outcome associated
12 with each appeal.

13 The Department shall include a description of the
14 methodology the Department used to collect the information for
15 paragraphs (1) through (8), indicate whether the Department
16 had any difficulties collecting the information, and indicate
17 whether there are concerns about the validity of the
18 information. If any of the data elements required to be
19 disclosed under this Section could reveal a youth's identity
20 if revealed in combination with all the identifying
21 information due to small sample size, the Department shall
22 exclude the data elements that could be used to identify the
23 youth so that the data can be included as part of a larger
24 sample and report that the data was excluded for this reason.

1 Sec. 55. Performance audits. One year after the effective
2 date of this amendatory Act of the 103rd General Assembly, the
3 Auditor General shall commence a performance audit of the
4 Department to determine whether the Department is meeting the
5 requirements established by this amendatory Act of the 103rd
6 General Assembly under Sections 4d, 5, 6a, 7, 7.3, 50, and 55
7 of this Act, Sections 2.17, 2.36, 2.37, 2.38, 2.39, 3.4, 4,
8 4.3, 7.3, and 7.4 of the Child Care Act of 1969, Sections 1-3,
9 1-5, 2-9, 2-10, 2-13, 2-21, 2-22, 2-23, 2-27, and 2-28 of the
10 Juvenile Court Act of 1987, and Section 15.1 of the Adoption
11 Act. Within 2 years after the audit's release, the Auditor
12 General shall commence a follow-up performance audit to
13 determine whether the Department has implemented the
14 recommendations contained in the initial performance audit.
15 Upon completion of each audit, the Auditor General shall
16 report its findings to the General Assembly. The Auditor
17 General's reports shall include any issues or deficiencies and
18 recommendations. The audits required by this Section shall be
19 in accordance with and subject to the Illinois State Auditing
20 Act.

21 Section 10. The Child Care Act of 1969 is amended by
22 changing Sections 2.05, 2.17, 2.35, 4, 5, 4.3, and 7.3 and by
23 adding Sections 2.36, 2.37, 2.38, 2.39, 3.4, and 7.4 as
24 follows:

1 (225 ILCS 10/2.05) (from Ch. 23, par. 2212.05)

2 Sec. 2.05. "Facility for child care" or "child care
3 facility" means any person, group of persons, agency,
4 association, organization, corporation, institution, center,
5 or group, whether established for gain or otherwise, who or
6 which receives or arranges for care or placement of one or more
7 children, unrelated to the operator of the facility, apart
8 from the parents, with or without the transfer of the right of
9 custody in any facility as defined in this Act, established
10 and maintained for the care of children. "Child care facility"
11 includes a relative, as defined in Section 2.36 ~~2.17~~ of this
12 Act, who is licensed as a foster family home under Section 4 of
13 this Act.

14 (Source: P.A. 98-804, eff. 1-1-15.)

15 (225 ILCS 10/2.17) (from Ch. 23, par. 2212.17)

16 Sec. 2.17. "Foster family home" means the home of an
17 individual or family:

18 (1) that is licensed or approved by the state in which it
19 is situated as a foster family home that meets the standards
20 established for the licensing or approval; and

21 (2) in which a child in foster care has been placed in the
22 care of an individual who resides with the child and who has
23 been licensed or approved by the state to be a foster parent
24 and:

25 (A) who the Department of Children and Family Services

1 deems capable of adhering to the reasonable and prudent
2 parent standard;

3 (B) who provides 24-hour substitute care for children
4 placed away from their parents or other caretakers; and

5 (3) who provides the care for no more than 6 children,
6 except the Director of Children and Family Services, pursuant
7 to Department regulations, may waive the numerical limitation
8 of foster children who may be cared for in a foster family home
9 for any of the following reasons to allow: (i) a parenting
10 youth in foster care to remain with the child of the parenting
11 youth; (ii) siblings to remain together; (iii) a child with an
12 established meaningful relationship with the family to remain
13 with the family; or (iv) a family with special training or
14 skills to provide care to a child who has a severe disability.
15 The family's or relative's own children, under 18 years of
16 age, shall be included in determining the maximum number of
17 children served.

18 ~~For purposes of this Section, a "relative" includes any~~
19 ~~person, 21 years of age or over, other than the parent, who (i)~~
20 ~~is currently related to the child in any of the following ways~~
21 ~~by blood or adoption: grandparent, sibling, great grandparent,~~
22 ~~uncle, aunt, nephew, niece, first cousin, great uncle, or~~
23 ~~great aunt; or (ii) is the spouse of such a relative; or (iii)~~
24 ~~is a child's step father, step mother, or adult step brother~~
25 ~~or step sister; or (iv) is a fictive kin; "relative" also~~
26 ~~includes a person related in any of the foregoing ways to a~~

1 ~~sibling of a child, even though the person is not related to~~
2 ~~the child, when the child and its sibling are placed together~~
3 ~~with that person. For purposes of placement of children~~
4 ~~pursuant to Section 7 of the Children and Family Services Act~~
5 ~~and for purposes of licensing requirements set forth in~~
6 ~~Section 4 of this Act, for children under the custody or~~
7 ~~guardianship of the Department pursuant to the Juvenile Court~~
8 ~~Act of 1987, after a parent signs a consent, surrender, or~~
9 ~~waiver or after a parent's rights are otherwise terminated,~~
10 ~~and while the child remains in the custody or guardianship of~~
11 ~~the Department, the child is considered to be related to those~~
12 ~~to whom the child was related under this Section prior to the~~
13 ~~signing of the consent, surrender, or waiver or the order of~~
14 ~~termination of parental rights.~~

15 The term "foster family home" includes homes receiving
16 children from any State-operated institution for child care;
17 or from any agency established by a municipality or other
18 political subdivision of the State of Illinois authorized to
19 provide care for children outside their own homes. The term
20 "foster family home" does not include an "adoption-only home"
21 as defined in Section 2.23, a "kinship caregiver home" as
22 defined in Section 2.37, or a "relative home" as defined in
23 Section 2.38 ~~of this Act.~~ The types of foster family homes are
24 defined as follows:

25 (a) "Boarding home" means a foster family home which
26 receives payment for regular full-time care of a child or

1 children.

2 (b) "Free home" means a foster family home other than
3 an adoptive home which does not receive payments for the
4 care of a child or children.

5 (c) "Adoptive home" means a foster family home which
6 receives a child or children for the purpose of adopting
7 the child or children, but does not include an
8 adoption-only home.

9 (d) "Work-wage home" means a foster family home which
10 receives a child or children who pay part or all of their
11 board by rendering some services to the family not
12 prohibited by the Child Labor Law or by standards or
13 regulations of the Department prescribed under this Act.
14 The child or children may receive a wage in connection
15 with the services rendered the foster family.

16 (e) "Agency-supervised home" means a foster family
17 home under the direct and regular supervision of a
18 licensed child welfare agency, of the Department of
19 Children and Family Services, of a circuit court, or of
20 any other State agency which has authority to place
21 children in child care facilities, and which receives no
22 more than 6 & children, unless of common parentage, who
23 are placed and are regularly supervised by one of the
24 specified agencies.

25 (f) "Independent home" means a foster family home,
26 other than an adoptive home, which receives no more than 4

1 children, unless of common parentage, directly from
2 parents, or other legally responsible persons, by
3 independent arrangement and which is not subject to direct
4 and regular supervision of a specified agency except as
5 such supervision pertains to licensing by the Department.

6 (g) "Host home" means an emergency foster family home
7 under the direction and regular supervision of a licensed
8 child welfare agency, contracted to provide short-term
9 crisis intervention services to youth served under the
10 Comprehensive Community-Based Youth Services program,
11 under the direction of the Department of Human Services.
12 The youth shall not be under the custody or guardianship
13 of the Department pursuant to the Juvenile Court Act of
14 1987.

15 (Source: P.A. 102-688, eff. 7-1-22; 103-564, eff. 11-17-23.)

16 (225 ILCS 10/2.35)

17 Sec. 2.35. Qualified residential treatment program.
18 "Qualified residential treatment program" means a program
19 that:

20 (1) has a trauma-informed treatment model that is
21 designed to address the needs, including clinical needs as
22 appropriate, of children with serious emotional or
23 behavioral disorders or disturbances and, with respect to
24 a child, is able to implement the treatment identified for
25 the child by the assessment of the child required under 42

1 U.S.C. 675a(c);

2 (2) whether by acquisition of direct employment or
3 otherwise, has registered or licensed nursing staff and
4 other licensed clinical staff who:

5 (A) provide care within the scope of their
6 practice as defined by law;

7 (B) are located on-site; and

8 (C) are available 24 hours a day, 7 days a week;

9 (3) to the extent appropriate, and in accordance with
10 the child's best interests, facilitates participation of
11 family members in the child's treatment program;

12 (4) facilitates outreach to the family members of the
13 child, including siblings, documents how the outreach is
14 made, including contact information, and maintains contact
15 information for any known biological family and fictive
16 kin of the child;

17 (5) documents how family members are integrated into
18 the treatment process for the child, including
19 post-discharge, and how sibling connections are
20 maintained;

21 (6) provides discharge planning and family-based
22 aftercare support for at least 6 months post-discharge;
23 and

24 (7) is licensed in accordance with this Act and is
25 accredited by any of the following independent,
26 not-for-profit organizations:

- 1 (A) the Commission on Accreditation of
2 Rehabilitation Facilities;
- 3 (B) the Joint Commission;
- 4 (C) the Council on Accreditation; or
- 5 (D) any other independent, not-for-profit
6 accrediting organization approved by the Secretary of
7 Health and Human Services as described in 42 U.S.C.
8 672 (k) (4).

9 (Source: P.A. 103-564, eff. 11-17-23.)

10 (225 ILCS 10/2.36 new)

11 Sec. 2.36. Kinship caregiver. "Kinship caregiver" means a
12 person responsible for the care and supervision of a child
13 placed by the Department, other than the parent, who is a
14 relative. As used in this definition, "relative" means a
15 person who is: (i) related to a child by blood, marriage,
16 tribal custom, adoption, or to a child's sibling in any of the
17 foregoing ways, even though the person is not related to the
18 child, when the child and the child's sibling are placed
19 together with that person or (ii) shown to have significant
20 and close personal or emotional ties with the child or the
21 child's family prior to the child's placement with the person.
22 For children who have been in the guardianship of the
23 Department following the termination of their parents'
24 parental rights, been adopted or placed in subsidized or
25 unsubsidized guardianship, and are subsequently returned to

1 the temporary custody or guardianship of the Department, a
2 "relative" shall include any person who would have qualified
3 as a relative under this Section prior to the termination of
4 the parents' parental rights if the Department determines, and
5 documents, or the court finds that it would be in the child's
6 best interests to consider this person a relative, based upon
7 the factors for determining best interests set forth in
8 subsection (4.05) of Section 1-3 of the Juvenile Court Act of
9 1987.

10 (225 ILCS 10/2.37 new)

11 Sec. 2.37. Kinship caregiver home. "Kinship caregiver
12 home" means a placement resource certified by the Department
13 as a kinship caregiver home under Section 3.4, which is
14 eligible to receive payments from the Department under State
15 or federal law for room and board for a child placed with a
16 kinship caregiver.

17 (225 ILCS 10/2.38 new)

18 Sec. 2.38. Relative home. "Relative home" means a home of
19 a relative that is not a foster family home or a kinship
20 caregiver home but provides care to a child placed by the
21 Department who is a relative of a household member of the
22 relative's home. As used in this definition, "relative" means
23 a person who is: (i) related to a child by blood, marriage,
24 tribal custom, adoption, or to a child's sibling in any of the

1 foregoing ways, even though the person is not related to the
2 child, when the child and the child's sibling are placed
3 together with that person or (ii) shown to have significant
4 and close personal or emotional ties with the child or the
5 child's family prior to the child's placement with the person.
6 For children who have been in the guardianship of the
7 Department following the termination of their parents'
8 parental rights, been adopted or placed in subsidized or
9 unsubsidized guardianship, and are subsequently returned to
10 the temporary custody or guardianship of the Department, a
11 "relative" shall include any person who would have qualified
12 as a relative under this Section prior to the termination of
13 the parents' parental rights if the Department determines, and
14 documents, or the court finds that it would be in the child's
15 best interests to consider the person a relative, based upon
16 the factors for determining best interests set forth in
17 subsection (4.05) of Section 1-3 of the Juvenile Court Act of
18 1987.

19 (225 ILCS 10/2.39 new)

20 Sec. 2.39. Post-placement support services for subsidized
21 and unsubsidized guardianship placements. "Post-placement
22 support services for subsidized and unsubsidized guardianship
23 placements" means services for children, and their guardians,
24 who are involved in subsidized and unsubsidized guardianship
25 placement cases. These services include, but are not limited

1 to, counseling for the children's emotional, behavioral, or
2 developmental needs.

3 (225 ILCS 10/3.4 new)

4 Sec. 3.4. Certification standards for kinship caregiver
5 homes.

6 (a) Consistent with Sections 471(a)(10) and 474 of Title
7 IV-E of the Social Security Act, Public Law 115-123, and 88 FR
8 66700 amending 45 CFR 1355.20 and 1356.21(m), the Department
9 shall adopt standards for certifying kinship caregiver family
10 homes that are different from licensing standards used for
11 non-relative foster family homes under Section 4. The
12 standards shall align with the recommendation of the U.S.
13 Department of Health and Human Services' Administration for
14 Children and Families for implementation of Sections
15 471(a)(10), (11), (20), and 474 of Title IV-E of the Social
16 Security Act, such that the certification requirements for
17 kinship caregiver home standards are no more restrictive than,
18 and are reasonably in accordance with, recommended standards
19 of national organizations for relative family homes related to
20 admission policies, safety, sanitation, protection of civil
21 rights, and use of the reasonable and prudent parenting
22 standard under section 471(a)(10)(A) of Title IV-E of the
23 Social Security Act, and that kinship caregiver homes fully
24 meet, but do not exceed the federal requirements for criminal
25 background screening under Section 471(a)(20) of Title IV-E of

1 the Social Security Act.

2 A guiding premise for these standards is that foster care
3 maintenance payments for every relative, starting upon
4 placement, regardless of federal reimbursement, are critical
5 to ensure that the basic needs and well-being of all children
6 in foster care are being met. If an agency has determined that
7 the child is safe in the relative home, the relative caregiver
8 should immediately be provided adequate support to care for
9 that child. Payments used for a relative to support the child
10 shall never be used as an incentive or punishment for
11 activities such as completing paperwork and attending
12 meetings. The Department shall review foster care maintenance
13 payments to ensure that children receive the same amount of
14 foster care maintenance payments whether placed in a kinship
15 caregiver home or a licensed foster family home.

16 No later than July 1, 2024, the Department must prescribe
17 and publish minimum certification standards for kinship
18 caregiver homes used by and under the direct supervision of
19 the Department consistent with the requirements of this Act.
20 In developing rules, the Department shall solicit and
21 incorporate feedback from relative caregivers. No later than
22 60 days after the effective date of this amendatory Act of the
23 103rd General Assembly, the Department shall begin soliciting
24 input from relatives who are currently or have recently been
25 caregivers to youth in care to develop the rules and
26 procedures to effectuate the requirements of this Section. The

1 Department shall solicit this input in a manner convenient for
2 caregivers to participate, including without limitation,
3 in-person convenings at after hours and weekend venues,
4 locations that provide child care, and modalities that are
5 accessible and welcoming to new and experienced relative
6 caregivers from all regions of the State.

7 The Department shall permit, but shall not require,
8 prospective kinship caregivers who do not yet have eligible
9 children placed by the Department in the relative's home to
10 commence the kinship caregiver home certification process
11 under this Section before a child is placed by the Department
12 if the prospective kinship caregiver prefers to begin this
13 process in advance of an identified child being placed.

14 (b) In order to certify a kinship caregiver home under
15 this Section, a licensed child welfare agency shall:

16 (1) complete a home safety and needs assessment that
17 is reasonably in accordance with the recommended standards
18 of national organizations consistent with federal law for
19 kinship care for evaluating a safe living space and
20 identifying any necessary concrete goods or safety
21 modifications for the agency to provide or to assist the
22 prospective kinship caregiver in meeting the needs of the
23 child or children;

24 (2) assess the ability of the prospective kinship
25 caregiver to care for the physical, emotional, medical,
26 and educational needs of the child or children in

1 accordance with the recommended standards of national
2 organizations consistent with federal law for kinship
3 care; and

4 (3) using a standard background check form consistent
5 with the model recommended by national organizations for
6 kinship care, complete a background check for each person
7 seeking kinship caregiver approval and any other adults
8 living in the home as required under subsection (c) and
9 imposing a standard that is no more restrictive than, and
10 reasonably in accordance with, the recommended standards
11 of national organizations consistent with federal law for
12 kinship care.

13 The Department or licensed child welfare agency may
14 provide support groups and development opportunities for
15 kinship caregivers, and other steps to support permanency,
16 such as offering voluntary training, or concurrent assessments
17 of multiple kinship caregivers to determine which may be best
18 suited to provide long-term permanency for a particular child.
19 However, these shall not be requirements for kinship caregiver
20 home certification or delay immediate placement and support to
21 a relative who satisfies the standards set forth in this
22 Section.

23 Certification as a kinship caregiver home may be filed on
24 behalf of such homes by a licensed child welfare agency, by a
25 State agency authorized to place children in foster care, or
26 by out-of-state agencies approved by the Department to place

1 children in this State. For certifications on behalf of a home
2 in which children are placed by and remain under supervision
3 of the applicant agency, such agency shall certify that the
4 kinship caregiver home, responsible for the care of related
5 children therein, was found to be in reasonable compliance
6 with standards prescribed by the Department for kinship
7 caregiver homes under this Section.

8 (c) A licensed child welfare agency shall conduct the
9 following background screening investigation for every
10 prospective kinship caregiver and adult resident living in the
11 home:

12 (1) a name-based State, local, or tribal criminal
13 background check, and as soon as reasonably possible,
14 initiate a fingerprint-based background check, consistent
15 with paragraph (3) of subsection (b);

16 (2) a review of this State's Central Registry and
17 registries of any state in which an adult household member
18 has resided in the last 5 years, if applicable to
19 determine if the person has been determined to be a
20 perpetrator in an indicated report of child abuse or
21 neglect; and

22 (3) a review of the sex offender registry.

23 Information concerning criminal convictions of adult
24 residents of a prospective kinship caregiver home investigated
25 under this Section, including the source of the information,
26 State conviction information provided by the Illinois State

1 Police, and any conclusions or recommendations derived from
2 the information, shall be offered to the adult residents of a
3 prospective kinship caregiver home, and provided, upon
4 request, to such adult residents of a prospective kinship
5 caregiver home prior to final action by the Department in the
6 kinship caregiver home approval process.

7 Any information concerning criminal charges or the
8 disposition of such criminal charges obtained by the
9 Department shall be confidential and may not be transmitted
10 outside the Department, except as required herein, and may not
11 be transmitted to anyone within the Department except as
12 needed for the purpose of evaluating a relative home or for
13 certification of a kinship caregiver home. Information
14 concerning an adult resident of a prospective relative or
15 kinship caregiver home obtained by the Department for the
16 purposes of paragraph (2) of this subsection shall be
17 confidential and exempt from public inspection and copying as
18 provided under Section 7 of the Freedom of Information Act,
19 and such information shall not be transmitted outside the
20 Department, except as provided in the Abused and Neglected
21 Child Reporting Act, and shall not be transmitted to anyone
22 within the Department except as provided in the Abused and
23 Neglected Child Reporting Act, and shall not be transmitted to
24 anyone within the Department except as needed for the purposes
25 of evaluating homes. Any employee of the Department, Illinois
26 State Police, or a licensed child welfare agency receiving

1 confidential information under this Section who gives or
2 causes to be given any confidential information concerning any
3 criminal convictions or child abuse or neglect reports
4 involving an adult resident of a prospective relative or
5 kinship caregiver home, shall be guilty of a Class A
6 misdemeanor unless release of such information is authorized
7 by this Section or Section 11.1 of the Abused and Neglected
8 Child Reporting Act. Only information and standards which bear
9 a reasonable and rational relation to the caretaking capacity
10 of the prospective relative or kinship caregiver home shall be
11 used by the Department or licensed child welfare agency.

12 No kinship caregiver home may be certified by the
13 Department if any prospective caregivers or adult residents in
14 the home refuse to authorize a background screening
15 investigation as required by this Section. In accordance with
16 federal law, the Department shall not approve a relative or
17 kinship caregiver home if the caregiver's background screening
18 reveals: (i) a felony conviction for child abuse or neglect,
19 spousal abuse, crimes against a child, including child
20 pornography, or a crime of rape, sexual assault, or homicide;
21 or (ii) a felony conviction in the last 5 years for physical
22 assault, battery, or a drug-related offense. If a kinship
23 caregiver or any other adult in the home was convicted of a
24 crime other than those automatically disqualifying offenses
25 listed in this subsection, the agency should assess the impact
26 that the criminal history has on the prospective kinship

1 caregiver's ability to parent the child and consider the type
2 of crime, the number of crimes, the nature of the offense, the
3 age of the prospective kinship caregiver at the time of the
4 crime, the length of time that has elapsed since the last
5 conviction, and any evidence of rehabilitation in determining
6 the approval decision.

7 (d) If the licensed child welfare agency is contemplating
8 denying certification of a kinship caregiver home, the
9 licensed child welfare agency shall provide a written notice
10 in the prospective kinship caregiver's primary language to
11 each prospective kinship caregiver before the licensed child
12 welfare agency takes final action to deny the home. This
13 written notice shall include the specific reason or reasons
14 the licensed child welfare agency is considering denial, list
15 actions prospective kinship caregivers can take, if any, to
16 remedy such conditions and the timeframes in which such
17 actions would need to be completed, explain reasonable
18 supports that the licensed child welfare agency can provide to
19 assist the prospective kinship caregivers in taking remedial
20 actions and how the prospective kinship caregivers can request
21 such assistance, and provide the recourse prospective kinship
22 caregivers can seek to resolve disputes about the licensed
23 child welfare agency's findings. The licensed child welfare
24 agency shall provide prospective kinship caregivers reasonable
25 opportunity pursuant to rulemaking to cure any remediable
26 deficiencies that the licensed child welfare agency identified

1 before taking final action to deny approval of a kinship
2 caregiver home.

3 If conditions have not been remedied after reasonable
4 opportunity and assistance to cure identified deficiencies has
5 been provided, the licensed child welfare agency shall provide
6 a final written notice explaining the reasons for denying the
7 kinship caregiver home approval and the appeals process. The
8 Department shall not prohibit a prospective kinship caregiver
9 from being reconsidered for approval if the kinship caregivers
10 are able to demonstrate a change in circumstances that
11 improves deficient conditions.

12 (e) The Department shall ensure that relatives and
13 prospective kinship caregivers are provided with assistance in
14 completing the steps required for approval as a kinship
15 caregiver home, including, but not limited to, the following
16 types of assistance:

17 (1) completing forms together with the kin or for the
18 kin, if possible;

19 (2) obtaining court records or dispositions related to
20 background checks;

21 (3) accessing translation services;

22 (4) using mobile fingerprinting devices in the home,
23 and if mobile devices are unavailable, providing
24 assistance scheduling appointments that are accessible and
25 available at times that fit the household members'
26 schedules, providing transportation and childcare to allow

1 the household members to complete fingerprinting
2 appointments, and contracting with community-based
3 fingerprinting locations that offer evening and weekend
4 appointments;

5 (5) reimbursement or advance payment for the
6 prospective kinship caregiver to help with reasonable home
7 maintenance to resolve critical safety issues; and

8 (6) purchasing required safety or comfort items such
9 as a car seat or mattress.

10 (f) Orientation provided to relatives and prospective
11 kinship caregivers shall include information regarding:

12 (1) kinship caregivers' right to be heard, to bring a
13 mandamus action, and to intervene in juvenile court as set
14 forth under subsection (2) of Section 1-5 of the Juvenile
15 Court Act of 1987;

16 (2) the availability of the hotline established under
17 Section 35.6 of this Act, that kinship caregivers may use
18 to report incidents of misconduct or violation of rules by
19 Department employees, service providers, or contractors;

20 (3) the Department's expectations for caretaking
21 obligations including, but not limited to, specific
22 requirements of court orders, critical incident
23 notifications and timeframes, supervision for the child's
24 age and needs, out-of-state travel, and procedures to
25 consent to medical care;

26 (4) assistance available to the kinship caregivers,

1 including child care, respite care, transportation
2 assistance, case management, training and support groups,
3 kinship navigator services, financial assistance, and
4 after hours and weekends 24 hours, 7 days a week emergency
5 supports;

6 (5) reasonable and prudent parenting standards;

7 (6) permanency options; and

8 (7) kinship caregiver rights and dispute resolution
9 processes.

10 Orientation shall be provided in a setting and modality
11 convenient for the residents of the kinship caregiver home
12 which shall include the option for one-on-one sessions at the
13 residence, after business hours, and in the primary language
14 of the caregivers. Training opportunities shall be offered to
15 the residents of the kinship caregiver home, but shall not be a
16 requirement that delays the kinship caregiver home approval
17 process from being completed.

18 (g) All child welfare agencies serving relative and
19 kinship caregiver homes shall be required by the Department to
20 have complaint policies and procedures that shall be provided
21 in writing to prospective and current kinship caregivers and
22 residents of kinship caregiver homes, at the earliest time
23 possible, and, prior to entering into any written contract or
24 agreement with the prospective or current kinship caregivers
25 or residents of those homes. These complaint procedures must
26 be filed with the Department within 6 months after the

1 effective date of this amendatory of the 103rd General
2 Assembly.

3 (h) The Department shall revise any rules and procedures
4 pertaining to eligibility of relatives to qualify for State
5 and federal subsidies and services under the guardianship
6 assistance program and remove any requirements that exceed the
7 federal requirements for participation in these programs or
8 supports to ensure that approved kinship caregiver homes are
9 deemed eligible for permanency options, such as adoption or
10 subsidized guardianship, if the child is unable to safely
11 return to the child's parents.

12 The Department shall submit any necessary State plan
13 amendments necessary to comply with this Section and to ensure
14 Title IV-E reimbursement eligibility under Section
15 671(a)(20)(A-B) of the Social Security Act can be achieved
16 expediently. The Department shall differentiate expenditures
17 related to certified kinship caregivers from licensed care
18 placements to provide clarity in expenditures of State and
19 federal monies for kinship caregiver supports.

20 (225 ILCS 10/4) (from Ch. 23, par. 2214)

21 Sec. 4. License requirement; application; notice.

22 (a) Any person, group of persons or corporation who or
23 which receives children or arranges for care or placement of
24 one or more children unrelated to the operator must apply for a
25 license to operate one of the types of facilities defined in

1 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any
2 relative, as defined in Section 2.38 ~~2.17~~ of this Act, who
3 receives a child or children for placement by the Department
4 on a full-time basis shall not be prohibited from applying ~~may~~
5 ~~apply~~ for a license to operate a foster family home as defined
6 in Section 2.17 of this Act if a relative does not wish to
7 provide care to an eligible child as a relative home as defined
8 in Section 2.38 or as a kinship caregiver home certified under
9 Section 3.4 to receive foster care maintenance payments from
10 the Department for the care provided to an eligible child.

11 (a-5) Any agency, person, group of persons, association,
12 organization, corporation, institution, center, or group
13 providing adoption services must be licensed by the Department
14 as a child welfare agency as defined in Section 2.08 of this
15 Act. "Providing adoption services" as used in this Act,
16 includes facilitating or engaging in adoption services.

17 (b) Application for a license to operate a child care
18 facility must be made to the Department in the manner and on
19 forms prescribed by it. An application to operate a foster
20 family home shall include, at a minimum: a completed written
21 form; written authorization by the applicant and all adult
22 members of the applicant's household to conduct a criminal
23 background investigation; medical evidence in the form of a
24 medical report, on forms prescribed by the Department, that
25 the applicant and all members of the household are free from
26 communicable diseases or physical and mental conditions that

1 affect their ability to provide care for the child or
2 children; the names and addresses of at least 3 persons not
3 related to the applicant who can attest to the applicant's
4 moral character; the name and address of at least one relative
5 who can attest to the applicant's capability to care for the
6 child or children; and fingerprints submitted by the applicant
7 and all adult members of the applicant's household.

8 (b-5) Prior to submitting an application for a foster
9 family home license, a quality of care concerns applicant as
10 defined in Section 2.22a of this Act must submit a preliminary
11 application to the Department in the manner and on forms
12 prescribed by it. The Department shall explain to the quality
13 of care concerns applicant the grounds for requiring a
14 preliminary application. The preliminary application shall
15 include a list of (i) all children placed in the home by the
16 Department who were removed by the Department for reasons
17 other than returning to a parent and the circumstances under
18 which they were removed and (ii) all children placed by the
19 Department who were subsequently adopted by or placed in the
20 private guardianship of the quality of care concerns applicant
21 who are currently under 18 and who no longer reside in the home
22 and the reasons why they no longer reside in the home. The
23 preliminary application shall also include, if the quality of
24 care concerns applicant chooses to submit, (1) a response to
25 the quality of care concerns, including any reason the
26 concerns are invalid, have been addressed or ameliorated, or

1 no longer apply and (2) affirmative documentation
2 demonstrating that the quality of care concerns applicant's
3 home does not pose a risk to children and that the family will
4 be able to meet the physical and emotional needs of children.
5 The Department shall verify the information in the preliminary
6 application and review (i) information regarding any prior
7 licensing complaints, (ii) information regarding any prior
8 child abuse or neglect investigations, (iii) information
9 regarding any involuntary foster home holds placed on the home
10 by the Department, and (iv) information regarding all child
11 exit interviews, as provided in Section 5.26 of the Children
12 and Family Services Act, regarding the home. Foster home
13 applicants with quality of care concerns are presumed
14 unsuitable for future licensure.

15 Notwithstanding the provisions of this subsection (b-5),
16 the Department may make an exception and issue a foster family
17 license to a quality of care concerns applicant if the
18 Department is satisfied that the foster family home does not
19 pose a risk to children and that the foster family will be able
20 to meet the physical and emotional needs of children. In
21 making this determination, the Department must obtain and
22 carefully review all relevant documents and shall obtain
23 consultation from its Clinical Division as appropriate and as
24 prescribed by Department rule and procedure. The Department
25 has the authority to deny a preliminary application based on
26 the record of quality of care concerns of the foster family

1 home. In the alternative, the Department may (i) approve the
2 preliminary application, (ii) approve the preliminary
3 application subject to obtaining additional information or
4 assessments, or (iii) approve the preliminary application for
5 purposes of placing a particular child or children only in the
6 foster family home. If the Department approves a preliminary
7 application, the foster family shall submit an application for
8 licensure as described in subsection (b) of this Section. The
9 Department shall notify the quality of care concerns applicant
10 of its decision and the basis for its decision in writing.

11 (c) The Department shall notify the public when a child
12 care institution, maternity center, or group home licensed by
13 the Department undergoes a change in (i) the range of care or
14 services offered at the facility, (ii) the age or type of
15 children served, or (iii) the area within the facility used by
16 children. The Department shall notify the public of the change
17 in a newspaper of general circulation in the county or
18 municipality in which the applicant's facility is or is
19 proposed to be located.

20 (d) If, upon examination of the facility and investigation
21 of persons responsible for care of children and, in the case of
22 a foster home, taking into account information obtained for
23 purposes of evaluating a preliminary application, if
24 applicable, the Department is satisfied that the facility and
25 responsible persons reasonably meet standards prescribed for
26 the type of facility for which application is made, it shall

1 issue a license in proper form, designating on that license
2 the type of child care facility and, except for a child welfare
3 agency, the number of children to be served at any one time.

4 (e) The Department shall not issue or renew the license of
5 any child welfare agency providing adoption services, unless
6 the agency (i) is officially recognized by the United States
7 Internal Revenue Service as a tax-exempt organization
8 described in Section 501(c)(3) of the Internal Revenue Code of
9 1986 (or any successor provision of federal tax law) and (ii)
10 is in compliance with all of the standards necessary to
11 maintain its status as an organization described in Section
12 501(c)(3) of the Internal Revenue Code of 1986 (or any
13 successor provision of federal tax law). The Department shall
14 grant a grace period of 24 months from the effective date of
15 this amendatory Act of the 94th General Assembly for existing
16 child welfare agencies providing adoption services to obtain
17 501(c)(3) status. The Department shall permit an existing
18 child welfare agency that converts from its current structure
19 in order to be recognized as a 501(c)(3) organization as
20 required by this Section to either retain its current license
21 or transfer its current license to a newly formed entity, if
22 the creation of a new entity is required in order to comply
23 with this Section, provided that the child welfare agency
24 demonstrates that it continues to meet all other licensing
25 requirements and that the principal officers and directors and
26 programs of the converted child welfare agency or newly

1 organized child welfare agency are substantially the same as
2 the original. The Department shall have the sole discretion to
3 grant a one year extension to any agency unable to obtain
4 501(c)(3) status within the timeframe specified in this
5 subsection (e), provided that such agency has filed an
6 application for 501(c)(3) status with the Internal Revenue
7 Service within the 2-year timeframe specified in this
8 subsection (e).

9 (Source: P.A. 101-63, eff. 7-12-19; 102-763, eff. 1-1-23.)

10 (225 ILCS 10/4.3) (from Ch. 23, par. 2214.3)

11 Sec. 4.3. Child Abuse and Neglect Reports. All child care
12 facility license applicants and all current and prospective
13 employees of a child care facility who have any possible
14 contact with children in the course of their duties, as a
15 condition of such licensure or employment, shall authorize in
16 writing on a form prescribed by the Department an
17 investigation of the Central Register, as defined in the
18 Abused and Neglected Child Reporting Act, to ascertain if such
19 applicant or employee has been determined to be a perpetrator
20 in an indicated report of child abuse or neglect.

21 All child care facilities as a condition of licensure
22 pursuant to this Act shall maintain such information which
23 demonstrates that all current employees and other applicants
24 for employment who have any possible contact with children in
25 the course of their duties have authorized an investigation of

1 the Central Register as hereinabove required. Only those
2 current or prospective employees who will have no possible
3 contact with children as part of their present or prospective
4 employment may be excluded from provisions requiring
5 authorization of an investigation.

6 Such information concerning a license applicant, employee
7 or prospective employee obtained by the Department shall be
8 confidential and exempt from public inspection and copying as
9 provided under Section 7 of The Freedom of Information Act,
10 and such information shall not be transmitted outside the
11 Department, except as provided in the Abused and Neglected
12 Child Reporting Act, and shall not be transmitted to anyone
13 within the Department except as provided in the Abused and
14 Neglected Child Reporting Act, and shall not be transmitted to
15 anyone within the Department except as needed for the purposes
16 of evaluation of an application for licensure or for
17 consideration by a child care facility of an employee. Any
18 employee of the Department of Children and Family Services
19 under this Section who gives or causes to be given any
20 confidential information concerning any child abuse or neglect
21 reports about a child care facility applicant, child care
22 facility employee, shall be guilty of a Class A misdemeanor,
23 unless release of such information is authorized by Section
24 11.1 of the Abused and Neglected Child Reporting Act.

25 Additionally, any licensee who is informed by the
26 Department of Children and Family Services, pursuant to

1 Section 7.4 of the Abused and Neglected Child Reporting Act,
2 approved June 26, 1975, as amended, that a formal
3 investigation has commenced relating to an employee of the
4 child care facility or any other person in frequent contact
5 with children at the facility, shall take reasonable action
6 necessary to insure that the employee or other person is
7 restricted during the pendency of the investigation from
8 contact with children whose care has been entrusted to the
9 facility.

10 When a foster family home is the subject of an indicated
11 report under the Abused and Neglected Child Reporting Act, the
12 Department of Children and Family Services must immediately
13 conduct a re-examination of the foster family home to evaluate
14 whether it continues to meet the minimum standards for
15 licensure. The re-examination is separate and apart from the
16 formal investigation of the report. The Department must
17 establish a schedule for re-examination of the foster family
18 home mentioned in the report at least once a year.

19 When a relative or kinship caregiver home is the subject
20 of an indicated report under the Abused and Neglected Child
21 Reporting Act, the Department shall immediately conduct a
22 re-examination of the relative or kinship caregiver home to
23 evaluate whether the relative home remains an appropriate
24 placement or the kinship caregiver home continues to meet the
25 minimum standards for certification required under Section 3.4
26 of this Act. The re-examination is separate and apart from the

1 formal investigation of the report and shall be completed in
2 the timeframes established by rule.

3 (Source: P.A. 91-557, eff. 1-1-00.)

4 (225 ILCS 10/5) (from Ch. 23, par. 2215)

5 Sec. 5. (a) In respect to child care institutions,
6 maternity centers, child welfare agencies, day care centers,
7 day care agencies and group homes, the Department, upon
8 receiving application filed in proper order, shall examine the
9 facilities and persons responsible for care of children
10 therein.

11 (b) In respect to foster family and day care homes,
12 applications may be filed on behalf of such homes by a licensed
13 child welfare agency, by a State agency authorized to place
14 children in foster care or by out-of-State agencies approved
15 by the Department to place children in this State. In respect
16 to day care homes, applications may be filed on behalf of such
17 homes by a licensed day care agency or licensed child welfare
18 agency. In applying for license in behalf of a home in which
19 children are placed by and remain under supervision of the
20 applicant agency, such agency shall certify that the home and
21 persons responsible for care of unrelated children therein, or
22 the home and relatives, as defined in Section 2.36 ~~2.17~~ of this
23 Act, responsible for the care of related children therein,
24 were found to be in reasonable compliance with standards
25 prescribed by the Department for the type of care indicated.

1 (c) The Department shall not allow any person to examine
2 facilities under a provision of this Act who has not passed an
3 examination demonstrating that such person is familiar with
4 this Act and with the appropriate standards and regulations of
5 the Department.

6 (d) With the exception of day care centers, day care
7 homes, and group day care homes, licenses shall be issued in
8 such form and manner as prescribed by the Department and are
9 valid for 4 years from the date issued, unless revoked by the
10 Department or voluntarily surrendered by the licensee.
11 Licenses issued for day care centers, day care homes, and
12 group day care homes shall be valid for 3 years from the date
13 issued, unless revoked by the Department or voluntarily
14 surrendered by the licensee. When a licensee has made timely
15 and sufficient application for the renewal of a license or a
16 new license with reference to any activity of a continuing
17 nature, the existing license shall continue in full force and
18 effect for up to 30 days until the final agency decision on the
19 application has been made. The Department may further extend
20 the period in which such decision must be made in individual
21 cases for up to 30 days, but such extensions shall be only upon
22 good cause shown.

23 (e) The Department may issue one 6-month permit to a newly
24 established facility for child care to allow that facility
25 reasonable time to become eligible for a full license. If the
26 facility for child care is a foster family home, or day care

1 home the Department may issue one 2-month permit only.

2 (f) The Department may issue an emergency permit to a
3 child care facility taking in children as a result of the
4 temporary closure for more than 2 weeks of a licensed child
5 care facility due to a natural disaster. An emergency permit
6 under this subsection shall be issued to a facility only if the
7 persons providing child care services at the facility were
8 employees of the temporarily closed day care center at the
9 time it was closed. No investigation of an employee of a child
10 care facility receiving an emergency permit under this
11 subsection shall be required if that employee has previously
12 been investigated at another child care facility. No emergency
13 permit issued under this subsection shall be valid for more
14 than 90 days after the date of issuance.

15 (g) During the hours of operation of any licensed child
16 care facility, authorized representatives of the Department
17 may without notice visit the facility for the purpose of
18 determining its continuing compliance with this Act or
19 regulations adopted pursuant thereto.

20 (h) Day care centers, day care homes, and group day care
21 homes shall be monitored at least annually by a licensing
22 representative from the Department or the agency that
23 recommended licensure.

24 (Source: P.A. 98-804, eff. 1-1-15.)

25 (225 ILCS 10/7.3)

1 Sec. 7.3. Children placed by private child welfare agency.

2 (a) Before placing a child who is a youth in care in a
3 foster family home, a private child welfare agency must
4 ascertain (i) whether any other children who are youth in care
5 have been placed in that home and (ii) whether every such child
6 who has been placed in that home continues to reside in that
7 home, unless the child has been transferred to another
8 placement or is no longer a youth in care. The agency must keep
9 a record of every other child welfare agency that has placed
10 such a child in that foster family home; the record must
11 include the name and telephone number of a contact person at
12 each such agency.

13 (b) At least once every 30 days, a private child welfare
14 agency that places youth in care in relative, kinship
15 caregiver, or foster family homes must make a site visit to
16 every such home where it has placed a youth in care. The
17 purpose of the site visit is to verify that the child continues
18 to reside in that home and to verify the child's safety and
19 well-being. The agency must document the verification in its
20 records. If a private child welfare agency fails to comply
21 with the requirements of this subsection, the Department must
22 suspend all payments to the agency until the agency complies.

23 (c) The Department must periodically (but no less often
24 than once every 6 months) review the child placement records
25 of each private child welfare agency that places youth in
26 care.

1 (d) If a child placed in a foster family home is missing,
2 the foster parent must promptly report that fact to the
3 Department or to the child welfare agency that placed the
4 child in the home. If the foster parent fails to make such a
5 report, the Department shall put the home on hold for the
6 placement of other children and initiate corrective action
7 that may include revocation of the foster parent's license to
8 operate the foster family home. A foster parent who knowingly
9 and willfully fails to report a missing foster child under
10 this subsection is guilty of a Class A misdemeanor.

11 (e) If a private child welfare agency determines that a
12 youth in care whom it has placed in a relative, kinship
13 caregiver, or foster family home no longer resides in that
14 home, the agency must promptly report that fact to the
15 Department. If the agency fails to make such a report, the
16 Department shall put the agency on hold for the placement of
17 other children and initiate corrective action that may include
18 revocation of the agency's license.

19 (f) When a child is missing from a relative, kinship
20 caregiver, or foster home, the Department or private agency in
21 charge of case management shall report regularly to the
22 relative, kinship caregiver, or foster parent concerning
23 efforts to locate the missing child.

24 (g) The Department must strive to account for the status
25 and whereabouts of every one of its youth in care who it
26 determines is not residing in the authorized placement in

1 which the youth was placed.

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

3 (225 ILCS 10/7.4)

4 Sec. 7.4. Disclosures.

5 (a) Every licensed child welfare agency providing adoption
6 services shall provide to all prospective clients and to the
7 public written disclosures with respect to its adoption
8 services, policies, and practices, including general
9 eligibility criteria, fees, and the mutual rights and
10 responsibilities of clients, including birth parents and
11 adoptive parents. The written disclosure shall be posted on
12 any website maintained by the child welfare agency that
13 relates to adoption services. The Department shall adopt rules
14 relating to the contents of the written disclosures. Eligible
15 agencies may be deemed compliant with this subsection (a).

16 (b) Every licensed child welfare agency providing adoption
17 services shall provide to all applicants, prior to
18 application, a written schedule of estimated fees, expenses,
19 and refund policies. Every child welfare agency providing
20 adoption services shall have a written policy that shall be
21 part of its standard adoption contract and state that it will
22 not charge additional fees and expenses beyond those disclosed
23 in the adoption contract unless additional fees are reasonably
24 required by the circumstances and are disclosed to the
25 adoptive parents or parent before they are incurred. The

1 Department shall adopt rules relating to the contents of the
2 written schedule and policy. Eligible agencies may be deemed
3 compliant with this subsection (b).

4 (c) Every licensed child welfare agency providing adoption
5 services must make full and fair disclosure to its clients,
6 including birth parents and adoptive parents, of all
7 circumstances material to the placement of a child for
8 adoption. The Department shall adopt rules necessary for the
9 implementation and regulation of the requirements of this
10 subsection (c).

11 (c-5) Whenever a licensed child welfare agency places a
12 child in a relative, kinship caregiver, or licensed foster
13 family home or an adoption-only home, the agency shall provide
14 the following to the caregiver ~~caretaker or prospective~~
15 ~~adoptive parent~~:

16 (1) Available detailed information concerning the
17 child's educational and health history, copies of
18 immunization records (including insurance and medical card
19 information), a history of the child's previous
20 placements, if any, and reasons for placement changes,
21 excluding any information that identifies or reveals the
22 location of any previous caretaker.

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

26 (3) Information containing details of the child's

1 individualized educational plan when the child is
2 receiving special education services.

3 (4) Any known social or behavioral information
4 (including, but not limited to, criminal background, fire
5 setting, perpetration of sexual abuse, destructive
6 behavior, and substance abuse) necessary to care for and
7 safeguard the child.

8 The agency may prepare a written summary of the
9 information required by this subsection, which may be provided
10 to the relative, kinship caregiver, or foster or prospective
11 adoptive parent in advance of a placement. The relative,
12 kinship caregiver, or foster or prospective adoptive parent
13 may review the supporting documents in the child's file in the
14 presence of casework staff. In the case of an emergency
15 placement, casework staff shall at least provide information
16 verbally, if necessary, and must subsequently provide the
17 information in writing as required by this subsection. In the
18 case of emergency placements when time does not allow prior
19 review, preparation, and collection of written information,
20 the agency shall provide such information as it becomes
21 available.

22 The Department shall adopt rules necessary for the
23 implementation and regulation of the requirements of this
24 subsection (c-5).

25 (d) Every licensed child welfare agency providing adoption
26 services shall meet minimum standards set forth by the

1 Department concerning the taking or acknowledging of a consent
2 prior to taking or acknowledging a consent from a prospective
3 birth parent. The Department shall adopt rules concerning the
4 minimum standards required by agencies under this Section.

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

6 Section 15. The Juvenile Court Act of 1987 is amended by
7 changing Sections 1-3, 1-5, 2-9, 2-10, 2-13, 2-21, 2-22, 2-23,
8 2-27, and 2-28 as follows:

9 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

10 Sec. 1-3. Definitions. Terms used in this Act, unless the
11 context otherwise requires, have the following meanings
12 ascribed to them:

13 (1) "Adjudicatory hearing" means a hearing to determine
14 whether the allegations of a petition under Section 2-13,
15 3-15, or 4-12 that a minor under 18 years of age is abused,
16 neglected, or dependent, or requires authoritative
17 intervention, or addicted, respectively, are supported by a
18 preponderance of the evidence or whether the allegations of a
19 petition under Section 5-520 that a minor is delinquent are
20 proved beyond a reasonable doubt.

21 (2) "Adult" means a person 21 years of age or older.

22 (3) "Agency" means a public or private child care facility
23 legally authorized or licensed by this State for placement or
24 institutional care or for both placement and institutional

1 care.

2 (4) "Association" means any organization, public or
3 private, engaged in welfare functions which include services
4 to or on behalf of children but does not include "agency" as
5 herein defined.

6 (4.05) Whenever a "best interest" determination is
7 required, the following factors shall be considered in the
8 context of the child's age and developmental needs:

9 (a) the physical safety and welfare of the child,
10 including food, shelter, health, and clothing;

11 (b) the development of the child's identity;

12 (c) the child's background and ties, including
13 familial, cultural, and religious;

14 (d) the child's sense of attachments, including:

15 (i) where the child actually feels love,
16 attachment, and a sense of being valued (as opposed to
17 where adults believe the child should feel such love,
18 attachment, and a sense of being valued);

19 (ii) the child's sense of security;

20 (iii) the child's sense of familiarity;

21 (iv) continuity of affection for the child;

22 (v) the least disruptive placement alternative for
23 the child;

24 (e) the child's wishes and long-term goals;

25 (f) the child's community ties, including church,
26 school, and friends;

1 (g) the child's need for permanence which includes the
2 child's need for stability and continuity of relationships
3 with parent figures, and ~~and with~~ siblings, and other
4 relatives;

5 (h) the uniqueness of every family and child;

6 (i) the risks attendant to entering and being in
7 substitute care; ~~and~~

8 (j) the preferences of the persons available to care
9 for the child; ~~and~~

10 (k) whenever a "best interest" determination regarding
11 permanency is required, the following factors in addition
12 to those set forth in part (j) shall be prioritized:

13 (i) whether the child is old enough to have
14 knowledge of the family members the child was
15 separated from at removal;

16 (ii) the child's wishes regarding available
17 permanency options, and desire to maintain connections
18 with the child's parents and other relatives;

19 (iii) due weight to the parent's preference in
20 placement and in permanency options;

21 (iv) relative or kinship caregivers' willingness
22 to work with the child's parents in support of
23 reunification so long as reunification remains a goal
24 for the child; and

25 (v) a relative or kinship caregiver's willingness
26 to provide permanency to the child, either through

1 subsidized guardianship or through adoption.

2 (4.1) "Chronic truant" shall have the definition ascribed
3 to it in Section 26-2a of the School Code.

4 (5) "Court" means the circuit court in a session or
5 division assigned to hear proceedings under this Act.

6 (6) "Dispositional hearing" means a hearing to determine
7 whether a minor should be adjudged to be a ward of the court,
8 and to determine what order of disposition should be made in
9 respect to a minor adjudged to be a ward of the court.

10 (6.5) "Dissemination" or "disseminate" means to publish,
11 produce, print, manufacture, distribute, sell, lease, exhibit,
12 broadcast, display, transmit, or otherwise share information
13 in any format so as to make the information accessible to
14 others.

15 (7) "Emancipated minor" means any minor 16 years of age or
16 over who has been completely or partially emancipated under
17 the Emancipation of Minors Act or under this Act.

18 (7.03) "Expunge" means to physically destroy the records
19 and to obliterate the minor's name from any official index,
20 public record, or electronic database.

21 (7.05) "Foster parent" includes a relative caregiver
22 selected by the Department of Children and Family Services to
23 provide care for the minor.

24 (8) "Guardianship of the person" of a minor means the duty
25 and authority to act in the best interests of the minor,
26 subject to residual parental rights and responsibilities, to

1 make important decisions in matters having a permanent effect
2 on the life and development of the minor and to be concerned
3 with the minor's general welfare. It includes but is not
4 necessarily limited to:

5 (a) the authority to consent to marriage, to
6 enlistment in the armed forces of the United States, or to
7 a major medical, psychiatric, and surgical treatment; to
8 represent the minor in legal actions; and to make other
9 decisions of substantial legal significance concerning the
10 minor;

11 (b) the authority and duty of reasonable visitation,
12 except to the extent that these have been limited in the
13 best interests of the minor by court order;

14 (c) the rights and responsibilities of legal custody
15 except where legal custody has been vested in another
16 person or agency; and

17 (d) the power to consent to the adoption of the minor,
18 but only if expressly conferred on the guardian in
19 accordance with Section 2-29, 3-30, or 4-27.

20 (8.1) "Juvenile court record" includes, but is not limited
21 to:

22 (a) all documents filed in or maintained by the
23 juvenile court pertaining to a specific incident,
24 proceeding, or individual;

25 (b) all documents relating to a specific incident,
26 proceeding, or individual made available to or maintained

1 by probation officers;

2 (c) all documents, video or audio tapes, photographs,
3 and exhibits admitted into evidence at juvenile court
4 hearings; or

5 (d) all documents, transcripts, records, reports, or
6 other evidence prepared by, maintained by, or released by
7 any municipal, county, or State agency or department, in
8 any format, if indicating involvement with the juvenile
9 court relating to a specific incident, proceeding, or
10 individual.

11 (8.2) "Juvenile law enforcement record" includes records
12 of arrest, station adjustments, fingerprints, probation
13 adjustments, the issuance of a notice to appear, or any other
14 records or documents maintained by any law enforcement agency
15 relating to a minor suspected of committing an offense, and
16 records maintained by a law enforcement agency that identifies
17 a juvenile as a suspect in committing an offense, but does not
18 include records identifying a juvenile as a victim, witness,
19 or missing juvenile and any records created, maintained, or
20 used for purposes of referral to programs relating to
21 diversion as defined in subsection (6) of Section 5-105.

22 (9) "Legal custody" means the relationship created by an
23 order of court in the best interests of the minor which imposes
24 on the custodian the responsibility of physical possession of
25 a minor and the duty to protect, train and discipline the minor
26 and to provide the minor with food, shelter, education, and

1 ordinary medical care, except as these are limited by residual
2 parental rights and responsibilities and the rights and
3 responsibilities of the guardian of the person, if any.

4 (9.1) "Mentally capable adult relative" means a person 21
5 years of age or older who is not suffering from a mental
6 illness that prevents the person from providing the care
7 necessary to safeguard the physical safety and welfare of a
8 minor who is left in that person's care by the parent or
9 parents or other person responsible for the minor's welfare.

10 (10) "Minor" means a person under the age of 21 years
11 subject to this Act.

12 (11) "Parent" means a father or mother of a child and
13 includes any adoptive parent. It also includes a person (i)
14 whose parentage is presumed or has been established under the
15 law of this or another jurisdiction or (ii) who has registered
16 with the Putative Father Registry in accordance with Section
17 12.1 of the Adoption Act and whose paternity has not been ruled
18 out under the law of this or another jurisdiction. It does not
19 include a parent whose rights in respect to the minor have been
20 terminated in any manner provided by law. It does not include a
21 person who has been or could be determined to be a parent under
22 the Illinois Parentage Act of 1984 or the Illinois Parentage
23 Act of 2015, or similar parentage law in any other state, if
24 that person has been convicted of or pled nolo contendere to a
25 crime that resulted in the conception of the child under
26 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,

1 12-14.1, subsection (a) or (b) (but not subsection (c)) of
2 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
3 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
4 Criminal Code of 1961 or the Criminal Code of 2012, or similar
5 statute in another jurisdiction unless upon motion of any
6 party, other than the offender, to the juvenile court
7 proceedings the court finds it is in the child's best interest
8 to deem the offender a parent for purposes of the juvenile
9 court proceedings.

10 (11.1) "Permanency goal" means a goal set by the court as
11 defined in subdivision (2) of Section 2-28.

12 (11.2) "Permanency hearing" means a hearing to set the
13 permanency goal and to review and determine (i) the
14 appropriateness of the services contained in the plan and
15 whether those services have been provided, (ii) whether
16 reasonable efforts have been made by all the parties to the
17 service plan to achieve the goal, and (iii) whether the plan
18 and goal have been achieved.

19 (12) "Petition" means the petition provided for in Section
20 2-13, 3-15, 4-12, or 5-520, including any supplemental
21 petitions thereunder in Section 3-15, 4-12, or 5-520.

22 (12.1) "Physically capable adult relative" means a person
23 21 years of age or older who does not have a severe physical
24 disability or medical condition, or is not suffering from
25 alcoholism or drug addiction, that prevents the person from
26 providing the care necessary to safeguard the physical safety

1 and welfare of a minor who is left in that person's care by the
2 parent or parents or other person responsible for the minor's
3 welfare.

4 (12.2) "Post Permanency Sibling Contact Agreement" has the
5 meaning ascribed to the term in Section 7.4 of the Children and
6 Family Services Act.

7 (12.3) "Residential treatment center" means a licensed
8 setting that provides 24-hour care to children in a group home
9 or institution, including a facility licensed as a child care
10 institution under Section 2.06 of the Child Care Act of 1969, a
11 licensed group home under Section 2.16 of the Child Care Act of
12 1969, a qualified residential treatment program under Section
13 2.35 of the Child Care Act of 1969, a secure child care
14 facility as defined in paragraph (18) of this Section, or any
15 similar facility in another state. "Residential treatment
16 center" does not include a relative foster home or a licensed
17 foster family home.

18 (13) "Residual parental rights and responsibilities" means
19 those rights and responsibilities remaining with the parent
20 after the transfer of legal custody or guardianship of the
21 person, including, but not necessarily limited to, the right
22 to reasonable visitation (which may be limited by the court in
23 the best interests of the minor as provided in subsection
24 (8) (b) of this Section), the right to consent to adoption, the
25 right to determine the minor's religious affiliation, and the
26 responsibility for the minor's support.

1 (14) "Shelter" means the temporary care of a minor in
2 physically unrestricting facilities pending court disposition
3 or execution of court order for placement.

4 (14.05) "Shelter placement" means a temporary or emergency
5 placement for a minor, including an emergency foster home
6 placement.

7 (14.1) "Sibling Contact Support Plan" has the meaning
8 ascribed to the term in Section 7.4 of the Children and Family
9 Services Act.

10 (14.2) "Significant event report" means a written document
11 describing an occurrence or event beyond the customary
12 operations, routines, or relationships in the Department of
13 Children of Family Services, a child care facility, or other
14 entity that is licensed or regulated by the Department of
15 Children of Family Services or that provides services for the
16 Department of Children of Family Services under a grant,
17 contract, or purchase of service agreement; involving children
18 or youth, employees, foster parents, or relative caregivers;
19 allegations of abuse or neglect or any other incident raising
20 a concern about the well-being of a minor under the
21 jurisdiction of the court under Article II of the Juvenile
22 Court Act of 1987; incidents involving damage to property,
23 allegations of criminal activity, misconduct, or other
24 occurrences affecting the operations of the Department of
25 Children of Family Services or a child care facility; any
26 incident that could have media impact; and unusual incidents

1 as defined by Department of Children and Family Services rule.

2 (15) "Station adjustment" means the informal handling of
3 an alleged offender by a juvenile police officer.

4 (16) "Ward of the court" means a minor who is so adjudged
5 under Section 2-22, 3-23, 4-20, or 5-705, after a finding of
6 the requisite jurisdictional facts, and thus is subject to the
7 dispositional powers of the court under this Act.

8 (17) "Juvenile police officer" means a sworn police
9 officer who has completed a Basic Recruit Training Course, has
10 been assigned to the position of juvenile police officer by
11 the officer's chief law enforcement officer and has completed
12 the necessary juvenile officers training as prescribed by the
13 Illinois Law Enforcement Training Standards Board, or in the
14 case of a State police officer, juvenile officer training
15 approved by the Director of the Illinois State Police.

16 (18) "Secure child care facility" means any child care
17 facility licensed by the Department of Children and Family
18 Services to provide secure living arrangements for children
19 under 18 years of age who are subject to placement in
20 facilities under the Children and Family Services Act and who
21 are not subject to placement in facilities for whom standards
22 are established by the Department of Corrections under Section
23 3-15-2 of the Unified Code of Corrections. "Secure child care
24 facility" also means a facility that is designed and operated
25 to ensure that all entrances and exits from the facility, a
26 building, or a distinct part of the building are under the

1 exclusive control of the staff of the facility, whether or not
2 the child has the freedom of movement within the perimeter of
3 the facility, building, or distinct part of the building.

4 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;
5 103-564, eff. 11-17-23.)

6 (705 ILCS 405/1-5) (from Ch. 37, par. 801-5)

7 Sec. 1-5. Rights of parties to proceedings.

8 (1) Except as provided in this Section and paragraph (2)
9 of Sections 2-22, 3-23, 4-20, 5-610 or 5-705, the minor who is
10 the subject of the proceeding and the minor's parents,
11 guardian, legal custodian or responsible relative who are
12 parties respondent have the right to be present, to be heard,
13 to present evidence material to the proceedings, to
14 cross-examine witnesses, to examine pertinent court files and
15 records and also, although proceedings under this Act are not
16 intended to be adversary in character, the right to be
17 represented by counsel. At the request of any party
18 financially unable to employ counsel, with the exception of a
19 foster parent permitted to intervene under this Section, the
20 court shall appoint the Public Defender or such other counsel
21 as the case may require. Counsel appointed for the minor and
22 any indigent party shall appear at all stages of the trial
23 court proceeding, and such appointment shall continue through
24 the permanency hearings and termination of parental rights
25 proceedings subject to withdrawal, vacating of appointment, or

1 substitution pursuant to Supreme Court Rules or the Code of
2 Civil Procedure. Following the dispositional hearing, the
3 court may require appointed counsel, other than counsel for
4 the minor or counsel for the guardian ad litem, to withdraw the
5 counsel's appearance upon failure of the party for whom
6 counsel was appointed under this Section to attend any
7 subsequent proceedings.

8 No hearing on any petition or motion filed under this Act
9 may be commenced unless the minor who is the subject of the
10 proceeding is represented by counsel. Notwithstanding the
11 preceding sentence, if a guardian ad litem has been appointed
12 for the minor under Section 2-17 of this Act and the guardian
13 ad litem is a licensed attorney at law of this State, or in the
14 event that a court appointed special advocate has been
15 appointed as guardian ad litem and counsel has been appointed
16 to represent the court appointed special advocate, the court
17 may not require the appointment of counsel to represent the
18 minor unless the court finds that the minor's interests are in
19 conflict with what the guardian ad litem determines to be in
20 the best interest of the minor. Each adult respondent shall be
21 furnished a written "Notice of Rights" at or before the first
22 hearing at which the adult respondent appears.

23 (1.5) The Department shall maintain a system of response
24 to inquiry made by parents or putative parents as to whether
25 their child is under the custody or guardianship of the
26 Department; and if so, the Department shall direct the parents

1 or putative parents to the appropriate court of jurisdiction,
2 including where inquiry may be made of the clerk of the court
3 regarding the case number and the next scheduled court date of
4 the minor's case. Effective notice and the means of accessing
5 information shall be given to the public on a continuing basis
6 by the Department.

7 (2) (a) Though not appointed guardian or legal custodian or
8 otherwise made a party to the proceeding, any current or
9 previously appointed foster parent, ~~or~~ relative caregiver,
10 kinship caregiver, or any prospective relative or kinship
11 caregiver, or representative of an agency or association
12 interested in the minor has the right to be heard by the court,
13 but does not thereby become a party to the proceeding.

14 In addition to the foregoing right to be heard by the
15 court, any current foster parent or relative caregiver of a
16 minor and the agency designated by the court or the Department
17 of Children and Family Services as custodian of the minor who
18 is alleged to be or has been adjudicated an abused or neglected
19 minor under Section 2-3 or a dependent minor under Section 2-4
20 of this Act has the right to and shall be given adequate notice
21 at all stages of any hearing or proceeding under this Act.

22 Any foster parent, ~~or~~ relative caregiver, kinship
23 caregiver, or any prospective relative caregiver or kinship
24 caregiver, who is denied the right to be heard under this
25 Section may bring a mandamus action under Article XIV of the
26 Code of Civil Procedure against the court or any public agency

1 to enforce that right. The mandamus action may be brought
2 immediately upon the denial of those rights but in no event
3 later than 30 days after the foster parent has been denied the
4 right to be heard.

5 (b) If after an adjudication that a minor is abused or
6 neglected as provided under Section 2-21 of this Act and a
7 motion has been made to restore the minor to any parent,
8 guardian, or legal custodian found by the court to have caused
9 the neglect or to have inflicted the abuse on the minor, a
10 relative, kinship caregiver, or foster parent may file a
11 motion to intervene in the proceeding for the sole purpose of
12 requesting that the minor be placed with the caregiver ~~foster~~
13 ~~parent~~, provided that the caregiver ~~foster parent~~ (i) is the
14 current caregiver ~~foster parent~~ of the minor or (ii) has
15 previously been a caregiver ~~foster parent~~ for the minor for
16 one year or more, has a foster care license or is eligible for
17 a license or is not required to have a license, and is not the
18 subject of any findings of abuse or neglect of any child. The
19 juvenile court may only enter orders placing a minor with a
20 specific caregiver ~~foster parent~~ under this subsection (2) (b)
21 and nothing in this Section shall be construed to confer any
22 jurisdiction or authority on the juvenile court to issue any
23 other orders requiring the appointed guardian or custodian of
24 a minor to place the minor in a designated substitute care
25 ~~foster~~ home or facility. This Section is not intended to
26 encompass any matters that are within the scope or

1 determinable under the administrative and appeal process
2 established by rules of the Department of Children and Family
3 Services under Section 5(o) of the Children and Family
4 Services Act. Nothing in this Section shall relieve the court
5 of its responsibility, under Section 2-14(a) of this Act to
6 act in a just and speedy manner to reunify families where it is
7 the best interests of the minor and the child can be cared for
8 at home without endangering the child's health or safety and,
9 if reunification is not in the best interests of the minor, to
10 find another permanent home for the minor. Nothing in this
11 Section, or in any order issued by the court with respect to
12 the placement of a minor with a caregiver ~~foster parent~~, shall
13 impair the ability of the Department of Children and Family
14 Services, or anyone else authorized under Section 5 of the
15 Abused and Neglected Child Reporting Act, to remove a minor
16 from the home of a caregiver ~~foster parent~~ if the Department of
17 Children and Family Services or the person removing the minor
18 has reason to believe that the circumstances or conditions of
19 the minor are such that continuing in the residence or care of
20 the caregiver ~~foster parent~~ will jeopardize the child's health
21 and safety or present an imminent risk of harm to that minor's
22 life.

23 (c) If a foster parent, relative, or kinship caregiver has
24 had the minor who is the subject of the proceeding under
25 Article II in the foster parent's, relative's, or kinship
26 caregiver's home for more than one year on or after July 3,

1 1994 and if the minor's placement is being terminated from
2 that foster parent's, relative's, or kinship caregiver's home,
3 that foster parent, relative, or kinship caregiver shall have
4 standing and intervenor status except in those circumstances
5 where the Department of Children and Family Services or anyone
6 else authorized under Section 5 of the Abused and Neglected
7 Child Reporting Act has removed the minor from the foster
8 parent, relative, or kinship caregiver because of a reasonable
9 belief that the circumstances or conditions of the minor are
10 such that continuing in the residence or care of the foster
11 parent, relative, or kinship caregiver will jeopardize the
12 child's health or safety or presents an imminent risk of harm
13 to the minor's life.

14 (d) The court may grant standing to any foster parent, relative, or kinship caregiver if the court finds that it is in
15 the best interest of the child for the foster parent, relative, or kinship caregiver to have standing and intervenor
16 status.

19 (3) Parties respondent are entitled to notice in
20 compliance with Sections 2-15 and 2-16, 3-17 and 3-18, 4-14
21 and 4-15 or 5-525 and 5-530, as appropriate. At the first
22 appearance before the court by the minor, the minor's parents,
23 guardian, kinship caregiver, custodian or responsible
24 relative, the court shall explain the nature of the
25 proceedings and inform the parties of their rights under the
26 first 2 paragraphs of this Section.

1 If the child is alleged to be abused, neglected or
2 dependent, the court shall admonish the parents that if the
3 court declares the child to be a ward of the court and awards
4 custody or guardianship to the Department of Children and
5 Family Services, the parents must cooperate with the
6 Department of Children and Family Services, comply with the
7 terms of the service plans, and correct the conditions that
8 require the child to be in care, or risk termination of their
9 parental rights.

10 Upon an adjudication of wardship of the court under
11 Sections 2-22, 3-23, 4-20 or 5-705, the court shall inform the
12 parties of their right to appeal therefrom as well as from any
13 other final judgment of the court.

14 When the court finds that a child is an abused, neglected,
15 or dependent minor under Section 2-21, the court shall
16 admonish the parents that the parents must cooperate with the
17 Department of Children and Family Services, comply with the
18 terms of the service plans, and correct the conditions that
19 require the child to be in care, or risk termination of their
20 parental rights.

21 When the court declares a child to be a ward of the court
22 and awards guardianship to the Department of Children and
23 Family Services under Section 2-22, the court shall admonish
24 the parents, guardian, custodian, or responsible relative that
25 the parents must cooperate with the Department of Children and
26 Family Services, comply with the terms of the service plans,

1 and correct the conditions that require the child to be in
2 care, or risk termination of their parental rights.

3 (4) No sanction may be applied against the minor who is the
4 subject of the proceedings by reason of the minor's refusal or
5 failure to testify in the course of any hearing held prior to
6 final adjudication under Section 2-22, 3-23, 4-20 or 5-705.

7 (5) In the discretion of the court, the minor may be
8 excluded from any part or parts of a dispositional hearing
9 and, with the consent of the parent or parents, guardian,
10 counsel or a guardian ad litem, from any part or parts of an
11 adjudicatory hearing.

12 (6) The general public except for the news media and the
13 crime victim, as defined in Section 3 of the Rights of Crime
14 Victims and Witnesses Act, shall be excluded from any hearing
15 and, except for the persons specified in this Section only
16 persons, including representatives of agencies and
17 associations, who in the opinion of the court have a direct
18 interest in the case or in the work of the court shall be
19 admitted to the hearing. However, the court may, for the
20 minor's safety and protection and for good cause shown,
21 prohibit any person or agency present in court from further
22 disclosing the minor's identity. Nothing in this subsection
23 (6) prevents the court from allowing other juveniles to be
24 present or to participate in a court session being held under
25 the Juvenile Drug Court Treatment Act.

26 (7) A party shall not be entitled to exercise the right to

1 a substitution of a judge without cause under subdivision
2 (a) (2) of Section 2-1001 of the Code of Civil Procedure in a
3 proceeding under this Act if the judge is currently assigned
4 to a proceeding involving the alleged abuse, neglect, or
5 dependency of the minor's sibling or half sibling and that
6 judge has made a substantive ruling in the proceeding
7 involving the minor's sibling or half sibling.

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

9 (705 ILCS 405/2-9) (from Ch. 37, par. 802-9)

10 Sec. 2-9. Setting of temporary custody hearing; notice;
11 release.

12 (1) Unless sooner released, a minor_L as defined in Section
13 2-3 or 2-4 of this Act_L taken into temporary protective
14 custody must be brought before a judicial officer within 48
15 hours, exclusive of Saturdays, Sundays_L and court-designated
16 holidays, for a temporary custody hearing to determine whether
17 the minor shall be further held in custody.

18 (2) If the probation officer or such other public officer
19 designated by the court determines that the minor should be
20 retained in custody, the probation officer or such other
21 public officer designated by the court shall cause a petition
22 to be filed as provided in Section 2-13 of this Article, and
23 the clerk of the court shall set the matter for hearing on the
24 temporary custody hearing calendar. When a parent, guardian,
25 custodian_L or responsible relative is present and so requests,

1 the temporary custody hearing shall be held immediately if the
2 court is in session, otherwise at the earliest feasible time.
3 The petitioner through counsel or such other public officer
4 designated by the court shall ensure ~~insure~~ notification to
5 the minor's parent, guardian, custodian, or responsible
6 relative of the time and place of the hearing by the best
7 practicable notice, allowing for oral notice in place of
8 written notice only if provision of written notice is
9 unreasonable under the circumstances.

10 (2.5) If a relative is willing to commit to provide care
11 for the minor for emergency placement of the minor pending the
12 temporary custody hearing, the Department has an obligation to
13 assess the relative home if temporary custody is necessary. If
14 the primary issue preventing an emergency placement of a minor
15 with a relative is a lack of resources, including, but not
16 limited to, concrete goods, safety modifications, and
17 services, the Department shall make reasonable efforts to
18 assist the relative in obtaining the necessary resources.

19 (3) The minor must be released from temporary protective
20 custody at the expiration of the 48-hour ~~48-hour~~ period
21 specified by this Section if not brought before a judicial
22 officer within that period.

23 (Source: P.A. 103-22, eff. 8-8-23; revised 9-25-23.)

24 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

25 Sec. 2-10. Temporary custody hearing. At the appearance of

1 the minor before the court at the temporary custody hearing,
2 all witnesses present shall be examined before the court in
3 relation to any matter connected with the allegations made in
4 the petition.

5 (1) If the court finds that there is not probable cause to
6 believe that the minor is abused, neglected, or dependent it
7 shall release the minor and dismiss the petition.

8 (2) If the court finds that there is probable cause to
9 believe that the minor is abused, neglected, or dependent, the
10 court shall state in writing the factual basis supporting its
11 finding and the minor, the minor's parent, guardian, or
12 custodian, and other persons able to give relevant testimony
13 shall be examined before the court. The Department of Children
14 and Family Services shall give testimony concerning indicated
15 reports of abuse and neglect, of which they are aware through
16 the central registry, involving the minor's parent, guardian, or
17 or custodian. After such testimony, the court may, consistent
18 with the health, safety, and best interests of the minor,
19 enter an order that the minor shall be released upon the
20 request of parent, guardian, or custodian if the parent,
21 guardian, or custodian appears to take custody. If it is
22 determined that a parent's, guardian's, or custodian's
23 compliance with critical services mitigates the necessity for
24 removal of the minor from the minor's home, the court may enter
25 an Order of Protection setting forth reasonable conditions of
26 behavior that a parent, guardian, or custodian must observe

1 for a specified period of time, not to exceed 12 months,
2 without a violation; provided, however, that the 12-month
3 period shall begin anew after any violation. "Custodian"
4 includes the Department of Children and Family Services, if it
5 has been given custody of the child, or any other agency of the
6 State which has been given custody or wardship of the child. If
7 it is consistent with the health, safety, and best interests
8 of the minor, the court may also prescribe shelter care and
9 order that the minor be kept in a suitable place designated by
10 the court or in a shelter care facility designated by the
11 Department of Children and Family Services or a licensed child
12 welfare agency; however, on and after January 1, 2015 (the
13 effective date of Public Act 98-803) and before January 1,
14 2017, a minor charged with a criminal offense under the
15 Criminal Code of 1961 or the Criminal Code of 2012 or
16 adjudicated delinquent shall not be placed in the custody of
17 or committed to the Department of Children and Family Services
18 by any court, except a minor less than 16 years of age and
19 committed to the Department of Children and Family Services
20 under Section 5-710 of this Act or a minor for whom an
21 independent basis of abuse, neglect, or dependency exists; and
22 on and after January 1, 2017, a minor charged with a criminal
23 offense under the Criminal Code of 1961 or the Criminal Code of
24 2012 or adjudicated delinquent shall not be placed in the
25 custody of or committed to the Department of Children and
26 Family Services by any court, except a minor less than 15 years

1 of age and committed to the Department of Children and Family
2 Services under Section 5-710 of this Act or a minor for whom an
3 independent basis of abuse, neglect, or dependency exists. An
4 independent basis exists when the allegations or adjudication
5 of abuse, neglect, or dependency do not arise from the same
6 facts, incident, or circumstances which give rise to a charge
7 or adjudication of delinquency.

8 In placing the minor, the Department or other agency
9 shall, to the extent compatible with the court's order, comply
10 with Section 7 of the Children and Family Services Act. In
11 determining the health, safety, and best interests of the
12 minor to prescribe shelter care, the court must find that it is
13 a matter of immediate and urgent necessity for the safety and
14 protection of the minor or of the person or property of another
15 that the minor be placed in a shelter care facility or that the
16 minor is likely to flee the jurisdiction of the court, and must
17 further find that reasonable efforts have been made or that,
18 consistent with the health, safety and best interests of the
19 minor, no efforts reasonably can be made to prevent or
20 eliminate the necessity of removal of the minor from the
21 minor's home. The court shall require documentation from the
22 Department of Children and Family Services as to the
23 reasonable efforts that were made to prevent or eliminate the
24 necessity of removal of the minor from the minor's home or the
25 reasons why no efforts reasonably could be made to prevent or
26 eliminate the necessity of removal. When a minor is placed in

1 the home of a relative, the Department of Children and Family
2 Services shall complete a preliminary background review of the
3 members of the minor's custodian's household in accordance
4 with Sections 3.4 or Section 4.3 of the Child Care Act of 1969
5 within 90 days of that placement. If the minor is not placed in
6 the home of a relative, the court shall require evidence from
7 the Department as to the reasonable efforts that were made to
8 place the minor in the home of a relative or the reasons why no
9 efforts reasonably could be made to place the child in the home
10 of a relative. In assessing reasonable efforts to place the
11 minor in the home of a relative, the court shall assess whether
12 the Department met its obligations under subsection (2.5) of
13 Section 2-9 if the circumstances are applicable, and order
14 further action by the Department until such obligations are
15 met. If the minor is ordered placed in a shelter care facility
16 of the Department of Children and Family Services or a
17 licensed child welfare agency, the court shall, upon request
18 of the appropriate Department or other agency, appoint the
19 Department of Children and Family Services Guardianship
20 Administrator or other appropriate agency executive temporary
21 custodian of the minor and the court may enter such other
22 orders related to the temporary custody as it deems fit and
23 proper, including the provision of services to the minor or
24 the minor's family to ameliorate the causes contributing to
25 the finding of probable cause or to the finding of the
26 existence of immediate and urgent necessity.

1 Where the Department of Children and Family Services
2 Guardianship Administrator is appointed as the executive
3 temporary custodian, the Department of Children and Family
4 Services shall file with the court and serve on the parties a
5 parent-child visiting plan, within 10 days, excluding weekends
6 and holidays, after the appointment. The parent-child visiting
7 plan shall set out the time and place of visits, the frequency
8 of visits, the length of visits, who shall be present at the
9 visits, and where appropriate, the minor's opportunities to
10 have telephone and mail communication with the parents.

11 Where the Department of Children and Family Services
12 Guardianship Administrator is appointed as the executive
13 temporary custodian, and when the child has siblings in care,
14 the Department of Children and Family Services shall file with
15 the court and serve on the parties a sibling placement and
16 contact plan within 10 days, excluding weekends and holidays,
17 after the appointment. The sibling placement and contact plan
18 shall set forth whether the siblings are placed together, and
19 if they are not placed together, what, if any, efforts are
20 being made to place them together. If the Department has
21 determined that it is not in a child's best interest to be
22 placed with a sibling, the Department shall document in the
23 sibling placement and contact plan the basis for its
24 determination. For siblings placed separately, the sibling
25 placement and contact plan shall set the time and place for
26 visits, the frequency of the visits, the length of visits, who

1 shall be present for the visits, and where appropriate, the
2 child's opportunities to have contact with their siblings in
3 addition to in person contact. If the Department determines it
4 is not in the best interest of a sibling to have contact with a
5 sibling, the Department shall document in the sibling
6 placement and contact plan the basis for its determination.
7 The sibling placement and contact plan shall specify a date
8 for development of the Sibling Contact Support Plan, under
9 subsection (f) of Section 7.4 of the Children and Family
10 Services Act, and shall remain in effect until the Sibling
11 Contact Support Plan is developed.

12 For good cause, the court may waive the requirement to
13 file the parent-child visiting plan or the sibling placement
14 and contact plan, or extend the time for filing either plan.
15 Any party may, by motion, request the court to review the
16 parent-child visiting plan to determine whether it is
17 reasonably calculated to expeditiously facilitate the
18 achievement of the permanency goal. A party may, by motion,
19 request the court to review the parent-child visiting plan or
20 the sibling placement and contact plan to determine whether it
21 is consistent with the minor's best interest. The court may
22 refer the parties to mediation where available. The frequency,
23 duration, and locations of visitation shall be measured by the
24 needs of the child and family, and not by the convenience of
25 Department personnel. Child development principles shall be
26 considered by the court in its analysis of how frequent

1 visitation should be, how long it should last, where it should
2 take place, and who should be present. If upon motion of the
3 party to review either plan and after receiving evidence, the
4 court determines that the parent-child visiting plan is not
5 reasonably calculated to expeditiously facilitate the
6 achievement of the permanency goal or that the restrictions
7 placed on parent-child contact or sibling placement or contact
8 are contrary to the child's best interests, the court shall
9 put in writing the factual basis supporting the determination
10 and enter specific findings based on the evidence. The court
11 shall enter an order for the Department to implement changes
12 to the parent-child visiting plan or sibling placement or
13 contact plan, consistent with the court's findings. At any
14 stage of proceeding, any party may by motion request the court
15 to enter any orders necessary to implement the parent-child
16 visiting plan, sibling placement or contact plan, or
17 subsequently developed Sibling Contact Support Plan. Nothing
18 under this subsection (2) shall restrict the court from
19 granting discretionary authority to the Department to increase
20 opportunities for additional parent-child contacts or sibling
21 contacts, without further court orders. Nothing in this
22 subsection (2) shall restrict the Department from immediately
23 restricting or terminating parent-child contact or sibling
24 contacts, without either amending the parent-child visiting
25 plan or the sibling contact plan or obtaining a court order,
26 where the Department or its assigns reasonably believe there

1 is an immediate need to protect the child's health, safety,
2 and welfare. Such restrictions or terminations must be based
3 on available facts to the Department and its assigns when
4 viewed in light of the surrounding circumstances and shall
5 only occur on an individual case-by-case basis. The Department
6 shall file with the court and serve on the parties any
7 amendments to the plan within 10 days, excluding weekends and
8 holidays, of the change of the visitation.

9 Acceptance of services shall not be considered an
10 admission of any allegation in a petition made pursuant to
11 this Act, nor may a referral of services be considered as
12 evidence in any proceeding pursuant to this Act, except where
13 the issue is whether the Department has made reasonable
14 efforts to reunite the family. In making its findings that it
15 is consistent with the health, safety, and best interests of
16 the minor to prescribe shelter care, the court shall state in
17 writing (i) the factual basis supporting its findings
18 concerning the immediate and urgent necessity for the
19 protection of the minor or of the person or property of another
20 and (ii) the factual basis supporting its findings that
21 reasonable efforts were made to prevent or eliminate the
22 removal of the minor from the minor's home or that no efforts
23 reasonably could be made to prevent or eliminate the removal
24 of the minor from the minor's home. The parents, guardian,
25 custodian, temporary custodian, and minor shall each be
26 furnished a copy of such written findings. The temporary

1 custodian shall maintain a copy of the court order and written
2 findings in the case record for the child. The order together
3 with the court's findings of fact in support thereof shall be
4 entered of record in the court.

5 Once the court finds that it is a matter of immediate and
6 urgent necessity for the protection of the minor that the
7 minor be placed in a shelter care facility, the minor shall not
8 be returned to the parent, custodian, or guardian until the
9 court finds that such placement is no longer necessary for the
10 protection of the minor.

11 If the child is placed in the temporary custody of the
12 Department of Children and Family Services for the minor's
13 protection, the court shall admonish the parents, guardian,
14 custodian, or responsible relative that the parents must
15 cooperate with the Department of Children and Family Services,
16 comply with the terms of the service plans, and correct the
17 conditions which require the child to be in care, or risk
18 termination of their parental rights. The court shall ensure,
19 by inquiring in open court of each parent, guardian,
20 custodian, or responsible relative, that the parent, guardian,
21 custodian, or responsible relative has had the opportunity to
22 provide the Department with all known names, addresses, and
23 telephone numbers of each of the minor's living adult
24 relatives, including, but not limited to, grandparents,
25 siblings of the minor's parents, and siblings. The court shall
26 advise the parents, guardian, custodian, or responsible

1 relative to inform the Department if additional information
2 regarding the minor's adult relatives becomes available.

3 (2.5) When the court places the child in the temporary
4 custody of the Department, the court shall order the
5 Department to complete the following family-finding efforts
6 within 30 days of the child being taken into temporary
7 custody:

8 (a) Conduct an investigation in order to identify and
9 locate all grandparents, parents of a sibling of the
10 child, if the parent has legal custody of the sibling,
11 adult siblings, other adult relatives of the minor
12 including any other adult relatives suggested by the
13 parents, and, if it is known or there is reason to know the
14 child is an Indian child, any extended family members, as
15 defined in Section 1903 of the Indian Child Welfare Act of
16 1978 (25 U.S.C. 1903). The Department shall use due
17 diligence in investigating the names and locations of the
18 relatives, including, but not limited to, asking the minor
19 in an age-appropriate manner about any parent, alleged
20 parent, and relatives important to the child, consistent
21 with the child's best interest, and obtaining information
22 regarding the location of the child's parents, alleged
23 parents, and adult relatives.

24 As used in this subsection, "family finding" means
25 conducting an investigation, including, but not limited
26 to, through a computer-based search engine, to identify

1 any person who would be eligible to be a kinship caregiver
2 as defined in Section 2.36 of the Child Care Act of 1969
3 and to connect a minor, who may be disconnected from the
4 minor's parents, with those relatives and kin in an effort
5 to provide family support or possible placement. If it is
6 known or there is reason to know that the child is an
7 Indian child, as defined in Section 1903 of the Indian
8 Child Welfare Act of 1978 (25 U.S.C. 1903), "family
9 finding" also includes contacting the Indian child's tribe
10 to identify relatives and kin.

11 (b) Unless there is reasonable cause to believe the
12 health, safety, or welfare of the minor would be
13 jeopardized by such notification, provide all adult
14 relatives who are located with written notification and
15 oral notification, in person or by telephone, of all the
16 following information:

17 (i) the minor has been removed from the custody of
18 the minor's parent or guardian; and

19 (ii) an explanation of the various options to
20 participate in the care and placement of the minor and
21 support for the minor's family, including any options
22 that may be lost by failing to respond. The notice
23 shall provide information about providing care for the
24 minor while the family receives reunification services
25 with the goal of returning the child to the parent or
26 guardian, how to become a relative and kinship

1 caregiver home, and additional services and support
2 that are available in substitute care. The notice
3 shall also include information regarding the kinship
4 navigator program, adoption and subsidized
5 guardianship assistance options, health care coverage
6 for youth in care under the medical assistance program
7 established under Article V of the Illinois Public Aid
8 Code, and other options for contact with the minor,
9 including, but not limited to, visitation.

10 (3) If prior to the shelter care hearing for a minor
11 described in Sections 2-3, 2-4, 3-3, and 4-3 the moving party
12 is unable to serve notice on the party respondent, the shelter
13 care hearing may proceed ex parte. A shelter care order from an
14 ex parte hearing shall be endorsed with the date and hour of
15 issuance and shall be filed with the clerk's office and
16 entered of record. The order shall expire after 10 days from
17 the time it is issued unless before its expiration it is
18 renewed, at a hearing upon appearance of the party respondent,
19 or upon an affidavit of the moving party as to all diligent
20 efforts to notify the party respondent by notice as herein
21 prescribed. The notice prescribed shall be in writing and
22 shall be personally delivered to the minor or the minor's
23 attorney and to the last known address of the other person or
24 persons entitled to notice. The notice shall also state the
25 nature of the allegations, the nature of the order sought by
26 the State, including whether temporary custody is sought, and

1 the consequences of failure to appear and shall contain a
 2 notice that the parties will not be entitled to further
 3 written notices or publication notices of proceedings in this
 4 case, including the filing of an amended petition or a motion
 5 to terminate parental rights, except as required by Supreme
 6 Court Rule 11; and shall explain the right of the parties and
 7 the procedures to vacate or modify a shelter care order as
 8 provided in this Section. The notice for a shelter care
 9 hearing shall be substantially as follows:

10 NOTICE TO PARENTS AND CHILDREN
 11 OF SHELTER CARE HEARING

12 On at, before the Honorable
 13, (address:), the State
 14 of Illinois will present evidence (1) that (name of child
 15 or children) are abused,
 16 neglected, or dependent for the following reasons:
 17 and (2)
 18 whether there is "immediate and urgent necessity" to
 19 remove the child or children from the responsible
 20 relative.

21 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
 22 PLACEMENT of the child or children in foster care until a
 23 trial can be held. A trial may not be held for up to 90
 24 days. You will not be entitled to further notices of
 25 proceedings in this case, including the filing of an
 26 amended petition or a motion to terminate parental rights.

1 At the shelter care hearing, parents have the
2 following rights:

3 1. To ask the court to appoint a lawyer if they
4 cannot afford one.

5 2. To ask the court to continue the hearing to
6 allow them time to prepare.

7 3. To present evidence concerning:

8 a. Whether or not the child or children were
9 abused, neglected or dependent.

10 b. Whether or not there is "immediate and
11 urgent necessity" to remove the child from home
12 (including: their ability to care for the child,
13 conditions in the home, alternative means of
14 protecting the child other than removal).

15 c. The best interests of the child.

16 4. To cross examine the State's witnesses.

17 The Notice for rehearings shall be substantially as
18 follows:

19 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

20 TO REHEARING ON TEMPORARY CUSTODY

21 If you were not present at and did not have adequate
22 notice of the Shelter Care Hearing at which temporary
23 custody of was awarded to
24, you have the right to request a full
25 rehearing on whether the State should have temporary

1 custody of To request this rehearing,
2 you must file with the Clerk of the Juvenile Court
3 (address):, in person or by
4 mailing a statement (affidavit) setting forth the
5 following:

6 1. That you were not present at the shelter care
7 hearing.

8 2. That you did not get adequate notice
9 (explaining how the notice was inadequate).

10 3. Your signature.

11 4. Signature must be notarized.

12 The rehearing should be scheduled within 48 hours of
13 your filing this affidavit.

14 At the rehearing, your rights are the same as at the
15 initial shelter care hearing. The enclosed notice explains
16 those rights.

17 At the Shelter Care Hearing, children have the
18 following rights:

19 1. To have a guardian ad litem appointed.

20 2. To be declared competent as a witness and to
21 present testimony concerning:

22 a. Whether they are abused, neglected or
23 dependent.

24 b. Whether there is "immediate and urgent
25 necessity" to be removed from home.

26 c. Their best interests.

1 3. To cross examine witnesses for other parties.

2 4. To obtain an explanation of any proceedings and
3 orders of the court.

4 (4) If the parent, guardian, legal custodian, responsible
5 relative, minor age 8 or over, or counsel of the minor did not
6 have actual notice of or was not present at the shelter care
7 hearing, the parent, guardian, legal custodian, responsible
8 relative, minor age 8 or over, or counsel of the minor may file
9 an affidavit setting forth these facts, and the clerk shall
10 set the matter for rehearing not later than 48 hours,
11 excluding Sundays and legal holidays, after the filing of the
12 affidavit. At the rehearing, the court shall proceed in the
13 same manner as upon the original hearing.

14 (5) Only when there is reasonable cause to believe that
15 the minor taken into custody is a person described in
16 subsection (3) of Section 5-105 may the minor be kept or
17 detained in a detention home or county or municipal jail. This
18 Section shall in no way be construed to limit subsection (6).

19 (6) No minor under 16 years of age may be confined in a
20 jail or place ordinarily used for the confinement of prisoners
21 in a police station. Minors under 18 years of age must be kept
22 separate from confined adults and may not at any time be kept
23 in the same cell, room, or yard with adults confined pursuant
24 to the criminal law.

25 (7) If the minor is not brought before a judicial officer
26 within the time period as specified in Section 2-9, the minor

1 must immediately be released from custody.

2 (8) If neither the parent, guardian, or custodian appears
3 within 24 hours to take custody of a minor released upon
4 request pursuant to subsection (2) of this Section, then the
5 clerk of the court shall set the matter for rehearing not later
6 than 7 days after the original order and shall issue a summons
7 directed to the parent, guardian, or custodian to appear. At
8 the same time the probation department shall prepare a report
9 on the minor. If a parent, guardian, or custodian does not
10 appear at such rehearing, the judge may enter an order
11 prescribing that the minor be kept in a suitable place
12 designated by the Department of Children and Family Services
13 or a licensed child welfare agency.

14 (9) Notwithstanding any other provision of this Section
15 any interested party, including the State, the temporary
16 custodian, an agency providing services to the minor or family
17 under a service plan pursuant to Section 8.2 of the Abused and
18 Neglected Child Reporting Act, foster parent, or any of their
19 representatives, on notice to all parties entitled to notice,
20 may file a motion that it is in the best interests of the minor
21 to modify or vacate a temporary custody order on any of the
22 following grounds:

23 (a) It is no longer a matter of immediate and urgent
24 necessity that the minor remain in shelter care; or

25 (b) There is a material change in the circumstances of
26 the natural family from which the minor was removed and

1 the child can be cared for at home without endangering the
2 child's health or safety; or

3 (c) A person not a party to the alleged abuse, neglect
4 or dependency, including a parent, relative, or legal
5 guardian, is capable of assuming temporary custody of the
6 minor; or

7 (d) Services provided by the Department of Children
8 and Family Services or a child welfare agency or other
9 service provider have been successful in eliminating the
10 need for temporary custody and the child can be cared for
11 at home without endangering the child's health or safety.

12 In ruling on the motion, the court shall determine whether
13 it is consistent with the health, safety, and best interests
14 of the minor to modify or vacate a temporary custody order. If
15 the minor is being restored to the custody of a parent, legal
16 custodian, or guardian who lives outside of Illinois, and an
17 Interstate Compact has been requested and refused, the court
18 may order the Department of Children and Family Services to
19 arrange for an assessment of the minor's proposed living
20 arrangement and for ongoing monitoring of the health, safety,
21 and best interest of the minor and compliance with any order of
22 protective supervision entered in accordance with Section 2-20
23 or 2-25.

24 The clerk shall set the matter for hearing not later than
25 14 days after such motion is filed. In the event that the court
26 modifies or vacates a temporary custody order but does not

1 vacate its finding of probable cause, the court may order that
2 appropriate services be continued or initiated in behalf of
3 the minor and the minor's family.

4 (10) When the court finds or has found that there is
5 probable cause to believe a minor is an abused minor as
6 described in subsection (2) of Section 2-3 and that there is an
7 immediate and urgent necessity for the abused minor to be
8 placed in shelter care, immediate and urgent necessity shall
9 be presumed for any other minor residing in the same household
10 as the abused minor provided:

11 (a) Such other minor is the subject of an abuse or
12 neglect petition pending before the court; and

13 (b) A party to the petition is seeking shelter care
14 for such other minor.

15 Once the presumption of immediate and urgent necessity has
16 been raised, the burden of demonstrating the lack of immediate
17 and urgent necessity shall be on any party that is opposing
18 shelter care for the other minor.

19 (11) The changes made to this Section by Public Act 98-61
20 apply to a minor who has been arrested or taken into custody on
21 or after January 1, 2014 (the effective date of Public Act
22 98-61).

23 (12) After the court has placed a minor in the care of a
24 temporary custodian pursuant to this Section, any party may
25 file a motion requesting the court to grant the temporary
26 custodian the authority to serve as a surrogate decision maker

1 for the minor under the Health Care Surrogate Act for purposes
2 of making decisions pursuant to paragraph (1) of subsection
3 (b) of Section 20 of the Health Care Surrogate Act. The court
4 may grant the motion if it determines by clear and convincing
5 evidence that it is in the best interests of the minor to grant
6 the temporary custodian such authority. In making its
7 determination, the court shall weigh the following factors in
8 addition to considering the best interests factors listed in
9 subsection (4.05) of Section 1-3 of this Act:

10 (a) the efforts to identify and locate the respondents
11 and adult family members of the minor and the results of
12 those efforts;

13 (b) the efforts to engage the respondents and adult
14 family members of the minor in decision making on behalf
15 of the minor;

16 (c) the length of time the efforts in paragraphs (a)
17 and (b) have been ongoing;

18 (d) the relationship between the respondents and adult
19 family members and the minor;

20 (e) medical testimony regarding the extent to which
21 the minor is suffering and the impact of a delay in
22 decision-making on the minor; and

23 (f) any other factor the court deems relevant.

24 If the Department of Children and Family Services is the
25 temporary custodian of the minor, in addition to the
26 requirements of paragraph (1) of subsection (b) of Section 20

1 of the Health Care Surrogate Act, the Department shall follow
2 its rules and procedures in exercising authority granted under
3 this subsection.

4 (Source: P.A. 102-489, eff. 8-20-21; 102-502, eff. 1-1-22;
5 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; revised 9-20-23.)

6 (705 ILCS 405/2-13) (from Ch. 37, par. 802-13)

7 Sec. 2-13. Petition.

8 (1) Any adult person, any agency or association by its
9 representative may file, or the court on its own motion,
10 consistent with the health, safety and best interests of the
11 minor may direct the filing through the State's Attorney of a
12 petition in respect of a minor under this Act. The petition and
13 all subsequent court documents shall be entitled "In the
14 interest of, a minor".

15 (2) The petition shall be verified but the statements may
16 be made upon information and belief. It shall allege that the
17 minor is abused, neglected, or dependent, with citations to
18 the appropriate provisions of this Act, and set forth (a)
19 facts sufficient to bring the minor under Section 2-3 or 2-4
20 and to inform respondents of the cause of action, including,
21 but not limited to, a plain and concise statement of the
22 factual allegations that form the basis for the filing of the
23 petition; (b) the name, age and residence of the minor; (c) the
24 names and residences of the minor's parents; (d) the name and
25 residence of the minor's legal guardian or the person or

1 persons having custody or control of the minor, or of the
2 nearest known relative if no parent or guardian can be found;
3 and (e) if the minor upon whose behalf the petition is brought
4 is sheltered in custody, the date on which such temporary
5 custody was ordered by the court or the date set for a
6 temporary custody hearing. If any of the facts herein required
7 are not known by the petitioner, the petition shall so state.

8 (3) The petition must allege that it is in the best
9 interests of the minor and of the public that the minor be
10 adjudged a ward of the court and may pray generally for relief
11 available under this Act. The petition need not specify any
12 proposed disposition following adjudication of wardship. The
13 petition may request that the minor remain in the custody of
14 the parent, guardian, or custodian under an Order of
15 Protection.

16 (4) If termination of parental rights and appointment of a
17 guardian of the person with power to consent to adoption of the
18 minor under Section 2-29 is sought, the petition shall so
19 state. If the petition includes this request, the prayer for
20 relief shall clearly and obviously state that the parents
21 could permanently lose their rights as a parent at this
22 hearing.

23 In addition to the foregoing, the petitioner, by motion,
24 may request the termination of parental rights and appointment
25 of a guardian of the person with power to consent to adoption
26 of the minor under Section 2-29 at any time after the entry of

1 a dispositional order under Section 2-22.

2 (4.5) (a) Unless good cause exists that filing a petition
3 to terminate parental rights is contrary to the child's best
4 interests, with respect to any minors committed to its care
5 pursuant to this Act, the Department of Children and Family
6 Services shall request the State's Attorney to file a petition
7 or motion for termination of parental rights and appointment
8 of guardian of the person with power to consent to adoption of
9 the minor under Section 2-29 if:

10 (i) a minor has been in foster care, as described in
11 subsection (b), for 15 months of the most recent 22
12 months; or

13 (ii) a minor under the age of 2 years has been
14 previously determined to be abandoned at an adjudicatory
15 hearing; or

16 (iii) the parent is criminally convicted of:

17 (A) first degree murder or second degree murder of
18 any child;

19 (B) attempt or conspiracy to commit first degree
20 murder or second degree murder of any child;

21 (C) solicitation to commit murder of any child,
22 solicitation to commit murder for hire of any child,
23 or solicitation to commit second degree murder of any
24 child;

25 (D) aggravated battery, aggravated battery of a
26 child, or felony domestic battery, any of which has

1 resulted in serious injury to the minor or a sibling of
2 the minor;

3 (E) predatory criminal sexual assault of a child;

4 (E-5) aggravated criminal sexual assault;

5 (E-10) criminal sexual abuse in violation of
6 subsection (a) of Section 11-1.50 of the Criminal Code
7 of 1961 or the Criminal Code of 2012;

8 (E-15) sexual exploitation of a child;

9 (E-20) permitting sexual abuse of a child;

10 (E-25) criminal sexual assault; or

11 (F) an offense in any other state the elements of
12 which are similar and bear a substantial relationship
13 to any of the foregoing offenses.

14 (a-1) For purposes of this subsection (4.5), good cause
15 exists in the following circumstances:

16 (i) the child is being cared for by a relative,

17 (ii) the Department has documented in the case plan a
18 compelling reason for determining that filing such
19 petition would not be in the best interests of the child,

20 (iii) the court has found within the preceding 12
21 months that the Department has failed to make reasonable
22 efforts to reunify the child and family, ~~or~~

23 (iv) the parent is incarcerated, or the parent's prior
24 incarceration is a significant factor in why the child has
25 been in foster care for 15 months out of any 22-month
26 period, the parent maintains a meaningful role in the

1 child's life, and the Department has not documented
2 another reason why it would otherwise be appropriate to
3 file a petition to terminate parental rights pursuant to
4 this Section and the Adoption Act. The assessment of
5 whether an incarcerated parent maintains a meaningful role
6 in the child's life may include consideration of the
7 following:

8 (A) the child's best interest;

9 (B) the parent's expressions or acts of
10 manifesting concern for the child, such as letters,
11 telephone calls, visits, and other forms of
12 communication with the child and the impact of the
13 communication on the child;

14 (C) the parent's efforts to communicate with and
15 work with the Department for the purpose of complying
16 with the service plan and repairing, maintaining, or
17 building the parent-child relationship; or

18 (D) limitations in the parent's access to family
19 support programs, therapeutic services, visiting
20 opportunities, telephone and mail services, and
21 meaningful participation in court proceedings;

22 (v) the Department has not yet met with the child's
23 caregiver to discuss guardianship as an alternative to
24 adoption; or

25 (vi) the court has determined that guardianship is an
26 appropriate permanency goal.

1 (b) For purposes of this subsection, the date of entering
2 foster care is defined as the earlier of:

3 (1) The date of a judicial finding at an adjudicatory
4 hearing that the child is an abused, neglected, or
5 dependent minor; or

6 (2) 60 days after the date on which the child is
7 removed from the child's parent, guardian, or legal
8 custodian.

9 (c) (Blank).

10 (d) (Blank).

11 (5) The court shall liberally allow the petitioner to
12 amend the petition to set forth a cause of action or to add,
13 amend, or supplement factual allegations that form the basis
14 for a cause of action up until 14 days before the adjudicatory
15 hearing. The petitioner may amend the petition after that date
16 and prior to the adjudicatory hearing if the court grants
17 leave to amend upon a showing of good cause. The court may
18 allow amendment of the petition to conform with the evidence
19 at any time prior to ruling. In all cases in which the court
20 has granted leave to amend based on new evidence or new
21 allegations, the court shall permit the respondent an adequate
22 opportunity to prepare a defense to the amended petition.

23 (6) At any time before dismissal of the petition or before
24 final closing and discharge under Section 2-31, one or more
25 motions in the best interests of the minor may be filed. The
26 motion shall specify sufficient facts in support of the relief

1 requested.

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

3 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)

4 Sec. 2-21. Findings and adjudication.

5 (1) The court shall state for the record the manner in
6 which the parties received service of process and shall note
7 whether the return or returns of service, postal return
8 receipt or receipts for notice by certified mail, or
9 certificate or certificates of publication have been filed in
10 the court record. The court shall enter any appropriate orders
11 of default against any parent who has been properly served in
12 any manner and fails to appear.

13 No further service of process as defined in Sections 2-15
14 and 2-16 is required in any subsequent proceeding for a parent
15 who was properly served in any manner, except as required by
16 Supreme Court Rule 11.

17 The caseworker shall testify about the diligent search
18 conducted for the parent.

19 After hearing the evidence the court shall determine
20 whether or not the minor is abused, neglected, or dependent.
21 If it finds that the minor is not such a person, the court
22 shall order the petition dismissed and the minor discharged.
23 The court's determination of whether the minor is abused,
24 neglected, or dependent shall be stated in writing with the
25 factual basis supporting that determination.

1 If the court finds that the minor is abused, neglected, or
2 dependent, the court shall then determine and put in writing
3 the factual basis supporting that determination, and specify,
4 to the extent possible, the acts or omissions or both of each
5 parent, guardian, or legal custodian that form the basis of
6 the court's findings. That finding shall appear in the order
7 of the court.

8 If the court finds that the child has been abused,
9 neglected or dependent, the court shall admonish the parents
10 that they must cooperate with the Department of Children and
11 Family Services, comply with the terms of the service plan,
12 and correct the conditions that require the child to be in
13 care, or risk termination of parental rights.

14 If the court determines that a person has inflicted
15 physical or sexual abuse upon a minor, the court shall report
16 that determination to the Illinois State Police, which shall
17 include that information in its report to the President of the
18 school board for a school district that requests a criminal
19 history records check of that person, or the regional
20 superintendent of schools who requests a check of that person,
21 as required under Section 10-21.9 or 34-18.5 of the School
22 Code.

23 (2) If, pursuant to subsection (1) of this Section, the
24 court determines and puts in writing the factual basis
25 supporting the determination that the minor is either abused
26 or neglected or dependent, the court shall then set a time not

1 later than 30 days after the entry of the finding for a
2 dispositional hearing (unless an earlier date is required
3 pursuant to Section 2-13.1) to be conducted under Section 2-22
4 at which hearing the court shall determine whether it is
5 consistent with the health, safety and best interests of the
6 minor and the public that the minor ~~he~~ be made a ward of the
7 court. To assist the court in making this and other
8 determinations at the dispositional hearing, the court may
9 order that an investigation be conducted and a dispositional
10 report be prepared concerning the minor's physical and mental
11 history and condition, family situation and background,
12 economic status, education, occupation, history of delinquency
13 or criminality, personal habits, and any other information
14 that may be helpful to the court. The dispositional hearing
15 may be continued once for a period not to exceed 30 days if the
16 court finds that such continuance is necessary to complete the
17 dispositional report.

18 (3) The time limits of this Section may be waived only by
19 consent of all parties and approval by the court, as
20 determined to be consistent with the health, safety and best
21 interests of the minor.

22 (4) For all cases adjudicated prior to July 1, 1991, for
23 which no dispositional hearing has been held prior to that
24 date, a dispositional hearing under Section 2-22 shall be held
25 within 90 days of July 1, 1991.

26 (5) The court may terminate the parental rights of a

1 parent at the initial dispositional hearing if all of the
2 following conditions are met:

3 (i) the original or amended petition contains a
4 request for termination of parental rights and appointment
5 of a guardian with power to consent to adoption; and

6 (ii) the court has found by a preponderance of
7 evidence, introduced or stipulated to at an adjudicatory
8 hearing, that the child comes under the jurisdiction of
9 the court as an abused, neglected, or dependent minor
10 under Section 2-18; and

11 (iii) the court finds, on the basis of clear and
12 convincing evidence admitted at the adjudicatory hearing
13 that the parent is an unfit person under subdivision D of
14 Section 1 of the Adoption Act; and

15 (iv) the court determines in accordance with the rules
16 of evidence for dispositional proceedings, that:

17 (A) it is in the best interest of the minor and
18 public that the child be made a ward of the court;

19 (A-1) the petitioner has demonstrated that
20 guardianship is not sufficient to protect the health,
21 safety, and welfare of the minor;

22 (A-3) the minor is open to the permanency option
23 of adoption;

24 (A-5) reasonable efforts under subsection (1-1) of
25 Section 5 of the Children and Family Services Act are
26 inappropriate or such efforts were made and were

1 unsuccessful; and

2 (B) termination of parental rights and appointment
3 of a guardian with power to consent to adoption is in
4 the best interest of the child pursuant to Section
5 2-29.

6 (Source: P.A. 102-538, eff. 8-20-21.)

7 (705 ILCS 405/2-22) (from Ch. 37, par. 802-22)

8 Sec. 2-22. Dispositional hearing; evidence; continuance.

9 (1) At the dispositional hearing, the court shall
10 determine whether it is in the best interests of the minor and
11 the public that the minor be made a ward of the court, and, if
12 the minor is to be made a ward of the court, the court shall
13 determine the proper disposition best serving the health,
14 safety and interests of the minor and the public. The court
15 also shall consider the Department's due diligence in family
16 finding efforts for the minor required under subsection (2.5)
17 of Section 2-10, permanency goal set for the minor, the nature
18 of the service plan for the minor and the services delivered
19 and to be delivered under the plan. All evidence helpful in
20 determining these questions, including oral and written
21 reports, may be admitted and may be relied upon to the extent
22 of its probative value, even though not competent for the
23 purposes of the adjudicatory hearing.

24 (2) Once all parties respondent have been served in
25 compliance with Sections 2-15 and 2-16, no further service or

1 notice must be given to a party prior to proceeding to a
2 dispositional hearing. Before making an order of disposition
3 the court shall advise the State's Attorney, the parents,
4 guardian, custodian or responsible relative or their counsel
5 of the factual contents and the conclusions of the reports
6 prepared for the use of the court and considered by it, and
7 afford fair opportunity, if requested, to controvert them. The
8 court may order, however, that the documents containing such
9 reports need not be submitted to inspection, or that sources
10 of confidential information need not be disclosed except to
11 the attorneys for the parties. Factual contents, conclusions,
12 documents and sources disclosed by the court under this
13 paragraph shall not be further disclosed without the express
14 approval of the court pursuant to an in camera hearing.

15 (3) A record of a prior continuance under supervision
16 under Section 2-20, whether successfully completed with regard
17 to the child's health, safety and best interest, or not, is
18 admissible at the dispositional hearing.

19 (4) On its own motion or that of the State's Attorney, a
20 parent, guardian, custodian, responsible relative or counsel,
21 the court may adjourn the hearing for a reasonable period to
22 receive reports or other evidence, if the adjournment is
23 consistent with the health, safety and best interests of the
24 minor, but in no event shall continuances be granted so that
25 the dispositional hearing occurs more than 6 months after the
26 initial removal of a minor from the minor's home. In

1 scheduling investigations and hearings, the court shall give
2 priority to proceedings in which a minor has been removed from
3 the minor's home before an order of disposition has been made.

4 (5) Unless already set by the court, at the conclusion of
5 the dispositional hearing, the court shall set the date for
6 the first permanency hearing, to be conducted under subsection
7 (2) of Section 2-28, which shall be held: (a) within 12 months
8 from the date temporary custody was taken, (b) if the parental
9 rights of both parents have been terminated in accordance with
10 the procedure described in subsection (5) of Section 2-21,
11 within 30 days of the termination of parental rights and
12 appointment of a guardian with power to consent to adoption,
13 or (c) in accordance with subsection (2) of Section 2-13.1.

14 (6) When the court declares a child to be a ward of the
15 court and awards guardianship to the Department of Children
16 and Family Services: 7

17 (a) the court shall admonish the parents, guardian,
18 custodian or responsible relative that the parents must
19 cooperate with the Department of Children and Family
20 Services, comply with the terms of the service plans, and
21 correct the conditions which require the child to be in
22 care, or risk termination of their parental rights; and
23 (b) the court shall inquire of the parties of any intent to
24 proceed with termination of parental rights of a parent:

25 (A) whose identity still remains unknown;

26 (B) whose whereabouts remain unknown; or

1 (C) who was found in default at the adjudicatory
2 hearing and has not obtained an order setting aside
3 the default in accordance with Section 2-1301 of the
4 Code of Civil Procedure; and -

5 (b) the court shall order the Department to act with
6 due diligence to contact relatives in a meaningful way to
7 achieve a permanent home or establish lifelong connections
8 for the child, including, but not limited to:

9 (A) completing new family-finding efforts for
10 relatives of the minor required under subsection (2.5)
11 of Section 2-10 within 30 days of an unknown parent's
12 identity being determined or a parent whose
13 whereabouts were unknown being located;

14 (B) making a sufficient showing to the court that
15 contacting a specific relative is inappropriate in
16 order for the court to exercise judicial oversight and
17 ensure relatives excluded by the Department as
18 potential placements or connections for the child are
19 excluded as a result of reasonable cause to believe
20 the health, safety, or welfare of the minor would be
21 jeopardized;

22 (C) maintaining efforts to engage located
23 relatives in identifying additional family and close
24 relations who may help with care of support for the
25 child and involving them in developing and carrying
26 out a plan for the emotional and legal permanency of

1 the child; and

2 (D) providing evidence to the court at each
3 subsequent hearing sufficient for the court to
4 determine the Department's compliance with the
5 court-ordered requirements under paragraph (b) which
6 may be demonstrated by documented efforts to include
7 relatives in family team conferencing and visitation,
8 asking relatives to assist with transportation of the
9 family, providing respite care, or provide placement
10 for the child.

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

12 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

13 Sec. 2-23. Kinds of dispositional orders.

14 (1) The following kinds of orders of disposition may be
15 made in respect of wards of the court:

16 (a) A minor found to be neglected or abused under
17 Section 2-3 or dependent under Section 2-4 may be (1)
18 continued in the custody of the minor's parents, guardian
19 or legal custodian; (2) placed in accordance with Section
20 2-27; (3) restored to the custody of the parent, parents,
21 guardian, or legal custodian, provided the court shall
22 order the parent, parents, guardian, or legal custodian to
23 cooperate with the Department of Children and Family
24 Services and comply with the terms of an after-care plan
25 or risk the loss of custody of the child and the possible

1 termination of their parental rights; or (4) ordered
2 partially or completely emancipated in accordance with the
3 provisions of the Emancipation of Minors Act.

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

13 However, in any case in which a minor is found by the
14 court to be neglected or abused under Section 2-3 of this
15 Act, custody of the minor shall not be restored to any
16 parent, guardian or legal custodian whose acts or
17 omissions or both have been identified, pursuant to
18 subsection (1) of Section 2-21, as forming the basis for
19 the court's finding of abuse or neglect, until such time
20 as a hearing is held on the issue of the best interests of
21 the minor and the fitness of such parent, guardian or
22 legal custodian to care for the minor without endangering
23 the minor's health or safety, and the court enters an
24 order that such parent, guardian or legal custodian is fit
25 to care for the minor.

26 (b) A minor found to be dependent under Section 2-4

1 may be (1) placed in accordance with Section 2-27 or (2)
2 ordered partially or completely emancipated in accordance
3 with the provisions of the Emancipation of Minors Act.

4 However, in any case in which a minor is found by the
5 court to be dependent under Section 2-4 of this Act,
6 custody of the minor shall not be restored to any parent,
7 guardian or legal custodian whose acts or omissions or
8 both have been identified, pursuant to subsection (1) of
9 Section 2-21, as forming the basis for the court's finding
10 of dependency, until such time as a hearing is held on the
11 issue of the fitness of such parent, guardian or legal
12 custodian to care for the minor without endangering the
13 minor's health or safety, and the court enters an order
14 that such parent, guardian or legal custodian is fit to
15 care for the minor.

16 (b-1) A minor between the ages of 18 and 21 may be
17 placed pursuant to Section 2-27 of this Act if (1) the
18 court has granted a supplemental petition to reinstate
19 wardship of the minor pursuant to subsection (2) of
20 Section 2-33, (2) the court has adjudicated the minor a
21 ward of the court, permitted the minor to return home
22 under an order of protection, and subsequently made a
23 finding that it is in the minor's best interest to vacate
24 the order of protection and commit the minor to the
25 Department of Children and Family Services for care and
26 service, or (3) the court returned the minor to the

1 custody of the respondent under Section 2-4b of this Act
2 without terminating the proceedings under Section 2-31 of
3 this Act, and subsequently made a finding that it is in the
4 minor's best interest to commit the minor to the
5 Department of Children and Family Services for care and
6 services.

7 (c) When the court awards guardianship to the
8 Department of Children and Family Services, the court
9 shall order: (i) the parents to cooperate with the
10 Department of Children and Family Services, comply with
11 the terms of the service plans, and correct the conditions
12 that require the child to be in care, or risk termination
13 of their parental rights; and (ii) the Department to act
14 with due diligence in family finding to achieve a
15 permanent home or establish lifelong connections for the
16 child, as required under paragraph (b) of subsection (6)
17 of Section 2-22.

18 (2) Any order of disposition may provide for protective
19 supervision under Section 2-24 and may include an order of
20 protection under Section 2-25.

21 Unless the order of disposition expressly so provides, it
22 does not operate to close proceedings on the pending petition,
23 but is subject to modification, not inconsistent with Section
24 2-28, until final closing and discharge of the proceedings
25 under Section 2-31.

26 (3) The court also shall enter any other orders necessary

1 to fulfill the service plan, including, but not limited to,
2 (i) orders requiring parties to cooperate with services, (ii)
3 restraining orders controlling the conduct of any party likely
4 to frustrate the achievement of the goal, ~~and~~ (iii) visiting
5 orders, and (iv) orders requiring the Department or licensed
6 child welfare agency to locate and assess potential relatives
7 as placement resources and report the outcome to the court.

8 When the child is placed separately from a sibling, the court
9 shall review the Sibling Contact Support Plan developed under
10 subsection (f) of Section 7.4 of the Children and Family
11 Services Act, if applicable. If the Department has not
12 convened a meeting to develop a Sibling Contact Support Plan,
13 or if the court finds that the existing Plan is not in the
14 child's best interest, the court may enter an order requiring
15 the Department to develop and implement a Sibling Contact
16 Support Plan under subsection (f) of Section 7.4 of the
17 Children and Family Services Act or order mediation. Unless
18 otherwise specifically authorized by law, the court is not
19 empowered under this subsection (3) to order specific
20 placements, specific services, or specific service providers
21 to be included in the plan. If, after receiving evidence, the
22 court determines that the services contained in the plan are
23 not reasonably calculated to facilitate achievement of the
24 permanency goal, the court shall put in writing the factual
25 basis supporting the determination and enter specific findings
26 based on the evidence. The court also shall enter an order for

1 the Department to develop and implement a new service plan or
2 to implement changes to the current service plan consistent
3 with the court's findings. The new service plan shall be filed
4 with the court and served on all parties within 45 days after
5 the date of the order. The court shall continue the matter
6 until the new service plan is filed. Except as authorized by
7 subsection (3.5) of this Section or authorized by law, the
8 court is not empowered under this Section to order specific
9 placements, specific services, or specific service providers
10 to be included in the service plan.

11 (3.5) If, after reviewing the evidence, including evidence
12 from the Department, the court determines that the minor's
13 current or planned placement is not necessary or appropriate
14 to facilitate achievement of the permanency goal, the court
15 shall put in writing the factual basis supporting its
16 determination and enter specific findings based on the
17 evidence. If the court finds that the minor's current or
18 planned placement is not necessary or appropriate, the court
19 may enter an order directing the Department to implement a
20 recommendation by the minor's treating clinician or a
21 clinician contracted by the Department to evaluate the minor
22 or a recommendation made by the Department. If the Department
23 places a minor in a placement under an order entered under this
24 subsection (3.5), the Department has the authority to remove
25 the minor from that placement when a change in circumstances
26 necessitates the removal to protect the minor's health,

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

11 (4) In addition to any other order of disposition, the
12 court may order any minor adjudicated neglected with respect
13 to the minor's own injurious behavior to make restitution, in
14 monetary or non-monetary form, under the terms and conditions
15 of Section 5-5-6 of the Unified Code of Corrections, except
16 that the "presentence hearing" referred to therein shall be
17 the dispositional hearing for purposes of this Section. The
18 parent, guardian or legal custodian of the minor may pay some
19 or all of such restitution on the minor's behalf.

20 (5) Any order for disposition where the minor is committed
21 or placed in accordance with Section 2-27 shall provide for
22 the parents or guardian of the estate of such minor to pay to
23 the legal custodian or guardian of the person of the minor such
24 sums as are determined by the custodian or guardian of the
25 person of the minor as necessary for the minor's needs. Such
26 payments may not exceed the maximum amounts provided for by

1 Section 9.1 of the Children and Family Services Act.

2 (6) Whenever the order of disposition requires the minor
3 to attend school or participate in a program of training, the
4 truant officer or designated school official shall regularly
5 report to the court if the minor is a chronic or habitual
6 truant under Section 26-2a of the School Code.

7 (7) The court may terminate the parental rights of a
8 parent at the initial dispositional hearing if all of the
9 conditions in subsection (5) of Section 2-21 are met.

10 (Source: P.A. 102-489, eff. 8-20-21; 103-22, eff. 8-8-23.)

11 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

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

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

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

25 (a-5) with the approval of the Department of Children

1 and Family Services, place the minor in the subsidized
2 guardianship of a suitable relative or other person as
3 legal guardian; "subsidized guardianship" has the meaning
4 ascribed to that term in Section 4d of the Children and
5 Family Services Act ~~means a private guardianship~~
6 ~~arrangement for children for whom the permanency goals of~~
7 ~~return home and adoption have been ruled out and who meet~~
8 ~~the qualifications for subsidized guardianship as defined~~
9 ~~by the Department of Children and Family Services in~~
10 ~~administrative rules;~~

11 (b) place the minor under the guardianship of a
12 probation officer;

13 (c) commit the minor to an agency for care or
14 placement, except an institution under the authority of
15 the Department of Corrections or of the Department of
16 Children and Family Services;

17 (d) on and after the effective date of this amendatory
18 Act of the 98th General Assembly and before January 1,
19 2017, commit the minor to the Department of Children and
20 Family Services for care and service; however, a minor
21 charged with a criminal offense under the Criminal Code of
22 1961 or the Criminal Code of 2012 or adjudicated
23 delinquent shall not be placed in the custody of or
24 committed to the Department of Children and Family
25 Services by any court, except (i) a minor less than 16
26 years of age and committed to the Department of Children

1 and Family Services under Section 5-710 of this Act, (ii)
2 a minor under the age of 18 for whom an independent basis
3 of abuse, neglect, or dependency exists, or (iii) a minor
4 for whom the court has granted a supplemental petition to
5 reinstate wardship pursuant to subsection (2) of Section
6 2-33 of this Act. On and after January 1, 2017, commit the
7 minor to the Department of Children and Family Services
8 for care and service; however, a minor charged with a
9 criminal offense under the Criminal Code of 1961 or the
10 Criminal Code of 2012 or adjudicated delinquent shall not
11 be placed in the custody of or committed to the Department
12 of Children and Family Services by any court, except (i) a
13 minor less than 15 years of age and committed to the
14 Department of Children and Family Services under Section
15 5-710 of this Act, (ii) a minor under the age of 18 for
16 whom an independent basis of abuse, neglect, or dependency
17 exists, or (iii) a minor for whom the court has granted a
18 supplemental petition to reinstate wardship pursuant to
19 subsection (2) of Section 2-33 of this Act. An independent
20 basis exists when the allegations or adjudication of
21 abuse, neglect, or dependency do not arise from the same
22 facts, incident, or circumstances which give rise to a
23 charge or adjudication of delinquency. The Department
24 shall be given due notice of the pendency of the action and
25 the Guardianship Administrator of the Department of
26 Children and Family Services shall be appointed guardian

1 of the person of the minor. Whenever the Department seeks
2 to discharge a minor from its care and service, the
3 Guardianship Administrator shall petition the court for an
4 order terminating guardianship. The Guardianship
5 Administrator may designate one or more other officers of
6 the Department, appointed as Department officers by
7 administrative order of the Department Director,
8 authorized to affix the signature of the Guardianship
9 Administrator to documents affecting the guardian-ward
10 relationship of children for whom the Guardianship
11 Administrator has been appointed guardian at such times as
12 the Guardianship Administrator is unable to perform the
13 duties of the Guardianship Administrator office. The
14 signature authorization shall include but not be limited
15 to matters of consent of marriage, enlistment in the armed
16 forces, legal proceedings, adoption, major medical and
17 surgical treatment and application for driver's license.
18 Signature authorizations made pursuant to the provisions
19 of this paragraph shall be filed with the Secretary of
20 State and the Secretary of State shall provide upon
21 payment of the customary fee, certified copies of the
22 authorization to any court or individual who requests a
23 copy.

24 (1.5) In making a determination under this Section, the
25 court shall also consider whether, based on health, safety,
26 and the best interests of the minor,

1 (a) appropriate services aimed at family preservation
2 and family reunification have been unsuccessful in
3 rectifying the conditions that have led to a finding of
4 unfitness or inability to care for, protect, train, or
5 discipline the minor, or

6 (b) no family preservation or family reunification
7 services would be appropriate,
8 and if the petition or amended petition contained an
9 allegation that the parent is an unfit person as defined in
10 subdivision (D) of Section 1 of the Adoption Act, and the order
11 of adjudication recites that parental unfitness was
12 established by clear and convincing evidence, the court shall,
13 when appropriate and in the best interest of the minor, enter
14 an order terminating parental rights and appointing a guardian
15 with power to consent to adoption in accordance with Section
16 2-29.

17 When making a placement, the court, wherever possible,
18 shall require the Department of Children and Family Services
19 to select a person holding the same religious belief as that of
20 the minor or a private agency controlled by persons of like
21 religious faith of the minor and shall require the Department
22 to otherwise comply with Section 7 of the Children and Family
23 Services Act in placing the child. In addition, whenever
24 alternative plans for placement are available, the court shall
25 ascertain and consider, to the extent appropriate in the
26 particular case, the views and preferences of the minor.

1 (2) When a minor is placed with a suitable relative or
2 other person pursuant to item (a) of subsection (1), the court
3 shall appoint the suitable relative or other person the legal
4 custodian or guardian of the person of the minor. When a minor
5 is committed to any agency, the court shall appoint the proper
6 officer or representative thereof as legal custodian or
7 guardian of the person of the minor. Legal custodians and
8 guardians of the person of the minor have the respective
9 rights and duties set forth in subsection (9) of Section 1-3
10 except as otherwise provided by order of court; but no
11 guardian of the person may consent to adoption of the minor
12 unless that authority is conferred upon the guardian in
13 accordance with Section 2-29. An agency whose representative
14 is appointed guardian of the person or legal custodian of the
15 minor may place the minor in any child care facility, but the
16 facility must be licensed under the Child Care Act of 1969 or
17 have been approved by the Department of Children and Family
18 Services as meeting the standards established for such
19 licensing. 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 for
22 placement under this Section promulgated by the Department of
23 Children and Family Services under Section 5 of the Children
24 and Family Services Act. Like authority and restrictions shall
25 be conferred by the court upon any probation officer who has
26 been appointed guardian of the person of a minor.

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

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

12 (5) Custody or guardianship granted under this Section
13 continues until the court otherwise directs, but not after the
14 minor reaches the age of 19 years except as set forth in
15 Section 2-31, or if the minor was previously committed to the
16 Department of Children and Family Services for care and
17 service and the court has granted a supplemental petition to
18 reinstate wardship pursuant to subsection (2) of Section 2-33.

19 (6) (Blank).

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

21 (705 ILCS 405/2-28)

22 Sec. 2-28. Court review.

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

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

1 parent, guardian, or legal custodian is fit to care for the
2 minor.

3 (1.5) The public agency that is the custodian or guardian
4 of the minor shall file a written report with the court no
5 later than 15 days after a minor in the agency's care remains:

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

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

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

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

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

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

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

24 (2) documenting the specific treatment or service
25 needs that should be met for the child in the placement and
26 the length of time the child is expected to need the

1 treatment or services; and

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

6 (1.7) Within 45 days of the Department taking a child into
7 protective custody, the Department shall file a written report
8 with the court and send copies of the report to all parties.
9 The report shall explain the due diligence the agency is
10 taking to ensure an intensive relative search and engagement
11 strategy is being used to identify family and other close
12 adults and then involve them in developing and carrying out a
13 plan for the emotional and legal permanency of the child. The
14 report shall list the outcome of contacts made, whether
15 placement options are being evaluated, including kinship
16 caregiver home certification under Section 3.4 of the Child
17 Care Act of 1969, and the reasonable efforts the agency is
18 undertaking to remove barriers to placement and certification
19 of a prospective kinship caregiver home.

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

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

26 The public agency that is the custodian or guardian of the

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

7 (A) include a report setting forth (i) any special
8 physical, psychological, educational, medical, emotional,
9 or other needs of the minor or the minor's family that are
10 relevant to a permanency or placement determination, ~~and~~
11 (ii) for any minor age 16 or over, a written description of
12 the programs and services that will enable the minor to
13 prepare for independent living, and (iii) a written
14 description of family-finding efforts the agency has
15 undertaken since the most recent report to the court to
16 plan for the emotional and legal permanency of the minor;
17 ~~If not contained in the agency's service plan, the~~
18 ~~agency's report shall~~

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

26 (C) detail what progress or lack of progress the

1 parent has made in correcting the conditions requiring the
2 child to be in care; whether the child can be returned home
3 without jeopardizing the child's health, safety, and
4 welfare, and if not, what permanency goal is recommended
5 to be in the best interests of the child, and why the other
6 permanency goals are not appropriate. If a permanency goal
7 change to adoption only is being recommended, the report
8 must: (i) demonstrate why guardianship is not sufficient
9 to protect the health, safety, and welfare of the minor;
10 (ii) state that after meeting with the agency to discuss
11 subsidized guardianship as an alternative to adoption, the
12 caregiver informed the agency that the caregiver is
13 unwilling or unable to pursue guardianship; (iii) state
14 the child's wishes as to the permanency goal and
15 placement; and (iv) indicate whether the child is placed
16 in an adoptive home or has an adoptive home identified;
17 and

18 (D) detail the due diligence the agency has taken to
19 ensure an intensive relative search and engagement
20 strategy is being used to identify family and other close
21 adults and then involve them in developing and carrying
22 out a plan for the emotional and legal permanency of the
23 child. The report should list the outcome of contacts
24 made, and if the minor is not placed in the home of a
25 relative or a kinship caregiver home, the agency's report
26 shall list all efforts taken since the last court hearing

1 to engage relatives in placement resource planning, the
2 status of assessments of prospective caregiver homes, the
3 outcomes of the agency's efforts, the agency's plans to
4 continue to explore placement options, and the reasonable
5 efforts the agency is undertaking to remove barriers to
6 placement with relatives and certification of prospective
7 kinship caregiver homes as applicable.

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

13 (2.3) At the permanency hearing, the court shall determine
14 the future status of the child. The court shall set one of the
15 following permanency goals:

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

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

23 (B-1) The minor will be in short-term care with a
24 continued goal to return home pending a status hearing.
25 When the court finds that a parent has not made reasonable
26 efforts or reasonable progress to date, the court shall

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

8 (C) The minor will be in substitute care pending court
9 determination on termination of parental rights. At a
10 minimum, the following factors must be weighed when
11 selecting this goal:

12 (i) whether the agency has discussed subsidized
13 guardianship with the caregiver as an alternative to
14 adoption and the caregiver is unwilling or unable to
15 pursue guardianship, but the caregiver does wish to
16 adopt;

17 (ii) whether the minor, if age appropriate,
18 expresses a preference to be adopted over placement in
19 a subsidized guardianship arrangement;

20 (iii) whether the parent has expressed a
21 preference for adoption over a subsidized guardianship
22 placement if it is deemed appropriate for the parent's
23 preferences to be considered; and

24 (iv) whether subsidized guardianship is not
25 sufficient to protect the health, safety, and welfare
26 of the minor.

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

3 (E) The guardianship of the minor will be transferred
4 to an individual or couple on a permanent basis provided
5 that goals (A) through (B-1) ~~(D)~~ have been deemed
6 inappropriate and not in the child's best interests.
7 Guardianship shall be presumed to be in the best interest
8 of the minor if goals (A) through (B-1) are not
9 appropriate and any of the following conditions exist: ~~The~~
10 court shall confirm that the Department has discussed
11 adoption, if appropriate, and guardianship with the
12 caregiver prior to changing a goal to guardianship.

13 (i) the minor is of sufficient age to remember the
14 minor's parents and cherish this familial identity;

15 (ii) one or both of the minor's parents are
16 unwilling to relinquish their parental rights, but
17 would be willing to support a subsidized guardianship;
18 or

19 (iii) the minor is already placed in a relative
20 home as defined in Section 2.38 of the Child Care Act
21 of 1969 or kinship caregiver home as defined in
22 Section 2.36 of the Child Care Act of 1969.

23 (F) The minor over age 15 will be in substitute care
24 pending independence. In selecting this permanency goal,
25 the Department of Children and Family Services may provide
26 services to enable reunification and to strengthen the

1 minor's connections with family, fictive kin, and other
2 responsible adults, provided the services are in the
3 minor's best interest. The services shall be documented in
4 the service plan.

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

11 In selecting any permanency goal, the court shall indicate
12 in writing the reasons the goal was selected and why the
13 preceding goals were deemed inappropriate and not in the
14 child's best interest. Where the court has selected a
15 permanency goal other than (A), (B), or (B-1), the Department
16 of Children and Family Services shall not provide further
17 reunification services, except as provided in paragraph (F) of
18 this subsection (2.3) ~~(2)~~, but shall provide services
19 consistent with the goal selected.

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

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

25 (2) The court has deemed all other permanency
26 goals inappropriate based on the child's best

1 interest;

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

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

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

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

24 (4) The child has lived with the relative, kinship
25 caregiver, or foster parent for at least one year; and

26 (5) The relative, kinship caregiver, or foster

1 parent currently caring for the child is willing and
2 capable of providing the child with a stable and
3 permanent environment.

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

10 (1) Age of the child.

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

13 (3) Current placement of the child and the intent of
14 the family regarding subsidized guardianship and adoption.

15 (4) Emotional, physical, and mental status or
16 condition of the child.

17 (5) Types of services previously offered and whether
18 or not the services were successful and, if not
19 successful, the reasons the services failed.

20 (6) Availability of services currently needed and
21 whether the services exist.

22 (7) Status of siblings of the minor.

23 (8) Whether there is an identified and willing
24 potential permanent caregiver who fits one of the minor's
25 concurrent permanency goals.

26 The court shall consider (i) the permanency goal contained

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

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

25 If the permanency goal is to return home, the court shall
26 make findings that identify any problems that are causing

1 continued placement of the children away from the home and
2 identify what outcomes would be considered a resolution to
3 these problems. The court shall explain to the parents that
4 these findings are based on the information that the court has
5 at that time and may be revised, should additional evidence be
6 presented to the court.

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

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

19 If, after receiving evidence, the court determines that
20 the services contained in the plan are not reasonably
21 calculated to facilitate achievement of the permanency goal,
22 the court shall put in writing the factual basis supporting
23 the determination and enter specific findings based on the
24 evidence. The court also shall enter an order for the
25 Department to develop and implement a new service plan or to
26 implement changes to the current service plan consistent with

1 the court's findings. The new service plan shall be filed with
2 the court and served on all parties within 45 days of the date
3 of the order. The court shall continue the matter until the new
4 service plan is filed. Except as authorized by subsection
5 (2.5) of this Section and as otherwise specifically authorized
6 by law, the court is not empowered under this Section to order
7 specific placements, specific services, or specific service
8 providers to be included in the service plan.

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

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

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

1 places a minor in a placement under an order entered under this
2 subsection (2.5), the Department has the authority to remove
3 the minor from that placement when a change in circumstances
4 necessitates the removal to protect the minor's health,
5 safety, and best interest. If the Department determines
6 removal is necessary, the Department shall notify the parties
7 of the planned placement change in writing no later than 10
8 days prior to the implementation of its determination unless
9 remaining in the placement poses an imminent risk of harm to
10 the minor, in which case the Department shall notify the
11 parties of the placement change in writing immediately
12 following the implementation of its decision. The Department
13 shall notify others of the decision to change the minor's
14 placement as required by Department rule.

15 (3) Following the permanency hearing, the court shall
16 enter a written order that includes the determinations
17 required under subsections ~~subsection~~ (2) and (2.3) of this
18 Section and sets forth the following:

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

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

1 (i) (Blank).

2 (ii) Whether the services required by the court
3 and by any service plan prepared within the prior 6
4 months have been provided and (A) if so, whether the
5 services were reasonably calculated to facilitate the
6 achievement of the permanency goal or (B) if not
7 provided, why the services were not provided.

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

18 (iv) (Blank).

19 (v) (Blank).

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

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

26 (a) The Department, the minor, or the current foster

1 parent or relative caregiver seeking private guardianship
2 may file a motion for private guardianship of the minor.
3 Appointment of a guardian under this Section requires
4 approval of the court.

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

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

1 terminated and the youth. The Department of Children and
2 Family Services shall document its determinations and
3 efforts to foster connections in the child's case plan.

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

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

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

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

25 (5) Whenever a parent, guardian, or legal custodian files
26 a motion for restoration of custody of the minor, and the minor

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

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

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

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

23 (Source: P.A. 102-193, eff. 7-30-21; 102-489, eff. 8-20-21;
24 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-154, eff.
25 6-30-23; 103-171, eff. 1-1-24; revised 12-15-23.)

1 Section 20. The Adoption Act is amended by changing
2 Section 15.1 as follows:

3 (750 ILCS 50/15.1) (from Ch. 40, par. 1519.1)

4 Sec. 15.1. (a) Any person over the age of 18, who has cared
5 for a child for a continuous period of one year or more as a
6 foster parent licensed under the Child Care Act of 1969 to
7 operate a foster family home, as a person providing a kinship
8 caregiver home approved under Section 3.4 of the Child Care
9 Act of 1969, or as a person providing a relative home as
10 defined by Sec 2.37 of the Child Care Act of 1969, may apply to
11 the child's guardian with the power to consent to adoption,
12 for such guardian's consent.

13 (b) Such guardian shall give preference and first
14 consideration to that application over all other applications
15 for adoption of the child but the guardian's final decision
16 shall be based on the welfare and best interest of the child.
17 In arriving at this decision, the guardian shall consider all
18 relevant factors including but not limited to:

19 (1) the wishes of the child;

20 (2) the interaction and interrelationship of the child
21 with the applicant to adopt the child;

22 (3) the child's need for stability and continuity of
23 relationship with parent figures;

24 (4) the wishes of the child's parent as expressed in
25 writing prior to that parent's execution of a consent or

1 surrender for adoption;

2 (5) the child's adjustment to the child's ~~his~~ present
3 home, school and community;

4 (6) the mental and physical health of all individuals
5 involved;

6 (7) the family ties between the child and the
7 applicant to adopt the child and the value of preserving
8 family ties between the child and the child's relatives,
9 including siblings;

10 (8) the background, age and living arrangements of the
11 applicant to adopt the child;

12 (9) the criminal background check report presented to
13 the court as part of the investigation required under
14 Section 6 of this Act.

15 (c) The final determination of the propriety of the
16 adoption shall be within the sole discretion of the court,
17 which shall base its decision on the welfare and best interest
18 of the child. In arriving at this decision, the court shall
19 consider all relevant factors including but not limited to the
20 factors in subsection (b).

21 (d) If the court specifically finds that the guardian has
22 abused the guardian's ~~his~~ discretion by withholding consent to
23 an adoption in violation of the child's welfare and best
24 interests, then the court may grant an adoption, after all of
25 the other provisions of this Act have been complied with, with
26 or without the consent of the guardian with power to consent to

1 adoption. If the court specifically finds that the guardian
2 has abused the guardian's ~~his~~ discretion by granting consent
3 to an adoption in violation of the child's welfare and best
4 interests, then the court may deny an adoption even though the
5 guardian with power to consent to adoption has consented to
6 it.

7 (Source: P.A. 90-608, eff. 6-30-98.)

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

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