



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4496

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-745

Amends the Juvenile Court Act of 1987. Provides that if the minor is in the custody of the Department of Juvenile Justice, the case plan shall include: (1) information as to the minor's physical, mental, and emotional health condition; (2) summary of the physical and mental health services provided to the minor; (3) unmet physical and mental health and education needs which have been identified by the Department; (4) information as to the Department's efforts to secure post-release placement of the minor after release from the Department; (5) identification of the minor's grade level and educational history, including a determination if the minor has in the past, or is currently receiving special education services; (6) identification of educational goals, educational needs, and identifiable educational problems; and (7) determination as to the need for a case study evaluation. Provides that upon receipt, the court shall review the report and determine whether a hearing would serve the minor's best interests. Provides that when the court has set a hearing on the case plan, the clerk shall mail notice of the hearing to the Director of Juvenile Justice and where the court record includes their last known addresses, to the minor's parents and guardian. Provides that if after receiving evidence, the court determines that the services contained in the plan are not reasonably calculated to prepare the minor for a successful reentry into the community, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the evidence. Provides that the court also shall enter an order for the Department to develop and implement a new service plan or to implement changes to the current service plan consistent with the court's findings. Provides that the new service plan shall be filed with the court and served on all parties within 45 days of the date of the order. Provides that the court shall continue the matter until the new service plan is filed. Provides that unless otherwise specifically authorized by law, the court may not order specific placements, specific services, or specific service providers to be included in the plan.

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A BILL FOR

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 Section 5-745 as follows:

6 (705 ILCS 405/5-745)

7 Sec. 5-745. Court review.

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

1 (2) A guardian or legal custodian appointed by the court
2 under this Act shall file updated case plans with the court
3 every 6 months. If the minor is in the custody of the
4 Department of Juvenile Justice, the plan shall include:

5 (a) information as to the minor's physical, mental, and
6 emotional health condition;

7 (b) summary of the physical and mental health services
8 provided to the minor;

9 (c) unmet physical and mental health and education
10 needs which have been identified by the Department;

11 (d) information as to the Department's efforts to
12 secure post-release placement of the minor after release
13 from the Department;

14 (e) identification of the minor's grade level and
15 educational history, including a determination if the
16 minor has in the past or is currently receiving special
17 education services;

18 (f) identification of educational goals, educational
19 needs, and identifiable educational problems; and

20 (g) determination as to the need for a case study
21 evaluation.

22 Upon receipt, the court shall review the report and
23 determine whether a hearing would serve the minor's best
24 interests. When the court has set a hearing on the case plan,
25 the clerk shall mail notice of the hearing to the Director of
26 Juvenile Justice at least 10 days prior to the hearing and when

1 the court record includes their last known addresses, to the
2 minor's parents and guardian. If after receiving evidence, the
3 court determines that the services contained in the plan are
4 not reasonably calculated to prepare the minor for a successful
5 reentry into the community, the court shall put in writing the
6 factual basis supporting the determination and enter specific
7 findings based on the evidence. The court also shall enter an
8 order for the Department to develop and implement a new service
9 plan or to implement changes to the current service plan
10 consistent with the court's findings. The new service plan
11 shall be filed with the court and served on all parties within
12 45 days of the date of the order. The court shall continue the
13 matter until the new service plan is filed. Unless otherwise
14 specifically authorized by law, the court may not under
15 subsection (2) or subsection (3) of this Section order specific
16 placements, specific services, or specific service providers
17 to be included in the plan.

18 Every agency which has guardianship of a child shall file a
19 supplemental petition for court review, or review by an
20 administrative body appointed or approved by the court and
21 further order within 18 months of the sentencing order and each
22 18 months thereafter. The petition shall state facts relative
23 to the child's present condition of physical, mental and
24 emotional health as well as facts relative to his or her
25 present custodial or foster care. The petition shall be set for
26 hearing and the clerk shall mail 10 days notice of the hearing

1 by certified mail, return receipt requested, to the person or
2 agency having the physical custody of the child, the minor and
3 other interested parties unless a written waiver of notice is
4 filed with the petition.

5 If the minor is in the custody of the Illinois Department
6 of Children and Family Services, pursuant to an order entered
7 under this Article, the court shall conduct permanency hearings
8 as set out in subsections (1), (2), and (3) of Section 2-28 of
9 Article II of this Act.

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

13 (3) The minor or any person interested in the minor may
14 apply to the court for a change in custody of the minor and the
15 appointment of a new custodian or guardian of the person or for
16 the restoration of the minor to the custody of his or her
17 parents or former guardian or custodian. In the event that the
18 minor has attained 18 years of age and the guardian or
19 custodian petitions the court for an order terminating his or
20 her guardianship or custody, guardianship or legal custody
21 shall terminate automatically 30 days after the receipt of the
22 petition unless the court orders otherwise. No legal custodian
23 or guardian of the person may be removed without his or her
24 consent until given notice and an opportunity to be heard by
25 the court.

26 (Source: P.A. 96-178, eff. 1-1-10; 97-518, eff. 1-1-12.)