



Rep. William Davis

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1 AMENDMENT TO HOUSE BILL 2659

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2659 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is amended  
5 by changing Section 5 as follows:

6 (20 ILCS 505/5) (from Ch. 23, par. 5005)

7 Sec. 5. Direct child welfare services; Department of  
8 Children and Family Services. To provide direct child welfare  
9 services when not available through other public or private  
10 child care or program facilities.

11 (a) For purposes of this Section:

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

15 (A) were committed to the Department pursuant to  
16 the Juvenile Court Act or the Juvenile Court Act of

1 1987, as amended, prior to the age of 18 and who  
2 continue under the jurisdiction of the court; or

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

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

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

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

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

24 (C) preventing the unnecessary separation of  
25 children from their families by identifying family  
26 problems, assisting families in resolving their

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

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

10 (E) placing children in suitable adoptive homes,  
11 in cases where restoration to the biological family is  
12 not safe, possible or appropriate;

13 (F) assuring safe and adequate care of children  
14 away from their homes, in cases where the child cannot  
15 be returned home or cannot be placed for adoption. At  
16 the time of placement, the Department shall consider  
17 concurrent planning, as described in subsection (1-1)  
18 of this Section so that permanency may occur at the  
19 earliest opportunity. Consideration should be given so  
20 that if reunification fails or is delayed, the  
21 placement made is the best available placement to  
22 provide permanency for the child;

23 (G) (blank);

24 (H) (blank); and

25 (I) placing and maintaining children in facilities  
26 that provide separate living quarters for children

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

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

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

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

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

18 (b) Nothing in this Section shall be construed to authorize  
19 the expenditure of public funds for the purpose of performing  
20 abortions.

21 (c) The Department shall establish and maintain  
22 tax-supported child welfare services and extend and seek to  
23 improve voluntary services throughout the State, to the end  
24 that services and care shall be available on an equal basis  
25 throughout the State to children requiring such services.

26 (d) The Director may authorize advance disbursements for

1 any new program initiative to any agency contracting with the  
2 Department. As a prerequisite for an advance disbursement, the  
3 contractor must post a surety bond in the amount of the advance  
4 disbursement and have a purchase of service contract approved  
5 by the Department. The Department may pay up to 2 months  
6 operational expenses in advance. The amount of the advance  
7 disbursement shall be prorated over the life of the contract or  
8 the remaining months of the fiscal year, whichever is less, and  
9 the installment amount shall then be deducted from future  
10 bills. Advance disbursement authorizations for new initiatives  
11 shall not be made to any agency after that agency has operated  
12 during 2 consecutive fiscal years. The requirements of this  
13 Section concerning advance disbursements shall not apply with  
14 respect to the following: payments to local public agencies for  
15 child day care services as authorized by Section 5a of this  
16 Act; and youth service programs receiving grant funds under  
17 Section 17a-4.

18 (e) (Blank).

19 (f) (Blank).

20 (g) The Department shall establish rules and regulations  
21 concerning its operation of programs designed to meet the goals  
22 of child safety and protection, family preservation, family  
23 reunification, and adoption, including but not limited to:

24 (1) adoption;

25 (2) foster care;

26 (3) family counseling;

- 1 (4) protective services;
- 2 (5) (blank);
- 3 (6) homemaker service;
- 4 (7) return of runaway children;
- 5 (8) (blank);
- 6 (9) placement under Section 5-7 of the Juvenile Court
- 7 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile
- 8 Court Act of 1987 in accordance with the federal Adoption
- 9 Assistance and Child Welfare Act of 1980; and
- 10 (10) interstate services.

11 Rules and regulations established by the Department shall  
12 include provisions for training Department staff and the staff  
13 of Department grantees, through contracts with other agencies  
14 or resources, in alcohol and drug abuse screening techniques  
15 approved by the Department of Human Services, as a successor to  
16 the Department of Alcoholism and Substance Abuse, for the  
17 purpose of identifying children and adults who should be  
18 referred to an alcohol and drug abuse treatment program for  
19 professional evaluation.

20 (h) If the Department finds that there is no appropriate  
21 program or facility within or available to the Department for a  
22 ward and that no licensed private facility has an adequate and  
23 appropriate program or none agrees to accept the ward, the  
24 Department shall create an appropriate individualized,  
25 program-oriented plan for such ward. The plan may be developed  
26 within the Department or through purchase of services by the

1 Department to the extent that it is within its statutory  
2 authority to do.

3 (i) Service programs shall be available throughout the  
4 State and shall include but not be limited to the following  
5 services:

6 (1) case management;

7 (2) homemakers;

8 (3) counseling;

9 (4) parent education;

10 (5) day care; and

11 (6) emergency assistance and advocacy.

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

14 (1) comprehensive family-based services;

15 (2) assessments;

16 (3) respite care; and

17 (4) in-home health services.

18 The Department shall provide transportation for any of the  
19 services it makes available to children or families or for  
20 which it refers children or families.

21 (j) The Department may provide categories of financial  
22 assistance and education assistance grants, and shall  
23 establish rules and regulations concerning the assistance and  
24 grants, to persons who adopt physically or mentally  
25 handicapped, older and other hard-to-place children who (i)  
26 immediately prior to their adoption were legal wards of the

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

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



1 Any financial assistance provided under this subsection is  
2 inalienable by assignment, sale, execution, attachment,  
3 garnishment, or any other remedy for recovery or collection of  
4 a judgment or debt.

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

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

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

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

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

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

10 The Department may, at its discretion except for those  
11 children also adjudicated neglected or dependent, accept for  
12 care and training any child who has been adjudicated addicted,  
13 as a truant minor in need of supervision or as a minor  
14 requiring authoritative intervention, under the Juvenile Court  
15 Act or the Juvenile Court Act of 1987, but no such child shall  
16 be committed to the Department by any court without the  
17 approval of the Department. A minor charged with a criminal  
18 offense under the Criminal Code of 1961 or the Criminal Code of  
19 2012 or adjudicated delinquent shall not be placed in the  
20 custody of or committed to the Department by any court, except  
21 (i) a minor less than 15 years of age committed to the  
22 Department under Section 5-710 of the Juvenile Court Act of  
23 1987, (ii) a minor for whom an independent basis of abuse,  
24 neglect, or dependency exists, which must be defined by  
25 departmental rule, or (iii) a minor for whom the court has  
26 granted a supplemental petition to reinstate wardship pursuant

1 to subsection (2) of Section 2-33 of the Juvenile Court Act of  
2 1987. An independent basis exists when the allegations or  
3 adjudication of abuse, neglect, or dependency do not arise from  
4 the same facts, incident, or circumstances which give rise to a  
5 charge or adjudication of delinquency.

6 As soon as is possible after August 7, 2009 (the effective  
7 date of Public Act 96-134), the Department shall develop and  
8 implement a special program of family preservation services to  
9 support intact, foster, and adoptive families who are  
10 experiencing extreme hardships due to the difficulty and stress  
11 of caring for a child who has been diagnosed with a pervasive  
12 developmental disorder if the Department determines that those  
13 services are necessary to ensure the health and safety of the  
14 child. The Department may offer services to any family whether  
15 or not a report has been filed under the Abused and Neglected  
16 Child Reporting Act. The Department may refer the child or  
17 family to services available from other agencies in the  
18 community if the conditions in the child's or family's home are  
19 reasonably likely to subject the child or family to future  
20 reports of suspected child abuse or neglect. Acceptance of  
21 these services shall be voluntary. The Department shall develop  
22 and implement a public information campaign to alert health and  
23 social service providers and the general public about these  
24 special family preservation services. The nature and scope of  
25 the services offered and the number of families served under  
26 the special program implemented under this paragraph shall be

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

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

21 When determining reasonable efforts to be made with respect  
22 to a child, as described in this subsection, and in making such  
23 reasonable efforts, the child's health and safety shall be the  
24 paramount concern.

25 When a child is placed in foster care, the Department shall  
26 ensure and document that reasonable efforts were made to

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

11 A decision to place a child in substitute care shall be  
12 made with considerations of the child's health, safety, and  
13 best interests. At the time of placement, consideration should  
14 also be given so that if reunification fails or is delayed, the  
15 placement made is the best available placement to provide  
16 permanency for the child.

17 The Department shall adopt rules addressing concurrent  
18 planning for reunification and permanency. The Department  
19 shall consider the following factors when determining  
20 appropriateness of concurrent planning:

21 (1) the likelihood of prompt reunification;

22 (2) the past history of the family;

23 (3) the barriers to reunification being addressed by  
24 the family;

25 (4) the level of cooperation of the family;

26 (5) the foster parents' willingness to work with the

1 family to reunite;

2 (6) the willingness and ability of the foster family to  
3 provide an adoptive home or long-term placement;

4 (7) the age of the child;

5 (8) placement of siblings.

6 (m) The Department may assume temporary custody of any  
7 child if:

8 (1) it has received a written consent to such temporary  
9 custody signed by the parents of the child or by the parent  
10 having custody of the child if the parents are not living  
11 together or by the guardian or custodian of the child if  
12 the child is not in the custody of either parent, or

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

15 If the child is found in his or her residence without a parent,  
16 guardian, custodian or responsible caretaker, the Department  
17 may, instead of removing the child and assuming temporary  
18 custody, place an authorized representative of the Department  
19 in that residence until such time as a parent, guardian or  
20 custodian enters the home and expresses a willingness and  
21 apparent ability to ensure the child's health and safety and  
22 resume permanent charge of the child, or until a relative  
23 enters the home and is willing and able to ensure the child's  
24 health and safety and assume charge of the child until a  
25 parent, guardian or custodian enters the home and expresses  
26 such willingness and ability to ensure the child's safety and

1 resume permanent charge. After a caretaker has remained in the  
2 home for a period not to exceed 12 hours, the Department must  
3 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
4 5-415 of the Juvenile Court Act of 1987.

5 The Department shall have the authority, responsibilities  
6 and duties that a legal custodian of the child would have  
7 pursuant to subsection (9) of Section 1-3 of the Juvenile Court  
8 Act of 1987. Whenever a child is taken into temporary custody  
9 pursuant to an investigation under the Abused and Neglected  
10 Child Reporting Act, or pursuant to a referral and acceptance  
11 under the Juvenile Court Act of 1987 of a minor in limited  
12 custody, the Department, during the period of temporary custody  
13 and before the child is brought before a judicial officer as  
14 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile  
15 Court Act of 1987, shall have the authority, responsibilities  
16 and duties that a legal custodian of the child would have under  
17 subsection (9) of Section 1-3 of the Juvenile Court Act of  
18 1987.

19 The Department shall ensure that any child taken into  
20 custody is scheduled for an appointment for a medical  
21 examination.

22 A parent, guardian or custodian of a child in the temporary  
23 custody of the Department who would have custody of the child  
24 if he were not in the temporary custody of the Department may  
25 deliver to the Department a signed request that the Department  
26 surrender the temporary custody of the child. The Department



1 may retain temporary custody of the child for 10 days after the  
2 receipt of the request, during which period the Department may  
3 cause to be filed a petition pursuant to the Juvenile Court Act  
4 of 1987. If a petition is so filed, the Department shall retain  
5 temporary custody of the child until the court orders  
6 otherwise. If a petition is not filed within the 10 day period,  
7 the child shall be surrendered to the custody of the requesting  
8 parent, guardian or custodian not later than the expiration of  
9 the 10 day period, at which time the authority and duties of  
10 the Department with respect to the temporary custody of the  
11 child shall terminate.

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

26 (n) The Department may place children under 18 years of age

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

24 (n-1) The Department shall provide or authorize child  
25 welfare services, aimed at assisting minors to achieve  
26 sustainable self-sufficiency as independent adults, for any

1 minor eligible for the reinstatement of wardship pursuant to  
2 subsection (2) of Section 2-33 of the Juvenile Court Act of  
3 1987, whether or not such reinstatement is sought or allowed,  
4 provided that the minor consents to such services and has not  
5 yet attained the age of 21. The Department shall have  
6 responsibility for the development and delivery of services  
7 under this Section. An eligible youth may access services under  
8 this Section through the Department of Children and Family  
9 Services or by referral from the Department of Human Services.  
10 Youth participating in services under this Section shall  
11 cooperate with the assigned case manager in developing an  
12 agreement identifying the services to be provided and how the  
13 youth will increase skills to achieve self-sufficiency. A  
14 homeless shelter is not considered appropriate housing for any  
15 youth receiving child welfare services under this Section. The  
16 Department shall continue child welfare services under this  
17 Section to any eligible minor until the minor becomes 21 years  
18 of age, no longer consents to participate, or achieves  
19 self-sufficiency as identified in the minor's service plan. The  
20 Department of Children and Family Services shall create clear,  
21 readable notice of the rights of former foster youth to child  
22 welfare services under this Section and how such services may  
23 be obtained. The Department of Children and Family Services and  
24 the Department of Human Services shall disseminate this  
25 information statewide. The Department shall adopt regulations  
26 describing services intended to assist minors in achieving

1 sustainable self-sufficiency as independent adults.

2 (o) The Department shall establish an administrative  
3 review and appeal process for children and families who request  
4 or receive child welfare services from the Department. Children  
5 who are wards of the Department and are placed by private child  
6 welfare agencies, and foster families with whom those children  
7 are placed, shall be afforded the same procedural and appeal  
8 rights as children and families in the case of placement by the  
9 Department, including the right to an initial review of a  
10 private agency decision by that agency. The Department shall  
11 insure that any private child welfare agency, which accepts  
12 wards of the Department for placement, affords those rights to  
13 children and foster families. The Department shall accept for  
14 administrative review and an appeal hearing a complaint made by  
15 (i) a child or foster family concerning a decision following an  
16 initial review by a private child welfare agency or (ii) a  
17 prospective adoptive parent who alleges a violation of  
18 subsection (j-5) of this Section. An appeal of a decision  
19 concerning a change in the placement of a child shall be  
20 conducted in an expedited manner. A court determination that a  
21 current foster home placement is necessary and appropriate  
22 under Section 2-28 of the Juvenile Court Act of 1987 does not  
23 constitute a judicial determination on the merits of an  
24 administrative appeal, filed by a former foster parent,  
25 involving a change of placement decision.

26 (p) There is hereby created the Department of Children and

1 Family Services Emergency Assistance Fund from which the  
2 Department may provide special financial assistance to  
3 families which are in economic crisis when such assistance is  
4 not available through other public or private sources and the  
5 assistance is deemed necessary to prevent dissolution of the  
6 family unit or to reunite families which have been separated  
7 due to child abuse and neglect. The Department shall establish  
8 administrative rules specifying the criteria for determining  
9 eligibility for and the amount and nature of assistance to be  
10 provided. The Department may also enter into written agreements  
11 with private and public social service agencies to provide  
12 emergency financial services to families referred by the  
13 Department. Special financial assistance payments shall be  
14 available to a family no more than once during each fiscal year  
15 and the total payments to a family may not exceed \$500 during a  
16 fiscal year.

17 (q) The Department may receive and use, in their entirety,  
18 for the benefit of children any gift, donation or bequest of  
19 money or other property which is received on behalf of such  
20 children, or any financial benefits to which such children are  
21 or may become entitled while under the jurisdiction or care of  
22 the Department.

23 The Department shall set up and administer no-cost,  
24 interest-bearing accounts in appropriate financial  
25 institutions for children for whom the Department is legally  
26 responsible and who have been determined eligible for Veterans'

1 Benefits, Social Security benefits, assistance allotments from  
2 the armed forces, court ordered payments, parental voluntary  
3 payments, Supplemental Security Income, Railroad Retirement  
4 payments, Black Lung benefits, or other miscellaneous  
5 payments. Interest earned by each account shall be credited to  
6 the account, unless disbursed in accordance with this  
7 subsection.

8 In disbursing funds from children's accounts, the  
9 Department shall:

10 (1) Establish standards in accordance with State and  
11 federal laws for disbursing money from children's  
12 accounts. In all circumstances, the Department's  
13 "Guardianship Administrator" or his or her designee must  
14 approve disbursements from children's accounts. The  
15 Department shall be responsible for keeping complete  
16 records of all disbursements for each account for any  
17 purpose.

18 (2) Calculate on a monthly basis the amounts paid from  
19 State funds for the child's board and care, medical care  
20 not covered under Medicaid, and social services; and  
21 utilize funds from the child's account, as covered by  
22 regulation, to reimburse those costs. Monthly,  
23 disbursements from all children's accounts, up to 1/12 of  
24 \$13,000,000, shall be deposited by the Department into the  
25 General Revenue Fund and the balance over 1/12 of  
26 \$13,000,000 into the DCFS Children's Services Fund.

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

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

21          (s) The Department of Children and Family Services may  
22          establish and implement a program to reimburse Department and  
23          private child welfare agency foster parents licensed by the  
24          Department of Children and Family Services for damages  
25          sustained by the foster parents as a result of the malicious or  
26          negligent acts of foster children, as well as providing third

1 party coverage for such foster parents with regard to actions  
2 of foster children to other individuals. Such coverage will be  
3 secondary to the foster parent liability insurance policy, if  
4 applicable. The program shall be funded through appropriations  
5 from the General Revenue Fund, specifically designated for such  
6 purposes.

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

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

13 (2) the court has ordered one or both of the parties to  
14 the proceeding to reimburse the Department for its  
15 reasonable costs for providing such services in accordance  
16 with Department rules, or has determined that neither party  
17 is financially able to pay.

18 The Department shall provide written notification to the  
19 court of the specific arrangements for supervised visitation  
20 and projected monthly costs within 60 days of the court order.  
21 The Department shall send to the court information related to  
22 the costs incurred except in cases where the court has  
23 determined the parties are financially unable to pay. The court  
24 may order additional periodic reports as appropriate.

25 (u) In addition to other information that must be provided,  
26 whenever the Department places a child with a prospective



1 adoptive parent or parents or in a licensed foster home, group  
2 home, child care institution, or in a relative home, the  
3 Department shall provide to the prospective adoptive parent or  
4 parents or other caretaker:

5 (1) available detailed information concerning the  
6 child's educational and health history, copies of  
7 immunization records (including insurance and medical card  
8 information), a history of the child's previous  
9 placements, if any, and reasons for placement changes  
10 excluding any information that identifies or reveals the  
11 location of any previous caretaker;

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

15 (3) information containing details of the child's  
16 individualized educational plan when the child is  
17 receiving special education services.

18 The caretaker shall be informed of any known social or  
19 behavioral information (including, but not limited to,  
20 criminal background, fire setting, perpetuation of sexual  
21 abuse, destructive behavior, and substance abuse) necessary to  
22 care for and safeguard the children to be placed or currently  
23 in the home. The Department may prepare a written summary of  
24 the information required by this paragraph, which may be  
25 provided to the foster or prospective adoptive parent in  
26 advance of a placement. The foster or prospective adoptive

1 parent may review the supporting documents in the child's file  
2 in the presence of casework staff. In the case of an emergency  
3 placement, casework staff shall at least provide known  
4 information verbally, if necessary, and must subsequently  
5 provide the information in writing as required by this  
6 subsection.

7 The information described in this subsection shall be  
8 provided in writing. In the case of emergency placements when  
9 time does not allow prior review, preparation, and collection  
10 of written information, the Department shall provide such  
11 information as it becomes available. Within 10 business days  
12 after placement, the Department shall obtain from the  
13 prospective adoptive parent or parents or other caretaker a  
14 signed verification of receipt of the information provided.  
15 Within 10 business days after placement, the Department shall  
16 provide to the child's guardian ad litem a copy of the  
17 information provided to the prospective adoptive parent or  
18 parents or other caretaker. The information provided to the  
19 prospective adoptive parent or parents or other caretaker shall  
20 be reviewed and approved regarding accuracy at the supervisory  
21 level.

22 (u-5) Effective July 1, 1995, only foster care placements  
23 licensed as foster family homes pursuant to the Child Care Act  
24 of 1969 shall be eligible to receive foster care payments from  
25 the Department. Relative caregivers who, as of July 1, 1995,  
26 were approved pursuant to approved relative placement rules

1 previously promulgated by the Department at 89 Ill. Adm. Code  
2 335 and had submitted an application for licensure as a foster  
3 family home may continue to receive foster care payments only  
4 until the Department determines that they may be licensed as a  
5 foster family home or that their application for licensure is  
6 denied or until September 30, 1995, whichever occurs first.

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

1 Department of State Police relating to the access and  
2 dissemination of this information.

3 (v-1) Prior to final approval for placement of a child, the  
4 Department shall conduct a criminal records background check of  
5 the prospective foster or adoptive parent, including  
6 fingerprint-based checks of national crime information  
7 databases. Final approval for placement shall not be granted if  
8 the record check reveals a felony conviction for child abuse or  
9 neglect, for spousal abuse, for a crime against children, or  
10 for a crime involving violence, including rape, sexual assault,  
11 or homicide, but not including other physical assault or  
12 battery, or if there is a felony conviction for physical  
13 assault, battery, or a drug-related offense committed within  
14 the past 5 years.

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

23 (w) Within 120 days of August 20, 1995 (the effective date  
24 of Public Act 89-392), the Department shall prepare and submit  
25 to the Governor and the General Assembly, a written plan for  
26 the development of in-state licensed secure child care

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

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

1 or is presently ongoing, the Department shall notify the proper  
2 law enforcement agency, the proper State's Attorney, or the  
3 Attorney General.

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

14 (Source: P.A. 96-134, eff. 8-7-09; 96-581, eff. 1-1-10; 96-600,  
15 eff. 8-21-09; 96-619, eff. 1-1-10; 96-760, eff. 1-1-10;  
16 96-1000, eff. 7-2-10; 96-1189, eff. 7-22-10; 97-1150, eff.  
17 1-25-13.)

18 Section 10. The Juvenile Court Act of 1987 is amended by  
19 changing Sections 1-3 and 1-5 as follows:

20 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

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

24 (1) "Adjudicatory hearing" means a hearing to determine

1 whether the allegations of a petition under Section 2-13, 3-15  
2 or 4-12 that a minor under 18 years of age is abused, neglected  
3 or dependent, or requires authoritative intervention, or  
4 addicted, respectively, are supported by a preponderance of the  
5 evidence or whether the allegations of a petition under Section  
6 5-520 that a minor is delinquent are proved beyond a reasonable  
7 doubt.

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

9 (3) "Agency" means a public or private child care facility  
10 legally authorized or licensed by this State for placement or  
11 institutional care or for both placement and institutional  
12 care.

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

17 (4.05) Whenever a "best interest" determination is  
18 required, the following factors shall be considered in the  
19 context of the child's age and developmental needs:

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

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

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

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

26 (i) where the child actually feels love,

1 attachment, and a sense of being valued (as opposed to  
2 where adults believe the child should feel such love,  
3 attachment, and a sense of being valued);

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

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

6 (iv) continuity of affection for the child;

7 (v) the least disruptive placement alternative for  
8 the child;

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

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

12 (g) the child's need for permanence which includes the  
13 child's need for stability and continuity of relationships  
14 with parent figures and with siblings and other relatives;

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

16 (i) the risks attendant to entering and being in  
17 substitute care; and

18 (j) the preferences of the persons available to care  
19 for the child.

20 (4.1) "Chronic truant" shall have the definition ascribed  
21 to it in Section 26-2a of the School Code.

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

24 (6) "Dispositional hearing" means a hearing to determine  
25 whether a minor should be adjudged to be a ward of the court,  
26 and to determine what order of disposition should be made in



1 respect to a minor adjudged to be a ward of the court.

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

5 (7.05) "Foster parent" includes a relative caregiver.

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

13 (a) the authority to consent to marriage, to enlistment  
14 in the armed forces of the United States, or to a major  
15 medical, psychiatric, and surgical treatment; to represent  
16 the minor in legal actions; and to make other decisions of  
17 substantial legal significance concerning the 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           (9) "Legal custody" means the relationship created by an  
2 order of court in the best interests of the minor which imposes  
3 on the custodian the responsibility of physical possession of a  
4 minor and the duty to protect, train and discipline him and to  
5 provide him with food, shelter, education and ordinary medical  
6 care, except as these are limited by residual parental rights  
7 and responsibilities and the rights and responsibilities of the  
8 guardian of the person, if any.

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

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

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

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

14 (11.1) "Permanency goal" means a goal set by the court as  
15 defined in subdivision (2) of Section 2-28.

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

23 (12) "Petition" means the petition provided for in Section  
24 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions  
25 thereunder in Section 3-15, 4-12 or 5-520.

26 (12.1) "Physically capable adult relative" means a person

1 21 years of age or older who does not have a severe physical  
2 disability or medical condition, or is not suffering from  
3 alcoholism or drug addiction, that prevents him or her from  
4 providing the care necessary to safeguard the physical safety  
5 and welfare of a minor who is left in that person's care by the  
6 parent or parents or other person responsible for the minor's  
7 welfare.

8 (12.2) "Post Permanency Sibling Contact Agreement" has the  
9 meaning ascribed to the term in Section 7.4 of the Children and  
10 Family Services Act.

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

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

23 (14.1) "Sibling Contact Support Plan" has the meaning  
24 ascribed to the term in Section 7.4 of the Children and Family  
25 Services Act.

26 (15) "Station adjustment" means the informal handling of an

1 alleged offender by a juvenile police officer.

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

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

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

1 the facility, building, or distinct part of the building.

2 (Source: P.A. 96-168, eff. 8-10-09; 97-568, eff. 8-25-11;  
3 97-1076, eff. 8-24-12; 97-1150, eff. 1-25-13.)

4 (705 ILCS 405/1-5) (from Ch. 37, par. 801-5)

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

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

1 minor or counsel for the guardian ad litem, to withdraw his or  
2 her appearance upon failure of the party for whom counsel was  
3 appointed under this Section to attend any subsequent  
4 proceedings.

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

20 (1.5) The Department shall maintain a system of response to  
21 inquiry made by parents or putative parents as to whether their  
22 child is under the custody or guardianship of the Department;  
23 and if so, the Department shall direct the parents or putative  
24 parents to the appropriate court of jurisdiction, including  
25 where inquiry may be made of the clerk of the court regarding  
26 the case number and the next scheduled court date of the

1 minor's case. Effective notice and the means of accessing  
2 information shall be given to the public on a continuing basis  
3 by the Department.

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

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

18 Any foster parent or relative caregiver who is denied his  
19 or her right to be heard under this Section may bring a  
20 mandamus action under Article XIV of the Code of Civil  
21 Procedure against the court or any public agency to enforce  
22 that right. The mandamus action may be brought immediately upon  
23 the denial of those rights but in no event later than 30 days  
24 after the foster parent has been denied the right to be heard.

25 (b) If after an adjudication that a minor is abused or  
26 neglected as provided under Section 2-21 of this Act and a



1 motion has been made to restore the minor to any parent,  
2 guardian, or legal custodian found by the court to have caused  
3 the neglect or to have inflicted the abuse on the minor, a  
4 foster parent may file a motion to intervene in the proceeding  
5 for the sole purpose of requesting that the minor be placed  
6 with the foster parent, provided that the foster parent (i) is  
7 the current foster parent of the minor or (ii) has previously  
8 been a foster parent for the minor for one year or more, has a  
9 foster care license or is eligible for a license or is not  
10 required to have a license, and is not the subject of any  
11 findings of abuse or neglect of any child. The juvenile court  
12 may only enter orders placing a minor with a specific foster  
13 parent under this subsection (2) (b) and nothing in this Section  
14 shall be construed to confer any jurisdiction or authority on  
15 the juvenile court to issue any other orders requiring the  
16 appointed guardian or custodian of a minor to place the minor  
17 in a designated foster home or facility. This Section is not  
18 intended to encompass any matters that are within the scope or  
19 determinable under the administrative and appeal process  
20 established by rules of the Department of Children and Family  
21 Services under Section 5(o) of the Children and Family Services  
22 Act. Nothing in this Section shall relieve the court of its  
23 responsibility, under Section 2-14(a) of this Act to act in a  
24 just and speedy manner to reunify families where it is the best  
25 interests of the minor and the child can be cared for at home  
26 without endangering the child's health or safety and, if

1 reunification is not in the best interests of the minor, to  
2 find another permanent home for the minor. Nothing in this  
3 Section, or in any order issued by the court with respect to  
4 the placement of a minor with a foster parent, shall impair the  
5 ability of the Department of Children and Family Services, or  
6 anyone else authorized under Section 5 of the Abused and  
7 Neglected Child Reporting Act, to remove a minor from the home  
8 of a foster parent if the Department of Children and Family  
9 Services or the person removing the minor has reason to believe  
10 that the circumstances or conditions of the minor are such that  
11 continuing in the residence or care of the foster parent will  
12 jeopardize the child's health and safety or present an imminent  
13 risk of harm to that minor's life.

14 (c) If a foster parent has had the minor who is the subject  
15 of the proceeding under Article II in his or her home for more  
16 than one year on or after July 3, 1994 and if the minor's  
17 placement is being terminated from that foster parent's home,  
18 that foster parent shall have standing and intervenor status  
19 except in those circumstances where the Department of Children  
20 and Family Services or anyone else authorized under Section 5  
21 of the Abused and Neglected Child Reporting Act has removed the  
22 minor from the foster parent because of a reasonable belief  
23 that the circumstances or conditions of the minor are such that  
24 continuing in the residence or care of the foster parent will  
25 jeopardize the child's health or safety or presents an imminent  
26 risk of harm to the minor's life.

1 (d) The court may grant standing to any foster parent if  
2 the court finds that it is in the best interest of the child  
3 for the foster parent to have standing and intervenor status.

4 (3) Parties respondent are entitled to notice in compliance  
5 with Sections 2-15 and 2-16, 3-17 and 3-18, 4-14 and 4-15 or  
6 5-525 and 5-530, as appropriate. At the first appearance before  
7 the court by the minor, his parents, guardian, custodian or  
8 responsible relative, the court shall explain the nature of the  
9 proceedings and inform the parties of their rights under the  
10 first 2 paragraphs of this Section.

11 If the child is alleged to be abused, neglected or  
12 dependent, the court shall admonish the parents that if the  
13 court declares the child to be a ward of the court and awards  
14 custody or guardianship to the Department of Children and  
15 Family Services, the parents must cooperate with the Department  
16 of Children and Family Services, comply with the terms of the  
17 service plans, and correct the conditions that require the  
18 child to be in care, or risk termination of their parental  
19 rights.

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

24 When the court finds that a child is an abused, neglected,  
25 or dependent minor under Section 2-21, the court shall admonish  
26 the parents that the parents must cooperate with the Department

1 of Children and Family Services, comply with the terms of the  
2 service plans, and correct the conditions that require the  
3 child to be in care, or risk termination of their parental  
4 rights.

5 When the court declares a child to be a ward of the court  
6 and awards guardianship to the Department of Children and  
7 Family Services under Section 2-22, the court shall admonish  
8 the parents, guardian, custodian, or responsible relative that  
9 the parents must cooperate with the Department of Children and  
10 Family Services, comply with the terms of the service plans,  
11 and correct the conditions that require the child to be in  
12 care, or risk termination of their parental rights.

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

17 (5) In the discretion of the court, the minor may be  
18 excluded from any part or parts of a dispositional hearing and,  
19 with the consent of the parent or parents, guardian, counsel or  
20 a guardian ad litem, from any part or parts of an adjudicatory  
21 hearing.

22 (6) The general public except for the news media and the  
23 crime victim, as defined in Section 3 of the Rights of Crime  
24 Victims and Witnesses Act, shall be excluded from any hearing  
25 and, except for the persons specified in this Section only  
26 persons, including representatives of agencies and

1 associations, who in the opinion of the court have a direct  
2 interest in the case or in the work of the court shall be  
3 admitted to the hearing. However, the court may, for the  
4 minor's safety and protection and for good cause shown,  
5 prohibit any person or agency present in court from further  
6 disclosing the minor's identity. Nothing in this subsection (6)  
7 prevents the court from allowing other juveniles to be present  
8 or to participate in a court session being held under the  
9 Juvenile Drug Court Treatment Act.

10 (7) A party shall not be entitled to exercise the right to  
11 a substitution of a judge without cause under subdivision  
12 (a)(2) of Section 2-1001 of the Code of Civil Procedure in a  
13 proceeding under this Act if the judge is currently assigned to  
14 a proceeding involving the alleged abuse, neglect, or  
15 dependency of the minor's sibling or half sibling and that  
16 judge has made a substantive ruling in the proceeding involving  
17 the minor's sibling or half sibling.

18 (Source: P.A. 93-539, eff. 8-18-03; 94-271, eff. 1-1-06.)".