



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### HB5036

Introduced 2/8/2024, by Rep. Justin Slaughter

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-2	from Ch. 37, par. 801-2
705 ILCS 405/1-3	from Ch. 37, par. 801-3
705 ILCS 405/2-10	from Ch. 37, par. 802-10
705 ILCS 405/2-13	from Ch. 37, par. 802-13
705 ILCS 405/2-13.1	
705 ILCS 405/2-21	from Ch. 37, par. 802-21
705 ILCS 405/2-28	
750 ILCS 50/1	from Ch. 40, par. 1501

Amends the Juvenile Court Act of 1987. Changes all references in the General Provisions Article and the Abused, Neglected or Dependent Minors Article of the Act from "reasonable efforts" to "active efforts" in cases that involve reunification by the Department of Children and Family Services. Defines "active efforts" as efforts that are affirmative, active, thorough, timely and intended to maintain or reunite a child with the child's family and represent a higher standard of conduct than reasonable efforts. In the court review provisions, provides that if the court makes findings that the Department of Children and Family Services has failed to make active efforts to provide services as provided in the service plan, the court's order shall specify each party that failure applies to and the applicable time period. Amends the Adoption Act. Provides that a person shall not be considered an unfit person for the sole reason that the Department of Children and Family Services or its assign has been found to have not made active efforts as defined in the Juvenile Court Act of 1987 during any period during the pendency of the case at hand. Provides that a parent shall not be found unfit for failure to make reasonable efforts or reasonable progress for any 9-month period during which a court, hearing a case under the Abused, Neglected or Dependent Minors Article of the Juvenile Court Act of 1987, found that the Department failed to make active efforts, as defined in the Juvenile Court Act of 1987 with respect to that parent. Provides that this provision applies to findings of failure to make active efforts made on or after the effective date of the amendatory Act.

LRB103 37042 RLC 67157 b

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Sections 1-2, 1-3, 2-10, 2-13, 2-13.1, 2-21, and 2-28  
6 as follows:

7 (705 ILCS 405/1-2) (from Ch. 37, par. 801-2)

8 Sec. 1-2. Purpose and policy.

9 (1) The purpose of this Act is to secure for each minor  
10 subject hereto such care and guidance, preferably in the  
11 minor's own home, as will serve the safety and moral,  
12 emotional, mental, and physical welfare of the minor and the  
13 best interests of the community; to preserve and strengthen  
14 the minor's family ties whenever possible, removing the minor  
15 from the custody of the minor's parents only when the minor's  
16 safety or welfare or the protection of the public cannot be  
17 adequately safeguarded without removal; if the child is  
18 removed from the custody of the minor's parent, the Department  
19 of Children and Family Services immediately shall consider  
20 concurrent planning, as described in Section 5 of the Children  
21 and Family Services Act so that permanency may occur at the  
22 earliest opportunity; consideration should be given so that if  
23 reunification fails or is delayed, the placement made is the

1 best available placement to provide permanency for the child;  
2 and, when the minor is removed from the minor's own family, to  
3 secure for the minor custody, care and discipline as nearly as  
4 possible equivalent to that which should be given by the  
5 minor's parents, and in cases where it should and can properly  
6 be done to place the minor in a family home so that the minor  
7 may become a member of the family by legal adoption or  
8 otherwise. Provided that a ground for unfitness under the  
9 Adoption Act can be met, it may be appropriate to expedite  
10 termination of parental rights:

11 (a) when active ~~reasonable~~ efforts are inappropriate,  
12 or have been provided and were unsuccessful, and there are  
13 aggravating circumstances including, but not limited to,  
14 those cases in which (i) the child or another child of that  
15 child's parent was (A) abandoned, (B) tortured, or (C)  
16 chronically abused or (ii) the parent is criminally  
17 convicted of (A) first degree murder or second degree  
18 murder of any child, (B) attempt or conspiracy to commit  
19 first degree murder or second degree murder of any child,  
20 (C) solicitation to commit murder, solicitation to commit  
21 murder for hire, solicitation to commit second degree  
22 murder of any child, or aggravated assault in violation of  
23 subdivision (a)(13) of Section 12-2 of the Criminal Code  
24 of 1961 or the Criminal Code of 2012, or (D) aggravated  
25 criminal sexual assault in violation of Section  
26 11-1.40(a)(1) or 12-14.1(a)(1) of the Criminal Code of

1 1961 or the Criminal Code of 2012; or

2 (b) when the parental rights of a parent with respect  
3 to another child of the parent have been involuntarily  
4 terminated; or

5 (c) in those extreme cases in which the parent's  
6 incapacity to care for the child, combined with an  
7 extremely poor prognosis for treatment or rehabilitation,  
8 justifies expedited termination of parental rights.

9 (2) In all proceedings under this Act the court may direct  
10 the course thereof so as promptly to ascertain the  
11 jurisdictional facts and fully to gather information bearing  
12 upon the current condition and future welfare of persons  
13 subject to this Act. This Act shall be administered in a spirit  
14 of humane concern, not only for the rights of the parties, but  
15 also for the fears and the limits of understanding of all who  
16 appear before the court.

17 (3) In all procedures under this Act, the following shall  
18 apply:

19 (a) The procedural rights assured to the minor shall  
20 be the rights of adults unless specifically precluded by  
21 laws which enhance the protection of such minors.

22 (b) Every child has a right to services necessary to  
23 the child's safety and proper development, including  
24 health, education and social services.

25 (c) The parents' right to the custody of their child  
26 shall not prevail when the court determines that it is

1 contrary to the health, safety, and best interests of the  
2 child.

3 (4) This Act shall be liberally construed to carry out the  
4 foregoing purpose and policy.

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

6 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

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

10 (.05) "Active efforts" means efforts that are affirmative,  
11 active, thorough, timely and intended to maintain or reunite a  
12 child with the child's family and represent a higher standard  
13 of conduct than reasonable efforts.

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

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

23 (3) "Agency" means a public or private child care facility  
24 legally authorized or licensed by this State for placement or  
25 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 with siblings and other relatives;

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

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

7 (j) the preferences of the persons available to care  
8 for the child.

9 (4.1) "Chronic truant" shall have the definition ascribed  
10 to it in Section 26-2a of the School Code.

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

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

17 (6.5) "Dissemination" or "disseminate" means to publish,  
18 produce, print, manufacture, distribute, sell, lease, exhibit,  
19 broadcast, display, transmit, or otherwise share information  
20 in any format so as to make the information accessible to  
21 others.

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

25 (7.03) "Expunge" means to physically destroy the records  
26 and to obliterate the minor's name from any official index,

1 public record, or electronic database.

2 (7.05) "Foster parent" includes a relative caregiver  
3 selected by the Department of Children and Family Services to  
4 provide care for the minor.

5 (8) "Guardianship of the person" of a minor means the duty  
6 and authority to act in the best interests of the minor,  
7 subject to residual parental rights and responsibilities, to  
8 make important decisions in matters having a permanent effect  
9 on the life and development of the minor and to be concerned  
10 with the minor's general welfare. It includes but is not  
11 necessarily limited to:

12 (a) the authority to consent to marriage, to  
13 enlistment in the armed forces of the United States, or to  
14 a major medical, psychiatric, and surgical treatment; to  
15 represent the minor in legal actions; and to make other  
16 decisions of substantial legal significance concerning the  
17 minor;

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

21 (c) the rights and responsibilities of legal custody  
22 except where legal custody has been vested in another  
23 person or agency; and

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



1 (8.1) "Juvenile court record" includes, but is not limited  
2 to:

3 (a) all documents filed in or maintained by the  
4 juvenile court pertaining to a specific incident,  
5 proceeding, or individual;

6 (b) all documents relating to a specific incident,  
7 proceeding, or individual made available to or maintained  
8 by probation officers;

9 (c) all documents, video or audio tapes, photographs,  
10 and exhibits admitted into evidence at juvenile court  
11 hearings; or

12 (d) all documents, transcripts, records, reports, or  
13 other evidence prepared by, maintained by, or released by  
14 any municipal, county, or State agency or department, in  
15 any format, if indicating involvement with the juvenile  
16 court relating to a specific incident, proceeding, or  
17 individual.

18 (8.2) "Juvenile law enforcement record" includes records  
19 of arrest, station adjustments, fingerprints, probation  
20 adjustments, the issuance of a notice to appear, or any other  
21 records or documents maintained by any law enforcement agency  
22 relating to a minor suspected of committing an offense, and  
23 records maintained by a law enforcement agency that identifies  
24 a juvenile as a suspect in committing an offense, but does not  
25 include records identifying a juvenile as a victim, witness,  
26 or missing juvenile and any records created, maintained, or

1 used for purposes of referral to programs relating to  
2 diversion as defined in subsection (6) of Section 5-105.

3 (9) "Legal custody" means the relationship created by an  
4 order of court in the best interests of the minor which imposes  
5 on the custodian the responsibility of physical possession of  
6 a minor and the duty to protect, train and discipline the minor  
7 and to provide the minor with food, shelter, education, and  
8 ordinary medical care, except as these are limited by residual  
9 parental rights and responsibilities and the rights and  
10 responsibilities of the guardian of the person, if any.

11 (9.1) "Mentally capable adult relative" means a person 21  
12 years of age or older who is not suffering from a mental  
13 illness that prevents the person from providing the care  
14 necessary to safeguard the physical safety and welfare of a  
15 minor who is left in that person's care by the parent or  
16 parents or other person responsible for the minor's welfare.

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

19 (11) "Parent" means a father or mother of a child and  
20 includes any adoptive parent. It also includes a person (i)  
21 whose parentage is presumed or has been established under the  
22 law of this or another jurisdiction or (ii) who has registered  
23 with the Putative Father Registry in accordance with Section  
24 12.1 of the Adoption Act and whose paternity has not been ruled  
25 out under the law of this or another jurisdiction. It does not  
26 include a parent whose rights in respect to the minor have been

1 terminated in any manner provided by law. It does not include a  
2 person who has been or could be determined to be a parent under  
3 the Illinois Parentage Act of 1984 or the Illinois Parentage  
4 Act of 2015, or similar parentage law in any other state, if  
5 that person has been convicted of or pled nolo contendere to a  
6 crime that resulted in the conception of the child under  
7 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,  
8 12-14.1, subsection (a) or (b) (but not subsection (c)) of  
9 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or  
10 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012, or similar  
12 statute in another jurisdiction unless upon motion of any  
13 party, other than the offender, to the juvenile court  
14 proceedings the court finds it is in the child's best interest  
15 to deem the offender a parent for purposes of the juvenile  
16 court proceedings.

17 (11.1) "Permanency goal" means a goal set by the court as  
18 defined in subdivision (2) of Section 2-28.

19 (11.2) "Permanency hearing" means a hearing to set the  
20 permanency goal and to review and determine (i) the  
21 appropriateness of the services contained in the plan and  
22 whether those services have been provided, (ii) whether  
23 reasonable efforts have been made by all the parties to the  
24 service plan to achieve the goal, and (iii) whether the plan  
25 and goal have been achieved.

26 (12) "Petition" means the petition provided for in Section

1 2-13, 3-15, 4-12, or 5-520, including any supplemental  
2 petitions thereunder in Section 3-15, 4-12, or 5-520.

3 (12.1) "Physically capable adult relative" means a person  
4 21 years of age or older who does not have a severe physical  
5 disability or medical condition, or is not suffering from  
6 alcoholism or drug addiction, that prevents the person from  
7 providing the care necessary to safeguard the physical safety  
8 and welfare of a minor who is left in that person's care by the  
9 parent or parents or other person responsible for the minor's  
10 welfare.

11 (12.2) "Post Permanency Sibling Contact Agreement" has the  
12 meaning ascribed to the term in Section 7.4 of the Children and  
13 Family Services Act.

14 (12.3) "Residential treatment center" means a licensed  
15 setting that provides 24-hour care to children in a group home  
16 or institution, including a facility licensed as a child care  
17 institution under Section 2.06 of the Child Care Act of 1969, a  
18 licensed group home under Section 2.16 of the Child Care Act of  
19 1969, a qualified residential treatment program under Section  
20 2.35 of the Child Care Act of 1969, a secure child care  
21 facility as defined in paragraph (18) of this Section, or any  
22 similar facility in another state. "Residential treatment  
23 center" does not include a relative foster home or a licensed  
24 foster family home.

25 (13) "Residual parental rights and responsibilities" means  
26 those rights and responsibilities remaining with the parent

1 after the transfer of legal custody or guardianship of the  
2 person, including, but not necessarily limited to, the right  
3 to reasonable visitation (which may be limited by the court in  
4 the best interests of the minor as provided in subsection  
5 (8) (b) of this Section), the right to consent to adoption, the  
6 right to determine the minor's religious affiliation, and the  
7 responsibility for the minor's support.

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

11 (14.05) "Shelter placement" means a temporary or emergency  
12 placement for a minor, including an emergency foster home  
13 placement.

14 (14.1) "Sibling Contact Support Plan" has the meaning  
15 ascribed to the term in Section 7.4 of the Children and Family  
16 Services Act.

17 (14.2) "Significant event report" means a written document  
18 describing an occurrence or event beyond the customary  
19 operations, routines, or relationships in the Department of  
20 Children of Family Services, a child care facility, or other  
21 entity that is licensed or regulated by the Department of  
22 Children of Family Services or that provides services for the  
23 Department of Children of Family Services under a grant,  
24 contract, or purchase of service agreement; involving children  
25 or youth, employees, foster parents, or relative caregivers;  
26 allegations of abuse or neglect or any other incident raising

1 a concern about the well-being of a minor under the  
2 jurisdiction of the court under Article II of the Juvenile  
3 Court Act of 1987; incidents involving damage to property,  
4 allegations of criminal activity, misconduct, or other  
5 occurrences affecting the operations of the Department of  
6 Children of Family Services or a child care facility; any  
7 incident that could have media impact; and unusual incidents  
8 as defined by Department of Children and Family Services rule.

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

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

15 (17) "Juvenile police officer" means a sworn police  
16 officer who has completed a Basic Recruit Training Course, has  
17 been assigned to the position of juvenile police officer by  
18 the officer's chief law enforcement officer and has completed  
19 the necessary juvenile officers training as prescribed by the  
20 Illinois Law Enforcement Training Standards Board, or in the  
21 case of a State police officer, juvenile officer training  
22 approved by the Director of the Illinois State Police.

23 (18) "Secure child care facility" means any child care  
24 facility licensed by the Department of Children and Family  
25 Services to provide secure living arrangements for children  
26 under 18 years of age who are subject to placement in

1 facilities under the Children and Family Services Act and who  
2 are not subject to placement in facilities for whom standards  
3 are established by the Department of Corrections under Section  
4 3-15-2 of the Unified Code of Corrections. "Secure child care  
5 facility" also means 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.

11 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;  
12 103-564, eff. 11-17-23.)

13 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

14 Sec. 2-10. Temporary custody hearing. At the appearance of  
15 the minor before the court at the temporary custody hearing,  
16 all witnesses present shall be examined before the court in  
17 relation to any matter connected with the allegations made in  
18 the petition.

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

22 (2) If the court finds that there is probable cause to  
23 believe that the minor is abused, neglected, or dependent, the  
24 court shall state in writing the factual basis supporting its  
25 finding and the minor, the minor's parent, guardian, or

1     custodian, and other persons able to give relevant testimony  
2     shall be examined before the court. The Department of Children  
3     and Family Services shall give testimony concerning indicated  
4     reports of abuse and neglect, of which they are aware through  
5     the central registry, involving the minor's parent, guardian,  
6     or custodian. After such testimony, the court may, consistent  
7     with the health, safety, and best interests of the minor,  
8     enter an order that the minor shall be released upon the  
9     request of parent, guardian, or custodian if the parent,  
10    guardian, or custodian appears to take custody. If it is  
11    determined that a parent's, guardian's, or custodian's  
12    compliance with critical services mitigates the necessity for  
13    removal of the minor from the minor's home, the court may enter  
14    an Order of Protection setting forth reasonable conditions of  
15    behavior that a parent, guardian, or custodian must observe  
16    for a specified period of time, not to exceed 12 months,  
17    without a violation; provided, however, that the 12-month  
18    period shall begin anew after any violation. "Custodian"  
19    includes the Department of Children and Family Services, if it  
20    has been given custody of the child, or any other agency of the  
21    State which has been given custody or wardship of the child. If  
22    it is consistent with the health, safety, and best interests  
23    of the minor, the court may also prescribe shelter care and  
24    order that the minor be kept in a suitable place designated by  
25    the court or in a shelter care facility designated by the  
26    Department of Children and Family Services or a licensed child



1 welfare agency; however, on and after January 1, 2015 (the  
2 effective date of Public Act 98-803) and before January 1,  
3 2017, a minor charged with a criminal offense under the  
4 Criminal Code of 1961 or the Criminal Code of 2012 or  
5 adjudicated delinquent shall not be placed in the custody of  
6 or committed to the Department of Children and Family Services  
7 by any court, except a minor less than 16 years of age and  
8 committed to the Department of Children and Family Services  
9 under Section 5-710 of this Act or a minor for whom an  
10 independent basis of abuse, neglect, or dependency exists; and  
11 on and after January 1, 2017, a minor charged with a criminal  
12 offense under the Criminal Code of 1961 or the Criminal Code of  
13 2012 or adjudicated delinquent shall not be placed in the  
14 custody of or committed to the Department of Children and  
15 Family Services by any court, except a minor less than 15 years  
16 of age and committed to the Department of Children and Family  
17 Services under Section 5-710 of this Act or a minor for whom an  
18 independent basis of abuse, neglect, or dependency exists. An  
19 independent basis exists when the allegations or adjudication  
20 of abuse, neglect, or dependency do not arise from the same  
21 facts, incident, or circumstances which give rise to a charge  
22 or adjudication of delinquency.

23 In placing the minor, the Department or other agency  
24 shall, to the extent compatible with the court's order, comply  
25 with Section 7 of the Children and Family Services Act. In  
26 determining the health, safety, and best interests of the

1 minor to prescribe shelter care, the court must find that it is  
2 a matter of immediate and urgent necessity for the safety, and  
3 protection of the minor or of the person or property of another  
4 that the minor be placed in a shelter care facility or that the  
5 minor is likely to flee the jurisdiction of the court, and must  
6 further find that active ~~reasonable~~ efforts have been made or  
7 that, consistent with the health, safety and best interests of  
8 the minor, no efforts reasonably can be made to prevent or  
9 eliminate the necessity of removal of the minor from the  
10 minor's home. The court shall require documentation from the  
11 Department of Children and Family Services as to the active  
12 ~~reasonable~~ efforts that were made to prevent or eliminate the  
13 necessity of removal of the minor from the minor's home or the  
14 reasons why no efforts reasonably could be made to prevent or  
15 eliminate the necessity of removal. When a minor is placed in  
16 the home of a relative, the Department of Children and Family  
17 Services shall complete a preliminary background review of the  
18 members of the minor's custodian's household in accordance  
19 with Section 4.3 of the Child Care Act of 1969 within 90 days  
20 of that placement. If the minor is ordered placed in a shelter  
21 care facility of the Department of Children and Family  
22 Services or a licensed child welfare agency, the court shall,  
23 upon request of the appropriate Department or other agency,  
24 appoint the Department of Children and Family Services  
25 Guardianship Administrator or other appropriate agency  
26 executive temporary custodian of the minor and the court may

1 enter such other orders related to the temporary custody as it  
2 deems fit and proper, including the provision of services to  
3 the minor or the minor's family to ameliorate the causes  
4 contributing to the finding of probable cause or to the  
5 finding of the existence of immediate and urgent necessity.

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

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

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

17 For good cause, the court may waive the requirement to  
18 file the parent-child visiting plan or the sibling placement  
19 and contact plan, or extend the time for filing either plan.  
20 Any party may, by motion, request the court to review the  
21 parent-child visiting plan to determine whether it is  
22 reasonably calculated to expeditiously facilitate the  
23 achievement of the permanency goal. A party may, by motion,  
24 request the court to review the parent-child visiting plan or  
25 the sibling placement and contact plan to determine whether it  
26 is consistent with the minor's best interest. The court may

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

1 subsection (2) shall restrict the Department from immediately  
2 restricting or terminating parent-child contact or sibling  
3 contacts, without either amending the parent-child visiting  
4 plan or the sibling contact plan or obtaining a court order,  
5 where the Department or its assigns reasonably believe there  
6 is an immediate need to protect the child's health, safety,  
7 and welfare. Such restrictions or terminations must be based  
8 on available facts to the Department and its assigns when  
9 viewed in light of the surrounding circumstances and shall  
10 only occur on an individual case-by-case basis. The Department  
11 shall file with the court and serve on the parties any  
12 amendments to the plan within 10 days, excluding weekends and  
13 holidays, of the change of the visitation.

14 Acceptance of services shall not be considered an  
15 admission of any allegation in a petition made pursuant to  
16 this Act, nor may a referral of services be considered as  
17 evidence in any proceeding pursuant to this Act, except where  
18 the issue is whether the Department has made active ~~reasonable~~  
19 efforts to reunite the family. In making its findings that it  
20 is consistent with the health, safety, and best interests of  
21 the minor to prescribe shelter care, the court shall state in  
22 writing (i) the factual basis supporting its findings  
23 concerning the immediate and urgent necessity for the  
24 protection of the minor or of the person or property of another  
25 and (ii) the factual basis supporting its findings that active  
26 ~~reasonable~~ efforts were made to prevent or eliminate the

1 removal of the minor from the minor's home or that no efforts  
2 reasonably could be made to prevent or eliminate the removal  
3 of the minor from the minor's home. The parents, guardian,  
4 custodian, temporary custodian, and minor shall each be  
5 furnished a copy of such written findings. The temporary  
6 custodian shall maintain a copy of the court order and written  
7 findings in the case record for the child. The order together  
8 with the court's findings of fact in support thereof shall be  
9 entered of record in the court.

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

16 If the child is placed in the temporary custody of the  
17 Department of Children and Family Services for the minor's  
18 protection, the court shall admonish the parents, guardian,  
19 custodian, or responsible relative that the parents must  
20 cooperate with the Department of Children and Family Services,  
21 comply with the terms of the service plans, and correct the  
22 conditions which require the child to be in care, or risk  
23 termination of their parental rights. The court shall ensure,  
24 by inquiring in open court of each parent, guardian,  
25 custodian, or responsible relative, that the parent, guardian,  
26 custodian, or responsible relative has had the opportunity to

1 provide the Department with all known names, addresses, and  
2 telephone numbers of each of the minor's living adult  
3 relatives, including, but not limited to, grandparents,  
4 siblings of the minor's parents, and siblings. The court shall  
5 advise the parents, guardian, custodian, or responsible  
6 relative to inform the Department if additional information  
7 regarding the minor's adult relatives becomes available.

8 (3) If prior to the shelter care hearing for a minor  
9 described in Sections 2-3, 2-4, 3-3, and 4-3 the moving party  
10 is unable to serve notice on the party respondent, the shelter  
11 care hearing may proceed ex parte. A shelter care order from an  
12 ex parte hearing shall be endorsed with the date and hour of  
13 issuance and shall be filed with the clerk's office and  
14 entered of record. The order shall expire after 10 days from  
15 the time it is issued unless before its expiration it is  
16 renewed, at a hearing upon appearance of the party respondent,  
17 or upon an affidavit of the moving party as to all diligent  
18 efforts to notify the party respondent by notice as herein  
19 prescribed. The notice prescribed shall be in writing and  
20 shall be personally delivered to the minor or the minor's  
21 attorney and to the last known address of the other person or  
22 persons entitled to notice. The notice shall also state the  
23 nature of the allegations, the nature of the order sought by  
24 the State, including whether temporary custody is sought, and  
25 the consequences of failure to appear and shall contain a  
26 notice that the parties will not be entitled to further



1 written notices or publication notices of proceedings in this  
 2 case, including the filing of an amended petition or a motion  
 3 to terminate parental rights, except as required by Supreme  
 4 Court Rule 11; and shall explain the right of the parties and  
 5 the procedures to vacate or modify a shelter care order as  
 6 provided in this Section. The notice for a shelter care  
 7 hearing shall be substantially as follows:

8 NOTICE TO PARENTS AND CHILDREN  
 9 OF SHELTER CARE HEARING

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

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

25 At the shelter care hearing, parents have the  
 26 following rights:

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

3           2. To ask the court to continue the hearing to  
4 allow them time to prepare.

5           3. To present evidence concerning:

6                 a. Whether or not the child or children were  
7 abused, neglected or dependent.

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

13                 c. The best interests of the child.

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

15           The Notice for rehearings shall be substantially as  
16 follows:

17                           NOTICE OF PARENT'S AND CHILDREN'S RIGHTS  
18                           TO REHEARING ON TEMPORARY CUSTODY

19           If you were not present at and did not have adequate  
20 notice of the Shelter Care Hearing at which temporary  
21 custody of ..... was awarded to  
22 ....., you have the right to request a full  
23 rehearing on whether the State should have temporary  
24 custody of ..... To request this rehearing,  
25 you must file with the Clerk of the Juvenile Court

1 (address): ....., in person or by  
 2 mailing a statement (affidavit) setting forth the  
 3 following:

4 1. That you were not present at the shelter care  
 5 hearing.

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

8 3. Your signature.

9 4. Signature must be notarized.

10 The rehearing should be scheduled within 48 hours of  
 11 your filing this affidavit.

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

15 At the Shelter Care Hearing, children have the  
 16 following rights:

17 1. To have a guardian ad litem appointed.

18 2. To be declared competent as a witness and to  
 19 present testimony concerning:

20 a. Whether they are abused, neglected or  
 21 dependent.

22 b. Whether there is "immediate and urgent  
 23 necessity" to be removed from home.

24 c. Their best interests.

25 3. To cross examine witnesses for other parties.

26 4. To obtain an explanation of any proceedings and

1 orders of the court.

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

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

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

23 (7) If the minor is not brought before a judicial officer  
24 within the time period as specified in Section 2-9, the minor  
25 must immediately be released from custody.

26 (8) If neither the parent, guardian, or custodian appears

1 within 24 hours to take custody of a minor released upon  
2 request pursuant to subsection (2) of this Section, then the  
3 clerk of the court shall set the matter for rehearing not later  
4 than 7 days after the original order and shall issue a summons  
5 directed to the parent, guardian, or custodian to appear. At  
6 the same time the probation department shall prepare a report  
7 on the minor. If a parent, guardian, or custodian does not  
8 appear at such rehearing, the judge may enter an order  
9 prescribing that the minor be kept in a suitable place  
10 designated by the Department of Children and Family Services  
11 or a licensed child welfare agency.

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

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

23 (b) There is a material change in the circumstances of  
24 the natural family from which the minor was removed and  
25 the child can be cared for at home without endangering the  
26 child's health or safety; or

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

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

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

22 The clerk shall set the matter for hearing not later than  
23 14 days after such motion is filed. In the event that the court  
24 modifies or vacates a temporary custody order but does not  
25 vacate its finding of probable cause, the court may order that  
26 appropriate services be continued or initiated in behalf of

1 the minor and the minor's family.

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

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

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

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

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

21 (12) After the court has placed a minor in the care of a  
22 temporary custodian pursuant to this Section, any party may  
23 file a motion requesting the court to grant the temporary  
24 custodian the authority to serve as a surrogate decision maker  
25 for the minor under the Health Care Surrogate Act for purposes  
26 of making decisions pursuant to paragraph (1) of subsection

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

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

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

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

16 (d) the relationship between the respondents and adult  
17 family members and the minor;

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

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

22 If the Department of Children and Family Services is the  
23 temporary custodian of the minor, in addition to the  
24 requirements of paragraph (1) of subsection (b) of Section 20  
25 of the Health Care Surrogate Act, the Department shall follow  
26 its rules and procedures in exercising authority granted under



1 this subsection.

2 (Source: P.A. 102-489, eff. 8-20-21; 102-502, eff. 1-1-22;  
3 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; revised 9-20-23.)

4 (705 ILCS 405/2-13) (from Ch. 37, par. 802-13)

5 Sec. 2-13. Petition.

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

13 (2) The petition shall be verified but the statements may  
14 be made upon information and belief. It shall allege that the  
15 minor is abused, neglected, or dependent, with citations to  
16 the appropriate provisions of this Act, and set forth (a)  
17 facts sufficient to bring the minor under Section 2-3 or 2-4  
18 and to inform respondents of the cause of action, including,  
19 but not limited to, a plain and concise statement of the  
20 factual allegations that form the basis for the filing of the  
21 petition; (b) the name, age and residence of the minor; (c) the  
22 names and residences of the minor's parents; (d) the name and  
23 residence of the minor's legal guardian or the person or  
24 persons having custody or control of the minor, or of the  
25 nearest known relative if no parent or guardian can be found;

1 and (e) if the minor upon whose behalf the petition is brought  
2 is sheltered in custody, the date on which such temporary  
3 custody was ordered by the court or the date set for a  
4 temporary custody hearing. If any of the facts herein required  
5 are not known by the petitioner, the petition shall so state.

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

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

21 In addition to the foregoing, the petitioner, by motion,  
22 may request the termination of parental rights and appointment  
23 of a guardian of the person with power to consent to adoption  
24 of the minor under Section 2-29 at any time after the entry of  
25 a dispositional order under Section 2-22.

26 (4.5) (a) Unless good cause exists that filing a petition

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

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

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

14 (iii) the parent is criminally convicted of:

15 (A) first degree murder or second degree murder of  
16 any child;

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

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

23 (D) aggravated battery, aggravated battery of a  
24 child, or felony domestic battery, any of which has  
25 resulted in serious injury to the minor or a sibling of  
26 the minor;

- 1 (E) predatory criminal sexual assault of a child;  
2 (E-5) aggravated criminal sexual assault;  
3 (E-10) criminal sexual abuse in violation of  
4 subsection (a) of Section 11-1.50 of the Criminal Code  
5 of 1961 or the Criminal Code of 2012;  
6 (E-15) sexual exploitation of a child;  
7 (E-20) permitting sexual abuse of a child;  
8 (E-25) criminal sexual assault; or  
9 (F) an offense in any other state the elements of  
10 which are similar and bear a substantial relationship  
11 to any of the foregoing offenses.

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

- 14 (i) the child is being cared for by a relative,  
15 (ii) the Department has documented in the case plan a  
16 compelling reason for determining that filing such  
17 petition would not be in the best interests of the child,  
18 (iii) the court has found within the preceding 12  
19 months that the Department has failed to make active  
20 ~~reasonable~~ efforts to reunify the child and family, or  
21 (iv) the parent is incarcerated, or the parent's prior  
22 incarceration is a significant factor in why the child has  
23 been in foster care for 15 months out of any 22-month  
24 period, the parent maintains a meaningful role in the  
25 child's life, and the Department has not documented  
26 another reason why it would otherwise be appropriate to

1 file a petition to terminate parental rights pursuant to  
2 this Section and the Adoption Act. The assessment of  
3 whether an incarcerated parent maintains a meaningful role  
4 in the child's life may include consideration of the  
5 following:

6 (A) the child's best interest;

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

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

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

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

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

25 (2) 60 days after the date on which the child is  
26 removed from the child's parent, guardian, or legal

1           custodian.

2           (c) (Blank).

3           (d) (Blank).

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

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

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

22           (705 ILCS 405/2-13.1)

23           Sec. 2-13.1. Early termination of active ~~reasonable~~  
24 efforts.

25           (1) (a) In conjunction with, or at any time subsequent to,

1 the filing of a petition on behalf of a minor in accordance  
2 with Section 2-13 of this Act, the State's Attorney, the  
3 guardian ad litem, or the Department of Children and Family  
4 Services may file a motion requesting a finding that active  
5 ~~reasonable~~ efforts to reunify that minor with the minor's  
6 parent or parents are no longer required and are to cease.

7 (b) The court shall grant this motion with respect to a  
8 parent of the minor if the court finds after a hearing that the  
9 parent has:

10 (i) had parental rights to another child of the parent  
11 involuntarily terminated; or

12 (ii) been convicted of:

13 (A) first degree or second degree murder of  
14 another child of the parent;

15 (B) attempt or conspiracy to commit first degree  
16 or second degree murder of another child of the  
17 parent;

18 (C) solicitation to commit murder of another child  
19 of the parent, solicitation to commit murder for hire  
20 of another child of the parent, or solicitation to  
21 commit second degree murder of another child of the  
22 parent;

23 (D) aggravated battery, aggravated battery of a  
24 child, or felony domestic battery, any of which has  
25 resulted in serious bodily injury to the minor or  
26 another child of the parent; or

1           (E) an offense in any other state the elements of  
2           which are similar and bear substantial relationship to  
3           any of the foregoing offenses  
4 unless the court sets forth in writing a compelling reason why  
5 terminating active ~~reasonable~~ efforts to reunify the minor  
6 with the parent would not be in the best interests of that  
7 minor.

8           (c) The court shall also grant this motion with respect to  
9 a parent of the minor if:

10           (i) after a hearing it determines that further  
11 reunification services would no longer be appropriate, and

12           (ii) a dispositional hearing has already taken place.

13           (2) (a) The court shall hold a permanency hearing within  
14 30 days of granting a motion pursuant to this subsection. If an  
15 adjudicatory or a dispositional hearing, or both, has not  
16 taken place when the court grants a motion pursuant to this  
17 Section, then either or both hearings shall be held as needed  
18 so that both take place on or before the date a permanency  
19 hearing is held pursuant to this subsection.

20           (b) Following a permanency hearing held pursuant to  
21 paragraph (a) of this subsection, the appointed custodian or  
22 guardian of the minor shall make reasonable efforts to place  
23 the child in accordance with the permanency plan and goal set  
24 by the court, and to complete the necessary steps to locate and  
25 finalize a permanent placement.

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



1 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)

2 Sec. 2-21. Findings and adjudication.

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

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

15 The caseworker shall testify about the diligent search  
16 conducted for the parent.

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

24 If the court finds that the minor is abused, neglected, or  
25 dependent, the court shall then determine and put in writing

1 the factual basis supporting that determination, and specify,  
2 to the extent possible, the acts or omissions or both of each  
3 parent, guardian, or legal custodian that form the basis of  
4 the court's findings. That finding shall appear in the order  
5 of the court.

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

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

21 (2) If, pursuant to subsection (1) of this Section, the  
22 court determines and puts in writing the factual basis  
23 supporting the determination that the minor is either abused  
24 or neglected or dependent, the court shall then set a time not  
25 later than 30 days after the entry of the finding for a  
26 dispositional hearing (unless an earlier date is required

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

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

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

24 (5) The court may terminate the parental rights of a  
25 parent at the initial dispositional hearing if all of the  
26 following conditions are met:

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

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

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

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

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

17 (A-5) active ~~reasonable~~ efforts under subsection  
18 (1-1) of Section 5 of the Children and Family Services  
19 Act are inappropriate or such efforts were made and  
20 were unsuccessful; and

21 (B) termination of parental rights and appointment  
22 of a guardian with power to consent to adoption is in  
23 the best interest of the child pursuant to Section  
24 2-29.

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

1 (705 ILCS 405/2-28)

2 Sec. 2-28. Court review.

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

1 or omissions or both of such parent, guardian, or legal  
2 custodian, until such time as an investigation is made as  
3 provided in paragraph (5) and a hearing is held on the issue of  
4 the fitness of such parent, guardian, or legal custodian to  
5 care for the minor and the court enters an order that such  
6 parent, guardian, or legal custodian is fit to care for the  
7 minor.

8 (1.5) The public agency that is the custodian or guardian  
9 of the minor shall file a written report with the court no  
10 later than 15 days after a minor in the agency's care remains:

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

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

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

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

24 (1.6) Within 30 days after placing a child in its care in a  
25 qualified residential treatment program, as defined by the  
26 federal Social Security Act, the Department of Children and

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

20 (1) demonstrating that on-going assessment of the  
21 strengths and needs of the child continues to support the  
22 determination that the child's needs cannot be met through  
23 placement in a foster family home, that the placement  
24 provides the most effective and appropriate level of care  
25 for the child in the least restrictive, appropriate  
26 environment, and that the placement is consistent with the

1 short-term and long-term permanency goal for the child, as  
2 specified in the permanency plan for the child;

3 (2) documenting the specific treatment or service  
4 needs that should be met for the child in the placement and  
5 the length of time the child is expected to need the  
6 treatment or services; and

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

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



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

17 The public agency that is the custodian or guardian of the  
18 minor, or another agency responsible for the minor's care,  
19 shall ensure that all parties to the permanency hearings are  
20 provided a copy of the most recent service plan prepared  
21 within the prior 6 months at least 14 days in advance of the  
22 hearing. If not contained in the agency's service plan, the  
23 agency shall also include a report setting forth (i) any  
24 special physical, psychological, educational, medical,  
25 emotional, or other needs of the minor or the minor's family  
26 that are relevant to a permanency or placement determination

1 and (ii) for any minor age 16 or over, a written description of  
2 the programs and services that will enable the minor to  
3 prepare for independent living. If not contained in the  
4 agency's service plan, the agency's report shall specify if a  
5 minor is placed in a licensed child care facility under a  
6 corrective plan by the Department due to concerns impacting  
7 the minor's safety and well-being. The report shall explain  
8 the steps the Department is taking to ensure the safety and  
9 well-being of the minor and that the minor's needs are met in  
10 the facility. The agency's written report must detail what  
11 progress or lack of progress the parent has made in correcting  
12 the conditions requiring the child to be in care; whether the  
13 child can be returned home without jeopardizing the child's  
14 health, safety, and welfare, and, if not, what permanency goal  
15 is recommended to be in the best interests of the child, and  
16 why the other permanency goals are not appropriate. The  
17 caseworker must appear and testify at the permanency hearing.  
18 If a permanency hearing has not previously been scheduled by  
19 the court, the moving party shall move for the setting of a  
20 permanency hearing and the entry of an order within the time  
21 frames set forth in this subsection.

22 At the permanency hearing, the court shall determine the  
23 future status of the child. The court shall set one of the  
24 following permanency goals:

- 25 (A) The minor will be returned home by a specific date  
26 within 5 months.

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

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

17           (C) The minor will be in substitute care pending court  
18 determination on termination of parental rights.

19           (D) Adoption, provided that parental rights have been  
20 terminated or relinquished.

21           (E) The guardianship of the minor will be transferred  
22 to an individual or couple on a permanent basis provided  
23 that goals (A) through (D) have been deemed inappropriate  
24 and not in the child's best interests. The court shall  
25 confirm that the Department has discussed adoption, if  
26 appropriate, and guardianship with the caregiver prior to

1 changing a goal to guardianship.

2 (F) The minor over age 15 will be in substitute care  
3 pending independence. In selecting this permanency goal,  
4 the Department of Children and Family Services may provide  
5 services to enable reunification and to strengthen the  
6 minor's connections with family, fictive kin, and other  
7 responsible adults, provided the services are in the  
8 minor's best interest. The services shall be documented in  
9 the service plan.

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

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

25 (H) Notwithstanding any other provision in this  
26 Section, the court may select the goal of continuing

1 foster care as a permanency goal if:

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

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

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

11 (a) the child does not wish to be adopted or to  
12 be placed in the guardianship of the minor's  
13 relative or foster care placement;

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

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

1 legal and emotional benefit of permanence;

2 (4) The child has lived with the relative or  
3 foster parent for at least one year; and

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

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

13 (1) Age of the child.

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

16 (3) Current placement of the child and the intent of  
17 the family regarding adoption.

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

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

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

25 (7) Status of siblings of the minor.

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. If the court makes  
9 findings that the Department has failed to make active efforts  
10 to provide services as provided in the service plan, the  
11 court's order shall specify each party that failure applies to  
12 and the applicable time period.

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

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

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

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

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

23 If, after receiving evidence, the court determines that  
24 the services contained in the plan are not reasonably  
25 calculated to facilitate achievement of the permanency goal,  
26 the court shall put in writing the factual basis supporting



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

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

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

19 (2.5) If, after reviewing the evidence, including evidence  
20 from the Department, the court determines that the minor's  
21 current or planned placement is not necessary or appropriate  
22 to facilitate achievement of the permanency goal, the court  
23 shall put in writing the factual basis supporting its  
24 determination and enter specific findings based on the  
25 evidence. If the court finds that the minor's current or  
26 planned placement is not necessary or appropriate, the court

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

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

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

26 (b) If the permanency goal of the minor cannot be

1           achieved immediately, the specific reasons for continuing  
2           the minor in the care of the Department of Children and  
3           Family Services or other agency for short-term placement,  
4           and the following determinations:

5                   (i) (Blank).

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

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

22                   (iv) (Blank).

23                   (v) (Blank).

24           (4) The minor or any person interested in the minor may  
25           apply to the court for a change in custody of the minor and the  
26           appointment of a new custodian or guardian of the person or for

1 the restoration of the minor to the custody of the minor's  
2 parents or former guardian or custodian.

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

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

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

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

1 Department of Children and Family Services shall assess  
2 the appropriateness of the parent whose rights have been  
3 terminated, and shall, as appropriate, foster and support  
4 connections between the parent whose rights have been  
5 terminated and the youth. The Department of Children and  
6 Family Services shall document its determinations and  
7 efforts to foster connections in the child's case plan.

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

1 proposed living arrangements and to provide ongoing monitoring  
2 of the health, safety, and best interest of the minor during  
3 the pendency of the motion to assist the court in making that  
4 determination. In the event that the minor has attained 18  
5 years of age and the guardian or custodian petitions the court  
6 for an order terminating the minor's guardianship or custody,  
7 guardianship or custody shall terminate automatically 30 days  
8 after the receipt of the petition unless the court orders  
9 otherwise. No legal custodian or guardian of the person may be  
10 removed without the legal custodian's or guardian's consent  
11 until given notice and an opportunity to be heard by the court.

12 When the court orders a child restored to the custody of  
13 the parent or parents, the court shall order the parent or  
14 parents to cooperate with the Department of Children and  
15 Family Services and comply with the terms of an after-care  
16 plan, or risk the loss of custody of the child and possible  
17 termination of their parental rights. The court may also enter  
18 an order of protective supervision in accordance with Section  
19 2-24.

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

1 protective supervision entered in accordance with Section  
2 2-24.

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

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

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

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

1 (Source: P.A. 102-193, eff. 7-30-21; 102-489, eff. 8-20-21;  
2 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-154, eff.  
3 6-30-23; 103-171, eff. 1-1-24; revised 12-15-23.)

4 Section 10. The Adoption Act is amended by changing  
5 Section 1 as follows:

6 (750 ILCS 50/1) (from Ch. 40, par. 1501)

7 Sec. 1. Definitions. When used in this Act, unless the  
8 context otherwise requires:

9 A. "Child" means a person under legal age subject to  
10 adoption under this Act.

11 B. "Related child" means a child subject to adoption where  
12 either or both of the adopting parents stands in any of the  
13 following relationships to the child by blood, marriage,  
14 adoption, or civil union: parent, grand-parent,  
15 great-grandparent, brother, sister, step-parent,  
16 step-grandparent, step-brother, step-sister, uncle, aunt,  
17 great-uncle, great-aunt, first cousin, or second cousin. A  
18 person is related to the child as a first cousin or second  
19 cousin if they are both related to the same ancestor as either  
20 grandchild or great-grandchild. A child whose parent has  
21 executed a consent to adoption, a surrender, or a waiver  
22 pursuant to Section 10 of this Act or whose parent has signed a  
23 denial of paternity pursuant to Section 12 of the Vital  
24 Records Act or Section 12a of this Act, or whose parent has had



1 his or her parental rights terminated, is not a related child  
2 to that person, unless (1) the consent is determined to be void  
3 or is void pursuant to subsection O of Section 10 of this Act;  
4 or (2) the parent of the child executed a consent to adoption  
5 by a specified person or persons pursuant to subsection A-1 of  
6 Section 10 of this Act and a court of competent jurisdiction  
7 finds that such consent is void; or (3) the order terminating  
8 the parental rights of the parent is vacated by a court of  
9 competent jurisdiction.

10 C. "Agency" for the purpose of this Act means a public  
11 child welfare agency or a licensed child welfare agency.

12 D. "Unfit person" means any person whom the court shall  
13 find to be unfit to have a child, without regard to the  
14 likelihood that the child will be placed for adoption. The  
15 grounds of unfitness are any one or more of the following,  
16 except that a person shall not be considered an unfit person  
17 for the sole reason that the person has relinquished a child in  
18 accordance with the Abandoned Newborn Infant Protection Act:

19 (a) Abandonment of the child.

20 (a-1) Abandonment of a newborn infant in a hospital.

21 (a-2) Abandonment of a newborn infant in any setting  
22 where the evidence suggests that the parent intended to  
23 relinquish his or her parental rights.

24 (b) Failure to maintain a reasonable degree of  
25 interest, concern or responsibility as to the child's  
26 welfare.

1 (c) Desertion of the child for more than 3 months next  
2 preceding the commencement of the Adoption proceeding.

3 (d) Substantial neglect of the child if continuous or  
4 repeated.

5 (d-1) Substantial neglect, if continuous or repeated,  
6 of any child residing in the household which resulted in  
7 the death of that child.

8 (e) Extreme or repeated cruelty to the child.

9 (f) There is a rebuttable presumption, which can be  
10 overcome only by clear and convincing evidence, that a  
11 parent is unfit if:

12 (1) Two or more findings of physical abuse have  
13 been entered regarding any children under Section 2-21  
14 of the Juvenile Court Act of 1987, the most recent of  
15 which was determined by the juvenile court hearing the  
16 matter to be supported by clear and convincing  
17 evidence; or

18 (2) The parent has been convicted or found not  
19 guilty by reason of insanity and the conviction or  
20 finding resulted from the death of any child by  
21 physical abuse; or

22 (3) There is a finding of physical child abuse  
23 resulting from the death of any child under Section  
24 2-21 of the Juvenile Court Act of 1987.

25 No conviction or finding of delinquency pursuant to  
26 Article V of the Juvenile Court Act of 1987 shall be

1 considered a criminal conviction for the purpose of  
2 applying any presumption under this item (f).

3 (g) Failure to protect the child from conditions  
4 within his environment injurious to the child's welfare.

5 (h) Other neglect of, or misconduct toward the child;  
6 provided that in making a finding of unfitness the court  
7 hearing the adoption proceeding shall not be bound by any  
8 previous finding, order or judgment affecting or  
9 determining the rights of the parents toward the child  
10 sought to be adopted in any other proceeding except such  
11 proceedings terminating parental rights as shall be had  
12 under either this Act, the Juvenile Court Act or the  
13 Juvenile Court Act of 1987.

14 (i) Depravity. Conviction of any one of the following  
15 crimes shall create a presumption that a parent is  
16 depraved which can be overcome only by clear and  
17 convincing evidence: (1) first degree murder in violation  
18 of paragraph (1) or (2) of subsection (a) of Section 9-1 of  
19 the Criminal Code of 1961 or the Criminal Code of 2012 or  
20 conviction of second degree murder in violation of  
21 subsection (a) of Section 9-2 of the Criminal Code of 1961  
22 or the Criminal Code of 2012 of a parent of the child to be  
23 adopted; (2) first degree murder or second degree murder  
24 of any child in violation of the Criminal Code of 1961 or  
25 the Criminal Code of 2012; (3) attempt or conspiracy to  
26 commit first degree murder or second degree murder of any

1 child in violation of the Criminal Code of 1961 or the  
2 Criminal Code of 2012; (4) solicitation to commit murder  
3 of any child, solicitation to commit murder of any child  
4 for hire, or solicitation to commit second degree murder  
5 of any child in violation of the Criminal Code of 1961 or  
6 the Criminal Code of 2012; (5) predatory criminal sexual  
7 assault of a child in violation of Section 11-1.40 or  
8 12-14.1 of the Criminal Code of 1961 or the Criminal Code  
9 of 2012; (6) heinous battery of any child in violation of  
10 the Criminal Code of 1961; (7) aggravated battery of any  
11 child in violation of the Criminal Code of 1961 or the  
12 Criminal Code of 2012; (8) any violation of Section  
13 11-1.20 or Section 12-13 of the Criminal Code of 1961 or  
14 the Criminal Code of 2012; (9) any violation of subsection  
15 (a) of Section 11-1.50 or Section 12-16 of the Criminal  
16 Code of 1961 or the Criminal Code of 2012; (10) any  
17 violation of Section 11-9.1 of the Criminal Code of 1961  
18 or the Criminal Code of 2012; (11) any violation of  
19 Section 11-9.1A of the Criminal Code of 1961 or the  
20 Criminal Code of 2012; or (12) an offense in any other  
21 state the elements of which are similar and bear a  
22 substantial relationship to any of the enumerated offenses  
23 in this subsection (i).

24 There is a rebuttable presumption that a parent is  
25 deprived if the parent has been criminally convicted of at  
26 least 3 felonies under the laws of this State or any other

1 state, or under federal law, or the criminal laws of any  
2 United States territory; and at least one of these  
3 convictions took place within 5 years of the filing of the  
4 petition or motion seeking termination of parental rights.

5 There is a rebuttable presumption that a parent is  
6 deprived if that parent has been criminally convicted of  
7 either first or second degree murder of any person as  
8 defined in the Criminal Code of 1961 or the Criminal Code  
9 of 2012 within 10 years of the filing date of the petition  
10 or motion to terminate parental rights.

11 No conviction or finding of delinquency pursuant to  
12 Article 5 of the Juvenile Court Act of 1987 shall be  
13 considered a criminal conviction for the purpose of  
14 applying any presumption under this item (i).

15 (j) Open and notorious adultery or fornication.

16 (j-1) (Blank).

17 (k) Habitual drunkenness or addiction to drugs, other  
18 than those prescribed by a physician, for at least one  
19 year immediately prior to the commencement of the  
20 unfitness proceeding.

21 There is a rebuttable presumption that a parent is  
22 unfit under this subsection with respect to any child to  
23 which that parent gives birth where there is a confirmed  
24 test result that at birth the child's blood, urine, or  
25 meconium contained any amount of a controlled substance as  
26 defined in subsection (f) of Section 102 of the Illinois

1           Controlled Substances Act or metabolites of such  
2 substances, the presence of which in the newborn infant  
3 was not the result of medical treatment administered to  
4 the mother or the newborn infant; and the biological  
5 mother of this child is the biological mother of at least  
6 one other child who was adjudicated a neglected minor  
7 under subsection (c) of Section 2-3 of the Juvenile Court  
8 Act of 1987.

9           (1) Failure to demonstrate a reasonable degree of  
10 interest, concern or responsibility as to the welfare of a  
11 new born child during the first 30 days after its birth.

12           (m) Failure by a parent (i) to make reasonable efforts  
13 to correct the conditions that were the basis for the  
14 removal of the child from the parent during any 9-month  
15 period following the adjudication of neglected or abused  
16 minor under Section 2-3 of the Juvenile Court Act of 1987  
17 or dependent minor under Section 2-4 of that Act, or (ii)  
18 to make reasonable progress toward the return of the child  
19 to the parent during any 9-month period following the  
20 adjudication of neglected or abused minor under Section  
21 2-3 of the Juvenile Court Act of 1987 or dependent minor  
22 under Section 2-4 of that Act. If a service plan has been  
23 established as required under Section 8.2 of the Abused  
24 and Neglected Child Reporting Act to correct the  
25 conditions that were the basis for the removal of the  
26 child from the parent and if those services were

1 available, then, for purposes of this Act, "failure to  
2 make reasonable progress toward the return of the child to  
3 the parent" includes the parent's failure to substantially  
4 fulfill his or her obligations under the service plan and  
5 correct the conditions that brought the child into care  
6 during any 9-month period following the adjudication under  
7 Section 2-3 or 2-4 of the Juvenile Court Act of 1987.  
8 Notwithstanding any other provision, when a petition or  
9 motion seeks to terminate parental rights on the basis of  
10 item (ii) of this subsection (m), the petitioner shall  
11 file with the court and serve on the parties a pleading  
12 that specifies the 9-month period or periods relied on.  
13 The pleading shall be filed and served on the parties no  
14 later than 3 weeks before the date set by the court for  
15 closure of discovery, and the allegations in the pleading  
16 shall be treated as incorporated into the petition or  
17 motion. Failure of a respondent to file a written denial  
18 of the allegations in the pleading shall not be treated as  
19 an admission that the allegations are true. A parent shall  
20 not be found unfit under this subsection (m) for failure  
21 to make reasonable efforts or reasonable progress for any  
22 9-month period during which a court, hearing a case under  
23 Article II of the Juvenile Court Act of 1987, found that  
24 the Department failed to make active efforts, as defined  
25 in Section 1-3 of the Juvenile Court Act of 1987 with  
26 respect to that parent. This provision applies to findings

1       of failure to make active efforts made on or after the  
2       effective date of this amendatory Act of the 103rd General  
3       Assembly.

4           (m-1) (Blank).

5           (n) Evidence of intent to forgo his or her parental  
6       rights, whether or not the child is a ward of the court,  
7       (1) as manifested by his or her failure for a period of 12  
8       months: (i) to visit the child, (ii) to communicate with  
9       the child or agency, although able to do so and not  
10      prevented from doing so by an agency or by court order, or  
11      (iii) to maintain contact with or plan for the future of  
12      the child, although physically able to do so, or (2) as  
13      manifested by the father's failure, where he and the  
14      mother of the child were unmarried to each other at the  
15      time of the child's birth, (i) to commence legal  
16      proceedings to establish his paternity under the Illinois  
17      Parentage Act of 1984, the Illinois Parentage Act of 2015,  
18      or the law of the jurisdiction of the child's birth within  
19      30 days of being informed, pursuant to Section 12a of this  
20      Act, that he is the father or the likely father of the  
21      child or, after being so informed where the child is not  
22      yet born, within 30 days of the child's birth, or (ii) to  
23      make a good faith effort to pay a reasonable amount of the  
24      expenses related to the birth of the child and to provide a  
25      reasonable amount for the financial support of the child,  
26      the court to consider in its determination all relevant



1           circumstances, including the financial condition of both  
2           parents; provided that the ground for termination provided  
3           in this subparagraph (n)(2)(ii) shall only be available  
4           where the petition is brought by the mother or the husband  
5           of the mother.

6           Contact or communication by a parent with his or her  
7           child that does not demonstrate affection and concern does  
8           not constitute reasonable contact and planning under  
9           subdivision (n). In the absence of evidence to the  
10          contrary, the ability to visit, communicate, maintain  
11          contact, pay expenses and plan for the future shall be  
12          presumed. The subjective intent of the parent, whether  
13          expressed or otherwise, unsupported by evidence of the  
14          foregoing parental acts manifesting that intent, shall not  
15          preclude a determination that the parent has intended to  
16          forgo his or her parental rights. In making this  
17          determination, the court may consider but shall not  
18          require a showing of diligent efforts by an authorized  
19          agency to encourage the parent to perform the acts  
20          specified in subdivision (n).

21          It shall be an affirmative defense to any allegation  
22          under paragraph (2) of this subsection that the father's  
23          failure was due to circumstances beyond his control or to  
24          impediments created by the mother or any other person  
25          having legal custody. Proof of that fact need only be by a  
26          preponderance of the evidence.

1           (o) Repeated or continuous failure by the parents,  
2           although physically and financially able, to provide the  
3           child with adequate food, clothing, or shelter.

4           (p) Inability to discharge parental responsibilities  
5           supported by competent evidence from a psychiatrist,  
6           licensed clinical social worker, or clinical psychologist  
7           of mental impairment, mental illness or an intellectual  
8           disability as defined in Section 1-116 of the Mental  
9           Health and Developmental Disabilities Code, or  
10          developmental disability as defined in Section 1-106 of  
11          that Code, and there is sufficient justification to  
12          believe that the inability to discharge parental  
13          responsibilities shall extend beyond a reasonable time  
14          period. However, this subdivision (p) shall not be  
15          construed so as to permit a licensed clinical social  
16          worker to conduct any medical diagnosis to determine  
17          mental illness or mental impairment.

18          (q) (Blank).

19          (r) The child is in the temporary custody or  
20          guardianship of the Department of Children and Family  
21          Services, the parent is incarcerated as a result of  
22          criminal conviction at the time the petition or motion for  
23          termination of parental rights is filed, prior to  
24          incarceration the parent had little or no contact with the  
25          child or provided little or no support for the child, and  
26          the parent's incarceration will prevent the parent from

1 discharging his or her parental responsibilities for the  
2 child for a period in excess of 2 years after the filing of  
3 the petition or motion for termination of parental rights.

4 (s) The child is in the temporary custody or  
5 guardianship of the Department of Children and Family  
6 Services, the parent is incarcerated at the time the  
7 petition or motion for termination of parental rights is  
8 filed, the parent has been repeatedly incarcerated as a  
9 result of criminal convictions, and the parent's repeated  
10 incarceration has prevented the parent from discharging  
11 his or her parental responsibilities for the child.

12 (t) A finding that at birth the child's blood, urine,  
13 or meconium contained any amount of a controlled substance  
14 as defined in subsection (f) of Section 102 of the  
15 Illinois Controlled Substances Act, or a metabolite of a  
16 controlled substance, with the exception of controlled  
17 substances or metabolites of such substances, the presence  
18 of which in the newborn infant was the result of medical  
19 treatment administered to the mother or the newborn  
20 infant, and that the biological mother of this child is  
21 the biological mother of at least one other child who was  
22 adjudicated a neglected minor under subsection (c) of  
23 Section 2-3 of the Juvenile Court Act of 1987, after which  
24 the biological mother had the opportunity to enroll in and  
25 participate in a clinically appropriate substance abuse  
26 counseling, treatment, and rehabilitation program.

1           E. "Parent" means a person who is the legal mother or legal  
2 father of the child as defined in subsection X or Y of this  
3 Section. For the purpose of this Act, a parent who has executed  
4 a consent to adoption, a surrender, or a waiver pursuant to  
5 Section 10 of this Act, who has signed a Denial of Paternity  
6 pursuant to Section 12 of the Vital Records Act or Section 12a  
7 of this Act, or whose parental rights have been terminated by a  
8 court, is not a parent of the child who was the subject of the  
9 consent, surrender, waiver, or denial unless (1) the consent  
10 is void pursuant to subsection O of Section 10 of this Act; or  
11 (2) the person executed a consent to adoption by a specified  
12 person or persons pursuant to subsection A-1 of Section 10 of  
13 this Act and a court of competent jurisdiction finds that the  
14 consent is void; or (3) the order terminating the parental  
15 rights of the person is vacated by a court of competent  
16 jurisdiction.

17           F. A person is available for adoption when the person is:

18           (a) a child who has been surrendered for adoption to  
19 an agency and to whose adoption the agency has thereafter  
20 consented;

21           (b) a child to whose adoption a person authorized by  
22 law, other than his parents, has consented, or to whose  
23 adoption no consent is required pursuant to Section 8 of  
24 this Act;

25           (c) a child who is in the custody of persons who intend  
26 to adopt him through placement made by his parents;

1 (c-1) a child for whom a parent has signed a specific  
2 consent pursuant to subsection O of Section 10;

3 (d) an adult who meets the conditions set forth in  
4 Section 3 of this Act; or

5 (e) a child who has been relinquished as defined in  
6 Section 10 of the Abandoned Newborn Infant Protection Act.

7 A person who would otherwise be available for adoption  
8 shall not be deemed unavailable for adoption solely by reason  
9 of his or her death.

10 G. The singular includes the plural and the plural  
11 includes the singular and the "male" includes the "female", as  
12 the context of this Act may require.

13 H. (Blank).

14 I. "Habitual residence" has the meaning ascribed to it in  
15 the federal Intercountry Adoption Act of 2000 and regulations  
16 promulgated thereunder.

17 J. "Immediate relatives" means the biological parents, the  
18 parents of the biological parents and siblings of the  
19 biological parents.

20 K. "Intercountry adoption" is a process by which a child  
21 from a country other than the United States is adopted by  
22 persons who are habitual residents of the United States, or  
23 the child is a habitual resident of the United States who is  
24 adopted by persons who are habitual residents of a country  
25 other than the United States.

26 L. (Blank).

1 M. "Interstate Compact on the Placement of Children" is a  
2 law enacted by all states and certain territories for the  
3 purpose of establishing uniform procedures for handling the  
4 interstate placement of children in foster homes, adoptive  
5 homes, or other child care facilities.

6 N. (Blank).

7 O. "Preadoption requirements" means any conditions or  
8 standards established by the laws or administrative rules of  
9 this State that must be met by a prospective adoptive parent  
10 prior to the placement of a child in an adoptive home.

11 P. "Abused child" means a child whose parent or immediate  
12 family member, or any person responsible for the child's  
13 welfare, or any individual residing in the same home as the  
14 child, or a paramour of the child's parent:

15 (a) inflicts, causes to be inflicted, or allows to be  
16 inflicted upon the child physical injury, by other than  
17 accidental means, that causes death, disfigurement,  
18 impairment of physical or emotional health, or loss or  
19 impairment of any bodily function;

20 (b) creates a substantial risk of physical injury to  
21 the child by other than accidental means which would be  
22 likely to cause death, disfigurement, impairment of  
23 physical or emotional health, or loss or impairment of any  
24 bodily function;

25 (c) commits or allows to be committed any sex offense  
26 against the child, as sex offenses are defined in the

1 Criminal Code of 2012 and extending those definitions of  
2 sex offenses to include children under 18 years of age;

3 (d) commits or allows to be committed an act or acts of  
4 torture upon the child; or

5 (e) inflicts excessive corporal punishment.

6 Q. "Neglected child" means any child whose parent or other  
7 person responsible for the child's welfare withholds or denies  
8 nourishment or medically indicated treatment including food or  
9 care denied solely on the basis of the present or anticipated  
10 mental or physical impairment as determined by a physician  
11 acting alone or in consultation with other physicians or  
12 otherwise does not provide the proper or necessary support,  
13 education as required by law, or medical or other remedial  
14 care recognized under State law as necessary for a child's  
15 well-being, or other care necessary for his or her well-being,  
16 including adequate food, clothing and shelter; or who is  
17 abandoned by his or her parents or other person responsible  
18 for the child's welfare.

19 A child shall not be considered neglected or abused for  
20 the sole reason that the child's parent or other person  
21 responsible for his or her welfare depends upon spiritual  
22 means through prayer alone for the treatment or cure of  
23 disease or remedial care as provided under Section 4 of the  
24 Abused and Neglected Child Reporting Act. A child shall not be  
25 considered neglected or abused for the sole reason that the  
26 child's parent or other person responsible for the child's

1 welfare failed to vaccinate, delayed vaccination, or refused  
2 vaccination for the child due to a waiver on religious or  
3 medical grounds as permitted by law.

4 R. "Putative father" means a man who may be a child's  
5 father, but who (1) is not married to the child's mother on or  
6 before the date that the child was or is to be born and (2) has  
7 not established paternity of the child in a court proceeding  
8 before the filing of a petition for the adoption of the child.  
9 The term includes a male who is less than 18 years of age.  
10 "Putative father" does not mean a man who is the child's father  
11 as a result of criminal sexual abuse or assault as defined  
12 under Article 11 of the Criminal Code of 2012.

13 S. "Standby adoption" means an adoption in which a parent  
14 consents to custody and termination of parental rights to  
15 become effective upon the occurrence of a future event, which  
16 is either the death of the parent or the request of the parent  
17 for the entry of a final judgment of adoption.

18 T. (Blank).

19 T-5. "Biological parent", "birth parent", or "natural  
20 parent" of a child are interchangeable terms that mean a  
21 person who is biologically or genetically related to that  
22 child as a parent.

23 U. "Interstate adoption" means the placement of a minor  
24 child with a prospective adoptive parent for the purpose of  
25 pursuing an adoption for that child that is subject to the  
26 provisions of the Interstate Compact on the Placement of



1 Children.

2 V. (Blank).

3 W. (Blank).

4 X. "Legal father" of a child means a man who is recognized  
5 as or presumed to be that child's father:

6 (1) because of his marriage to or civil union with the  
7 child's parent at the time of the child's birth or within  
8 300 days prior to that child's birth, unless he signed a  
9 denial of paternity pursuant to Section 12 of the Vital  
10 Records Act or a waiver pursuant to Section 10 of this Act;  
11 or

12 (2) because his paternity of the child has been  
13 established pursuant to the Illinois Parentage Act, the  
14 Illinois Parentage Act of 1984, or the Gestational  
15 Surrogacy Act; or

16 (3) because he is listed as the child's father or  
17 parent on the child's birth certificate, unless he is  
18 otherwise determined by an administrative or judicial  
19 proceeding not to be the parent of the child or unless he  
20 rescinds his acknowledgment of paternity pursuant to the  
21 Illinois Parentage Act of 1984; or

22 (4) because his paternity or adoption of the child has  
23 been established by a court of competent jurisdiction.

24 The definition in this subsection X shall not be construed  
25 to provide greater or lesser rights as to the number of parents  
26 who can be named on a final judgment order of adoption or

1 Illinois birth certificate that otherwise exist under Illinois  
2 law.

3 Y. "Legal mother" of a child means a woman who is  
4 recognized as or presumed to be that child's mother:

5 (1) because she gave birth to the child except as  
6 provided in the Gestational Surrogacy Act; or

7 (2) because her maternity of the child has been  
8 established pursuant to the Illinois Parentage Act of 1984  
9 or the Gestational Surrogacy Act; or

10 (3) because her maternity or adoption of the child has  
11 been established by a court of competent jurisdiction; or

12 (4) because of her marriage to or civil union with the  
13 child's other parent at the time of the child's birth or  
14 within 300 days prior to the time of birth; or

15 (5) because she is listed as the child's mother or  
16 parent on the child's birth certificate unless she is  
17 otherwise determined by an administrative or judicial  
18 proceeding not to be the parent of the child.

19 The definition in this subsection Y shall not be construed  
20 to provide greater or lesser rights as to the number of parents  
21 who can be named on a final judgment order of adoption or  
22 Illinois birth certificate that otherwise exist under Illinois  
23 law.

24 Z. "Department" means the Illinois Department of Children  
25 and Family Services.

26 AA. "Placement disruption" means a circumstance where the

1 child is removed from an adoptive placement before the  
2 adoption is finalized.

3 BB. "Secondary placement" means a placement, including but  
4 not limited to the placement of a youth in care as defined in  
5 Section 4d of the Children and Family Services Act, that  
6 occurs after a placement disruption or an adoption  
7 dissolution. "Secondary placement" does not mean secondary  
8 placements arising due to the death of the adoptive parent of  
9 the child.

10 CC. "Adoption dissolution" means a circumstance where the  
11 child is removed from an adoptive placement after the adoption  
12 is finalized.

13 DD. "Unregulated placement" means the secondary placement  
14 of a child that occurs without the oversight of the courts, the  
15 Department, or a licensed child welfare agency.

16 EE. "Post-placement and post-adoption support services"  
17 means support services for placed or adopted children and  
18 families that include, but are not limited to, mental health  
19 treatment, including counseling and other support services for  
20 emotional, behavioral, or developmental needs, and treatment  
21 for substance abuse.

22 FF. "Youth in care" has the meaning provided in Section 4d  
23 of the Children and Family Services Act.

24 (Source: P.A. 101-155, eff. 1-1-20; 101-529, eff. 1-1-20;  
25 102-139, eff. 1-1-22; 102-558, eff. 8-20-21.)