



Rep. Robyn Gabel

Filed: 3/23/2015

09900HB3507ham001

LRB099 11087 KTG 33225 a

1 AMENDMENT TO HOUSE BILL 3507

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3507 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 Sections 2.1 and 5 as follows:

6 (20 ILCS 505/2.1)

7 Sec. 2.1. The Department shall ensure a sufficient number  
8 of placement and other resources of sufficient quality and  
9 variety to meet the needs of children and families as specified  
10 in the individual case plan in Sec. 6a of this Act. ~~Nothing in  
11 this Sec. shall be construed to create a private right of  
12 action or a judicially enforceable claim on the part of any  
13 individual or agency.~~

14 (Source: P.A. 88-614, eff. 9-7-94.)

15 (20 ILCS 505/5) (from Ch. 23, par. 5005)

1           Sec. 5. Direct child welfare services; Department of  
2 Children and Family Services. To provide direct child welfare  
3 services when not available through other public or private  
4 child care or program facilities.

5           (a) For purposes of this Section:

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

9           (A) were committed to the Department pursuant to  
10 the Juvenile Court Act or the Juvenile Court Act of  
11 1987, as amended, prior to the age of 18 and who  
12 continue under the jurisdiction of the court; or

13           (B) were accepted for care, service and training by  
14 the Department prior to the age of 18 and whose best  
15 interest in the discretion of the Department would be  
16 served by continuing that care, service and training  
17 because of severe emotional disturbances, physical  
18 disability, social adjustment or any combination  
19 thereof, or because of the need to complete an  
20 educational or vocational training program.

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

25           (3) "Child welfare services" means public social  
26 services which are directed toward the accomplishment of

1 the following purposes:

2 (A) protecting and promoting the health, safety  
3 and welfare of children, including homeless, dependent  
4 or neglected children;

5 (B) remedying, or assisting in the solution of  
6 problems which may result in, the neglect, abuse,  
7 exploitation or delinquency of children;

8 (C) preventing the unnecessary separation of  
9 children from their families by identifying family  
10 problems, assisting families in resolving their  
11 problems, and preventing the breakup of the family  
12 where the prevention of child removal is desirable and  
13 possible when the child can be cared for at home  
14 without endangering the child's health and safety;

15 (D) restoring to their families children who have  
16 been removed, by the provision of services to the child  
17 and the families when the child can be cared for at  
18 home without endangering the child's health and  
19 safety;

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

23 (F) assuring safe and adequate care of children  
24 away from their homes, in cases where the child cannot  
25 be returned home or cannot be placed for adoption. At  
26 the time of placement, the Department shall consider

1 concurrent planning, as described in subsection (1-1)  
2 of this Section so that permanency may occur at the  
3 earliest opportunity. Consideration should be given so  
4 that if reunification fails or is delayed, the  
5 placement made is the best available placement to  
6 provide permanency for the child;

7 (G) (blank);

8 (H) (blank); and

9 (I) placing and maintaining children in facilities  
10 that provide separate living quarters for children  
11 under the age of 18 and for children 18 years of age  
12 and older, unless a child 18 years of age is in the  
13 last year of high school education or vocational  
14 training, in an approved individual or group treatment  
15 program, in a licensed shelter facility, or secure  
16 child care facility. The Department is not required to  
17 place or maintain children:

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

19 (ii) who are persons with a developmental  
20 disability, as defined in the Mental Health and  
21 Developmental Disabilities Code, or

22 (iii) who are female children who are  
23 pregnant, pregnant and parenting or parenting, or

24 (iv) who are siblings, in facilities that  
25 provide separate living quarters for children 18  
26 years of age and older and for children under 18

1                   years of age.

2           (b) Nothing in this Section shall be construed to authorize  
3 the expenditure of public funds for the purpose of performing  
4 abortions.

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

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

1 Section 17a-4.

2 (e) (Blank).

3 (f) (Blank).

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

8 (1) adoption;

9 (2) foster care;

10 (3) family counseling;

11 (4) protective services;

12 (5) (blank);

13 (6) homemaker service;

14 (7) return of runaway children;

15 (8) (blank);

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

20 (10) interstate services.

21 Rules and regulations established by the Department shall  
22 include provisions for training Department staff and the staff  
23 of Department grantees, through contracts with other agencies  
24 or resources, in alcohol and drug abuse screening techniques  
25 approved by the Department of Human Services, as a successor to  
26 the Department of Alcoholism and Substance Abuse, for the

1 purpose of identifying children and adults who should be  
2 referred to an alcohol and drug abuse treatment program for  
3 professional evaluation.

4 (h) If the Department finds that there is no appropriate  
5 program or facility within or available to the Department for a  
6 ward and that no licensed private facility has an adequate and  
7 appropriate program or none agrees to accept the ward, the  
8 Department shall create an appropriate individualized,  
9 program-oriented plan for such ward. The plan may be developed  
10 within the Department or through purchase of services by the  
11 Department to the extent that it is within its statutory  
12 authority to do.

13 (i) Service programs shall be available throughout the  
14 State and shall include but not be limited to the following  
15 services:

- 16 (1) case management;
- 17 (2) homemakers;
- 18 (3) counseling;
- 19 (4) parent education;
- 20 (5) day care; and
- 21 (6) emergency assistance and advocacy.

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

- 24 (1) comprehensive family-based services;
- 25 (2) assessments;
- 26 (3) respite care; and

1 (4) in-home health services.

2 The Department shall provide transportation for any of the  
3 services it makes available to children or families or for  
4 which it refers children or families.

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



1 4-25 or 5-740 of the Juvenile Court Act of 1987 for children  
2 who were wards of the Department for 12 months immediately  
3 prior to the appointment of the guardian.

4 The amount of assistance may vary, depending upon the needs  
5 of the child and the adoptive parents, as set forth in the  
6 annual assistance agreement. Special purpose grants are  
7 allowed where the child requires special service but such costs  
8 may not exceed the amounts which similar services would cost  
9 the Department if it were to provide or secure them as guardian  
10 of the child.

11 Any financial assistance provided under this subsection is  
12 inalienable by assignment, sale, execution, attachment,  
13 garnishment, or any other remedy for recovery or collection of  
14 a judgment or debt.

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

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

23 (l) The Department shall offer family preservation  
24 services, as defined in Section 8.2 of the Abused and Neglected  
25 Child Reporting Act, to help families, including adoptive and  
26 extended families. Family preservation services shall be

1 offered (i) to prevent the placement of children in substitute  
2 care when the children can be cared for at home or in the  
3 custody of the person responsible for the children's welfare,  
4 (ii) to reunite children with their families, or (iii) to  
5 maintain an adoptive placement. Family preservation services  
6 shall only be offered when doing so will not endanger the  
7 children's health or safety. With respect to children who are  
8 in substitute care pursuant to the Juvenile Court Act of 1987,  
9 family preservation services shall not be offered if a goal  
10 other than those of subdivisions (A), (B), or (B-1) of  
11 subsection (2) of Section 2-28 of that Act has been set.  
12 Nothing in this paragraph shall be construed to create a  
13 private right of action or claim on the part of any individual  
14 or child welfare agency, except that when a child is the  
15 subject of an action under Article II of the Juvenile Court Act  
16 of 1987 and the child's service plan calls for services to  
17 facilitate achievement of the permanency goal, the court  
18 hearing the action under Article II of the Juvenile Court Act  
19 of 1987 may order the Department to provide the services set  
20 out in the plan, if those services are not provided with  
21 reasonable promptness and if those services are available.

22 The Department shall notify the child and his family of the  
23 Department's responsibility to offer and provide family  
24 preservation services as identified in the service plan. The  
25 child and his family shall be eligible for services as soon as  
26 the report is determined to be "indicated". The Department may

1 offer services to any child or family with respect to whom a  
2 report of suspected child abuse or neglect has been filed,  
3 prior to concluding its investigation under Section 7.12 of the  
4 Abused and Neglected Child Reporting Act. However, the child's  
5 or family's willingness to accept services shall not be  
6 considered in the investigation. The Department may also  
7 provide services to any child or family who is the subject of  
8 any report of suspected child abuse or neglect or may refer  
9 such child or family to services available from other agencies  
10 in the community, even if the report is determined to be  
11 unfounded, if the conditions in the child's or family's home  
12 are reasonably likely to subject the child or family to future  
13 reports of suspected child abuse or neglect. Acceptance of such  
14 services shall be voluntary. The Department may also provide  
15 services to any child or family after completion of a family  
16 assessment, as an alternative to an investigation, as provided  
17 under the "differential response program" provided for in  
18 subsection (a-5) of Section 7.4 of the Abused and Neglected  
19 Child Reporting Act.

20 The Department may, at its discretion except for those  
21 children also adjudicated neglected or dependent, accept for  
22 care and training any child who has been adjudicated addicted,  
23 as a truant minor in need of supervision or as a minor  
24 requiring authoritative intervention, under the Juvenile Court  
25 Act or the Juvenile Court Act of 1987, but no such child shall  
26 be committed to the Department by any court without the

1 approval of the Department. On and after the effective date of  
2 this amendatory Act of the 98th General Assembly and before  
3 January 1, 2017, a minor charged with a criminal offense under  
4 the Criminal Code of 1961 or the Criminal Code of 2012 or  
5 adjudicated delinquent shall not be placed in the custody of or  
6 committed to the Department by any court, except (i) a minor  
7 less than 16 years of age committed to the Department under  
8 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
9 for whom an independent basis of abuse, neglect, or dependency  
10 exists, which must be defined by departmental rule, or (iii) a  
11 minor for whom the court has granted a supplemental petition to  
12 reinstate wardship pursuant to subsection (2) of Section 2-33  
13 of the Juvenile Court Act of 1987. On and after January 1,  
14 2017, a minor charged with a criminal offense under the  
15 Criminal Code of 1961 or the Criminal Code of 2012 or  
16 adjudicated delinquent shall not be placed in the custody of or  
17 committed to the Department by any court, except (i) a minor  
18 less than 15 years of age committed to the Department under  
19 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor  
20 for whom an independent basis of abuse, neglect, or dependency  
21 exists, which must be defined by departmental rule, or (iii) a  
22 minor for whom the court has granted a supplemental petition to  
23 reinstate wardship pursuant to subsection (2) of Section 2-33  
24 of the Juvenile Court Act of 1987. An independent basis exists  
25 when the allegations or adjudication of abuse, neglect, or  
26 dependency do not arise from the same facts, incident, or

1 circumstances which give rise to a charge or adjudication of  
2 delinquency.

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

1 including but not limited to, Asperger's Syndrome and autism,  
2 as defined in the most recent edition of the Diagnostic and  
3 Statistical Manual of Mental Disorders of the American  
4 Psychiatric Association.

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

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

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

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

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

14 The Department shall adopt rules addressing concurrent  
15 planning for reunification and permanency. The Department  
16 shall consider the following factors when determining  
17 appropriateness of concurrent planning:

- 18 (1) the likelihood of prompt reunification;
- 19 (2) the past history of the family;
- 20 (3) the barriers to reunification being addressed by  
21 the family;
- 22 (4) the level of cooperation of the family;
- 23 (5) the foster parents' willingness to work with the  
24 family to reunite;
- 25 (6) the willingness and ability of the foster family to  
26 provide an adoptive home or long-term placement;

1 (7) the age of the child;

2 (8) placement of siblings.

3 (m) The Department may assume temporary custody of any  
4 child if:

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

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

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



1 5-415 of the Juvenile Court Act of 1987.

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

16 The Department shall ensure that any child taken into  
17 custody is scheduled for an appointment for a medical  
18 examination.

19 A parent, guardian or custodian of a child in the temporary  
20 custody of the Department who would have custody of the child  
21 if he were not in the temporary custody of the Department may  
22 deliver to the Department a signed request that the Department  
23 surrender the temporary custody of the child. The Department  
24 may retain temporary custody of the child for 10 days after the  
25 receipt of the request, during which period the Department may  
26 cause to be filed a petition pursuant to the Juvenile Court Act

1 of 1987. If a petition is so filed, the Department shall retain  
2 temporary custody of the child until the court orders  
3 otherwise. If a petition is not filed within the 10 day period,  
4 the child shall be surrendered to the custody of the requesting  
5 parent, guardian or custodian not later than the expiration of  
6 the 10 day period, at which time the authority and duties of  
7 the Department with respect to the temporary custody of the  
8 child shall terminate.

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

23 (n) The Department may place children under 18 years of age  
24 in licensed child care facilities when in the opinion of the  
25 Department, appropriate services aimed at family preservation  
26 have been unsuccessful and cannot ensure the child's health and

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

21 (n-1) The Department shall provide or authorize child  
22 welfare services, aimed at assisting minors to achieve  
23 sustainable self-sufficiency as independent adults, for any  
24 minor eligible for the reinstatement of wardship pursuant to  
25 subsection (2) of Section 2-33 of the Juvenile Court Act of  
26 1987, whether or not such reinstatement is sought or allowed,

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

25 (n-2) The Department shall provide, as required by this Act  
26 or any applicable State or federal law, child welfare services

1 aimed at assisting minors in achieving sustainable  
2 self-sufficiency as adults for any minor for whom the  
3 Department is appointed the custodian or guardian pursuant to  
4 the Juvenile Court Act of 1987. Such services shall include,  
5 but shall not be limited to: transitional living programs;  
6 independent living programs; educational assistance, including  
7 Youth in College; community college tuition waivers, and  
8 scholarships awarded by the Department; case management;  
9 mentoring; Youth in Employment; counseling; support and  
10 services for pregnant and parenting youth; sibling and parent  
11 visitation services and support; vocational training; and, as  
12 appropriate, transitioning youth to appropriate adult  
13 placement services and guardianship and any other service  
14 included in the youth's case plan. This Section shall not be  
15 interpreted as creating a new obligation of the Department to  
16 provide services, but as recognizing an existing and continuing  
17 obligation to provide services to youth in the Department's  
18 care, including those between the ages of 18 and 21 and those  
19 over the age of 21 receiving assistance through scholarships  
20 awarded by the Department and Youth in College programs, and  
21 any other applicable programs.

22 (o) The Department shall establish an administrative  
23 review and appeal process for children and families who request  
24 or receive child welfare services from the Department. Children  
25 who are wards of the Department and are placed by private child  
26 welfare agencies, and foster families with whom those children

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

20 (p) There is hereby created the Department of Children and  
21 Family Services Emergency Assistance Fund from which the  
22 Department may provide special financial assistance to  
23 families which are in economic crisis when such assistance is  
24 not available through other public or private sources and the  
25 assistance is deemed necessary to prevent dissolution of the  
26 family unit or to reunite families which have been separated

1 due to child abuse and neglect. The Department shall establish  
2 administrative rules specifying the criteria for determining  
3 eligibility for and the amount and nature of assistance to be  
4 provided. The Department may also enter into written agreements  
5 with private and public social service agencies to provide  
6 emergency financial services to families referred by the  
7 Department. Special financial assistance payments shall be  
8 available to a family no more than once during each fiscal year  
9 and the total payments to a family may not exceed \$500 during a  
10 fiscal year.

11 (q) The Department may receive and use, in their entirety,  
12 for the benefit of children any gift, donation or bequest of  
13 money or other property which is received on behalf of such  
14 children, or any financial benefits to which such children are  
15 or may become entitled while under the jurisdiction or care of  
16 the Department.

17 The Department shall set up and administer no-cost,  
18 interest-bearing accounts in appropriate financial  
19 institutions for children for whom the Department is legally  
20 responsible and who have been determined eligible for Veterans'  
21 Benefits, Social Security benefits, assistance allotments from  
22 the armed forces, court ordered payments, parental voluntary  
23 payments, Supplemental Security Income, Railroad Retirement  
24 payments, Black Lung benefits, or other miscellaneous  
25 payments. Interest earned by each account shall be credited to  
26 the account, unless disbursed in accordance with this

1 subsection.

2 In disbursing funds from children's accounts, the  
3 Department shall:

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

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

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

26 (r) The Department shall promulgate regulations



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

15 (s) The Department of Children and Family Services may  
16 establish and implement a program to reimburse Department and  
17 private child welfare agency foster parents licensed by the  
18 Department of Children and Family Services for damages  
19 sustained by the foster parents as a result of the malicious or  
20 negligent acts of foster children, as well as providing third  
21 party coverage for such foster parents with regard to actions  
22 of foster children to other individuals. Such coverage will be  
23 secondary to the foster parent liability insurance policy, if  
24 applicable. The program shall be funded through appropriations  
25 from the General Revenue Fund, specifically designated for such  
26 purposes.

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

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

7           (2) the court has ordered one or both of the parties to  
8 the proceeding to reimburse the Department for its  
9 reasonable costs for providing such services in accordance  
10 with Department rules, or has determined that neither party  
11 is financially able to pay.

12           The Department shall provide written notification to the  
13 court of the specific arrangements for supervised visitation  
14 and projected monthly costs within 60 days of the court order.  
15 The Department shall send to the court information related to  
16 the costs incurred except in cases where the court has  
17 determined the parties are financially unable to pay. The court  
18 may order additional periodic reports as appropriate.

19           (u) In addition to other information that must be provided,  
20 whenever the Department places a child with a prospective  
21 adoptive parent or parents or in a licensed foster home, group  
22 home, child care institution, or in a relative home, the  
23 Department shall provide to the prospective adoptive parent or  
24 parents or other caretaker:

25           (1) available detailed information concerning the  
26 child's educational and health history, copies of

1 immunization records (including insurance and medical card  
2 information), a history of the child's previous  
3 placements, if any, and reasons for placement changes  
4 excluding any information that identifies or reveals the  
5 location of any previous caretaker;

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

9 (3) information containing details of the child's  
10 individualized educational plan when the child is  
11 receiving special education services.

12 The caretaker shall be informed of any known social or  
13 behavioral information (including, but not limited to,  
14 criminal background, fire setting, perpetuation of sexual  
15 abuse, destructive behavior, and substance abuse) necessary to  
16 care for and safeguard the children to be placed or currently  
17 in the home. The Department may prepare a written summary of  
18 the information required by this paragraph, which may be  
19 provided to the foster or prospective adoptive parent in  
20 advance of a placement. The foster or prospective adoptive  
21 parent may review the supporting documents in the child's file  
22 in the presence of casework staff. In the case of an emergency  
23 placement, casework staff shall at least provide known  
24 information verbally, if necessary, and must subsequently  
25 provide the information in writing as required by this  
26 subsection.

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

16           (u-5) Effective July 1, 1995, only foster care placements  
17 licensed as foster family homes pursuant to the Child Care Act  
18 of 1969 shall be eligible to receive foster care payments from  
19 the Department. Relative caregivers who, as of July 1, 1995,  
20 were approved pursuant to approved relative placement rules  
21 previously promulgated by the Department at 89 Ill. Adm. Code  
22 335 and had submitted an application for licensure as a foster  
23 family home may continue to receive foster care payments only  
24 until the Department determines that they may be licensed as a  
25 foster family home or that their application for licensure is  
26 denied or until September 30, 1995, whichever occurs first.

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

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

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

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

17 (w) Within 120 days of August 20, 1995 (the effective date  
18 of Public Act 89-392), the Department shall prepare and submit  
19 to the Governor and the General Assembly, a written plan for  
20 the development of in-state licensed secure child care  
21 facilities that care for children who are in need of secure  
22 living arrangements for their health, safety, and well-being.  
23 For purposes of this subsection, secure care facility shall  
24 mean a facility that is designed and operated to ensure that  
25 all entrances and exits from the facility, a building or a  
26 distinct part of the building, are under the exclusive control

1 of the staff of the facility, whether or not the child has the  
2 freedom of movement within the perimeter of the facility,  
3 building, or distinct part of the building. The plan shall  
4 include descriptions of the types of facilities that are needed  
5 in Illinois; the cost of developing these secure care  
6 facilities; the estimated number of placements; the potential  
7 cost savings resulting from the movement of children currently  
8 out-of-state who are projected to be returned to Illinois; the  
9 necessary geographic distribution of these facilities in  
10 Illinois; and a proposed timetable for development of such  
11 facilities.

12 (x) The Department shall conduct annual credit history  
13 checks to determine the financial history of children placed  
14 under its guardianship pursuant to the Juvenile Court Act of  
15 1987. The Department shall conduct such credit checks starting  
16 when a ward turns 12 years old and each year thereafter for the  
17 duration of the guardianship as terminated pursuant to the  
18 Juvenile Court Act of 1987. The Department shall determine if  
19 financial exploitation of the child's personal information has  
20 occurred. If financial exploitation appears to have taken place  
21 or is presently ongoing, the Department shall notify the proper  
22 law enforcement agency, the proper State's Attorney, or the  
23 Attorney General.

24 (y) Beginning on the effective date of this amendatory Act  
25 of the 96th General Assembly, a child with a disability who  
26 receives residential and educational services from the

1 Department shall be eligible to receive transition services in  
2 accordance with Article 14 of the School Code from the age of  
3 14.5 through age 21, inclusive, notwithstanding the child's  
4 residential services arrangement. For purposes of this  
5 subsection, "child with a disability" means a child with a  
6 disability as defined by the federal Individuals with  
7 Disabilities Education Improvement Act of 2004.

8 (z) The Department shall access criminal history record  
9 information as defined as "background information" in this  
10 subsection and criminal history record information as defined  
11 in the Illinois Uniform Conviction Information Act for each  
12 Department employee or Department applicant. Each Department  
13 employee or Department applicant shall submit his or her  
14 fingerprints to the Department of State Police in the form and  
15 manner prescribed by the Department of State Police. These  
16 fingerprints shall be checked against the fingerprint records  
17 now and hereafter filed in the Department of State Police and  
18 the Federal Bureau of Investigation criminal history records  
19 databases. The Department of State Police shall charge a fee  
20 for conducting the criminal history record check, which shall  
21 be deposited into the State Police Services Fund and shall not  
22 exceed the actual cost of the record check. The Department of  
23 State Police shall furnish, pursuant to positive  
24 identification, all Illinois conviction information to the  
25 Department of Children and Family Services.

26 For purposes of this subsection:



1 "Background information" means all of the following:

2 (i) Upon the request of the Department of Children and  
3 Family Services, conviction information obtained from the  
4 Department of State Police as a result of a  
5 fingerprint-based criminal history records check of the  
6 Illinois criminal history records database and the Federal  
7 Bureau of Investigation criminal history records database  
8 concerning a Department employee or Department applicant.

9 (ii) Information obtained by the Department of  
10 Children and Family Services after performing a check of  
11 the Department of State Police's Sex Offender Database, as  
12 authorized by Section 120 of the Sex Offender Community  
13 Notification Law, concerning a Department employee or  
14 Department applicant.

15 (iii) Information obtained by the Department of  
16 Children and Family Services after performing a check of  
17 the Child Abuse and Neglect Tracking System (CANTS)  
18 operated and maintained by the Department.

19 "Department employee" means a full-time or temporary  
20 employee coded or certified within the State of Illinois  
21 Personnel System.

22 "Department applicant" means an individual who has  
23 conditional Department full-time or part-time work, a  
24 contractor, an individual used to replace or supplement staff,  
25 an academic intern, a volunteer in Department offices or on  
26 Department contracts, a work-study student, an individual or

1 entity licensed by the Department, or an unlicensed service  
2 provider who works as a condition of a contract or an agreement  
3 and whose work may bring the unlicensed service provider into  
4 contact with Department clients or client records.

5 (Source: P.A. 97-1150, eff. 1-25-13; 98-249, eff. 1-1-14;  
6 98-570, eff. 8-27-13; 98-756, eff. 7-16-14; 98-803, eff.  
7 1-1-15.)

8 Section 10. The Juvenile Court Act of 1987 is amended by  
9 changing Sections 2-23, 2-28, and 2-31 as follows:

10 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

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

1 ordered partially or completely emancipated in accordance  
2 with the provisions of the Emancipation of Minors Act.

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

15 (b) A minor under 18 years of age found to be dependent  
16 under Section 2-4 may be (1) placed in accordance with  
17 Section 2-27 or (2) ordered partially or completely  
18 emancipated in accordance with the provisions of the  
19 Emancipation of Minors Act.

20 However, in any case in which a minor is found by the  
21 court to be dependent under Section 2-4 of this Act,  
22 custody of the minor shall not be restored to any parent,  
23 guardian or legal custodian whose acts or omissions or both  
24 have been identified, pursuant to subsection (1) of Section  
25 2-21, as forming the basis for the court's finding of  
26 dependency, until such time as a hearing is held on the

1 issue of the fitness of such parent, guardian or legal  
2 custodian to care for the minor without endangering the  
3 minor's health or safety, and the court enters an order  
4 that such parent, guardian or legal custodian is fit to  
5 care for the minor.

6 (b-1) A minor between the ages of 18 and 21 may be  
7 placed pursuant to Section 2-27 of this Act if (1) the  
8 court has granted a supplemental petition to reinstate  
9 wardship of the minor pursuant to subsection (2) of Section  
10 2-33, or (2) the court has adjudicated the minor a ward of  
11 the court, permitted the minor to return home under an  
12 order of protection, and subsequently made a finding that  
13 it is in the minor's best interest to vacate the order of  
14 protection and commit the minor to the Department of  
15 Children and Family Services for care and service.

16 (c) When the court awards guardianship to the  
17 Department of Children and Family Services, the court shall  
18 order the parents to cooperate with the Department of  
19 Children and Family Services, comply with the terms of the  
20 service plans, and correct the conditions that require the  
21 child to be in care, or risk termination of their parental  
22 rights.

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

26 Unless the order of disposition expressly so provides, it

1 does not operate to close proceedings on the pending petition,  
2 but is subject to modification, not inconsistent with Section  
3 2-28, until final closing and discharge of the proceedings  
4 under Section 2-31.

5 (3) The court also shall enter any other orders necessary  
6 to fulfill the service plan, including, but not limited to, (i)  
7 orders requiring parties to cooperate with services, (ii)  
8 restraining orders controlling the conduct of any party likely  
9 to frustrate the achievement of the goal, and (iii) visiting  
10 orders. When the child is placed separately from a sibling, the  
11 court shall review the Sibling Contact Support Plan developed  
12 under subsection (f) of Section 7.4 of the Children and Family  
13 Services Act, if applicable. If the Department has not convened  
14 a meeting to develop a Sibling Contact Support Plan, or if the  
15 court finds that the existing Plan is not in the child's best  
16 interest, the court may enter an order requiring the Department  
17 to develop and implement a Sibling Contact Support Plan under  
18 subsection (f) of Section 7.4 of the Children and Family  
19 Services Act or order mediation. ~~Unless otherwise specifically~~  
20 ~~authorized by law, the court is not empowered under this~~  
21 ~~subsection (3) to order specific placements, specific~~  
22 ~~services, or specific service providers to be included in the~~  
23 ~~plan.~~ 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 the

1 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 after the  
7 date of the order. The court shall continue the matter until  
8 the new service plan is filed. ~~Unless otherwise specifically~~  
9 ~~authorized by law, the court is not empowered under this~~  
10 ~~subsection (3) or under subsection (2) to order specific~~  
11 ~~placements, specific services, or specific service providers~~  
12 ~~to be included in the plan.~~

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

22 (5) Any order for disposition where the minor is committed  
23 or placed in accordance with Section 2-27 shall provide for the  
24 parents or guardian of the estate of such minor to pay to the  
25 legal custodian or guardian of the person of the minor such  
26 sums as are determined by the custodian or guardian of the

1 person of the minor as necessary for the minor's needs. Such  
2 payments may not exceed the maximum amounts provided for by  
3 Section 9.1 of the Children and Family Services Act.

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

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

12 (Source: P.A. 96-581, eff. 1-1-10; 96-600, eff. 8-21-09;  
13 96-1000, eff. 7-2-10; 97-1076, eff. 8-24-12.)

14 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

15 Sec. 2-28. Court review.

16 (1) The court may require any legal custodian or guardian  
17 of the person appointed under this Act to report periodically  
18 to the court or may cite him into court and require him or his  
19 agency, to make a full and accurate report of his or its doings  
20 in behalf of the minor. The custodian or guardian, within 10  
21 days after such citation, shall make the report, either in  
22 writing verified by affidavit or orally under oath in open  
23 court, or otherwise as the court directs. Upon the hearing of  
24 the report the court may remove the custodian or guardian and  
25 appoint another in his stead or restore the minor to the

1 custody of his parents or former guardian or custodian.  
2 However, custody of the minor shall not be restored to any  
3 parent, guardian or legal custodian in any case in which the  
4 minor is found to be neglected or abused under Section 2-3 or  
5 dependent under Section 2-4 of this Act, unless the minor can  
6 be cared for at home without endangering the minor's health or  
7 safety and it is in the best interests of the minor, and if  
8 such neglect, abuse, or dependency is found by the court under  
9 paragraph (1) of Section 2-21 of this Act to have come about  
10 due to the acts or omissions or both of such parent, guardian  
11 or legal custodian, until such time as an investigation is made  
12 as provided in paragraph (5) and a hearing is held on the issue  
13 of the fitness of such parent, guardian or legal custodian to  
14 care for the minor and the court enters an order that such  
15 parent, guardian or legal custodian is fit to care for the  
16 minor.

17 (2) The first permanency hearing shall be conducted by the  
18 judge. Subsequent permanency hearings may be heard by a judge  
19 or by hearing officers appointed or approved by the court in  
20 the manner set forth in Section 2-28.1 of this Act. The initial  
21 hearing shall be held (a) within 12 months from the date  
22 temporary custody was taken, regardless of whether an  
23 adjudication or dispositional hearing has been completed  
24 within that time frame, (b) if the parental rights of both  
25 parents have been terminated in accordance with the procedure  
26 described in subsection (5) of Section 2-21, within 30 days of



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

22 The public agency that is the custodian or guardian of the  
23 minor, or another agency responsible for the minor's care,  
24 shall ensure that all parties to the permanency hearings are  
25 provided a copy of the most recent service plan prepared within  
26 the prior 6 months at least 14 days in advance of the hearing.

1 If not contained in the plan, the agency shall also include a  
2 report setting forth (i) any special physical, psychological,  
3 educational, medical, emotional, or other needs of the minor or  
4 his or her family that are relevant to a permanency or  
5 placement determination and (ii) for any minor age 16 or over,  
6 a written description of the programs and services that will  
7 enable the minor to prepare for independent living. The  
8 agency's written report must detail what progress or lack of  
9 progress the parent has made in correcting the conditions  
10 requiring the child to be in care; whether the child can be  
11 returned home without jeopardizing the child's health, safety,  
12 and welfare, and if not, what permanency goal is recommended to  
13 be in the best interests of the child, and why the other  
14 permanency goals are not appropriate. The caseworker must  
15 appear and testify at the permanency hearing. If a permanency  
16 hearing has not previously been scheduled by the court, the  
17 moving party shall move for the setting of a permanency hearing  
18 and the entry of an order within the time frames set forth in  
19 this subsection.

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

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

25 (B) The minor will be in short-term care with a  
26 continued goal to return home within a period not to exceed

1 one year, where the progress of the parent or parents is  
2 substantial giving particular consideration to the age and  
3 individual needs of the minor.

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

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

17 (D) Adoption, provided that parental rights have been  
18 terminated or relinquished.

19 (E) The guardianship of the minor will be transferred  
20 to an individual or couple on a permanent basis provided  
21 that goals (A) through (D) have been ruled out.

22 (F) The minor over age 15 will be in substitute care  
23 pending independence.

24 (G) The minor will be in substitute care because he or  
25 she cannot be provided for in a home environment due to  
26 developmental disabilities or mental illness or because he

1 or she is a danger to self or others, provided that goals

2 (A) through (D) have been ruled out.

3 In selecting any permanency goal, the court shall indicate  
4 in writing the reasons the goal was selected and why the  
5 preceding goals were ruled out. Where the court has selected a  
6 permanency goal other than (A), (B), or (B-1), the Department  
7 of Children and Family Services shall not provide further  
8 reunification services, but shall provide services consistent  
9 with the goal selected.

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

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

15 (2) The court has ruled out all other permanency  
16 goals based on the child's best interest;

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

21 (a) the child does not wish to be adopted or to  
22 be placed in the guardianship of his or her  
23 relative or foster care placement;

24 (b) the child exhibits an extreme level of need  
25 such that the removal of the child from his or her  
26 placement would be detrimental to the child; or

1           (c) the child who is the subject of the  
2 permanency hearing has existing close and strong  
3 bonds with a sibling, and achievement of another  
4 permanency goal would substantially interfere with  
5 the subject child's sibling relationship, taking  
6 into consideration the nature and extent of the  
7 relationship, and whether ongoing contact is in  
8 the subject child's best interest, including  
9 long-term emotional interest, as compared with the  
10 legal and emotional benefit of permanence;

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

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

16           The court shall set a permanency goal that is in the best  
17 interest of the child. In determining that goal, the court  
18 shall consult with the minor in an age-appropriate manner  
19 regarding the proposed permanency or transition plan for the  
20 minor. The court's determination shall include the following  
21 factors:

22           (1) Age of the child.

23           (2) Options available for permanence, including both  
24 out-of-State and in-State placement options.

25           (3) Current placement of the child and the intent of  
26 the family regarding adoption.

1           (4) Emotional, physical, and mental status or  
2           condition of the child.

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

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

8           (7) Status of siblings of the minor.

9           The court shall consider (i) the permanency goal contained  
10          in the service plan, (ii) the appropriateness of the services  
11          contained in the plan and whether those services have been  
12          provided, (iii) whether reasonable efforts have been made by  
13          all the parties to the service plan to achieve the goal, and  
14          (iv) whether the plan and goal have been achieved. All evidence  
15          relevant to determining these questions, including oral and  
16          written reports, may be admitted and may be relied on to the  
17          extent of their probative value.

18          The court shall make findings as to whether, in violation  
19          of Section 8.2 of the Abused and Neglected Child Reporting Act,  
20          any portion of the service plan compels a child or parent to  
21          engage in any activity or refrain from any activity that is not  
22          reasonably related to remedying a condition or conditions that  
23          gave rise or which could give rise to any finding of child  
24          abuse or neglect. The services contained in the service plan  
25          shall include services reasonably related to remedy the  
26          conditions that gave rise to removal of the child from the home

1 of his or her parents, guardian, or legal custodian or that the  
2 court has found must be remedied prior to returning the child  
3 home. Any tasks the court requires of the parents, guardian, or  
4 legal custodian or child prior to returning the child home,  
5 must be reasonably related to remedying a condition or  
6 conditions that gave rise to or which could give rise to any  
7 finding of child abuse or neglect.

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

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

25 If the goal has been achieved, the court shall enter orders  
26 that are necessary to conform the minor's legal custody and

1 status to those findings.

2 If, after receiving evidence, the court determines that the  
3 services contained in the plan are not reasonably calculated to  
4 facilitate achievement of the permanency goal, the court shall  
5 put in writing the factual basis supporting the determination  
6 and enter specific findings based on the evidence. The court  
7 also shall enter an order for the Department to develop and  
8 implement a new service plan or to implement changes to the  
9 current service plan consistent with the court's findings. The  
10 new service plan shall be filed with the court and served on  
11 all parties within 45 days of the date of the order. The court  
12 shall continue the matter until the new service plan is filed.  
13 ~~Unless otherwise specifically authorized by law, the court is~~  
14 ~~not empowered under this subsection (2) or under subsection (3)~~  
15 ~~to order specific placements, specific services, or specific~~  
16 ~~service providers to be included in the plan.~~

17 A guardian or custodian appointed by the court pursuant to  
18 this Act shall file updated case plans with the court every 6  
19 months.

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

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

26 (a) The future status of the minor, including the



1 permanency goal, and any order necessary to conform the  
2 minor's legal custody and status to such determination; or

3 (b) If the permanency goal of the minor cannot be  
4 achieved immediately, the specific reasons for continuing  
5 the minor in the care of the Department of Children and  
6 Family Services or other agency for short term placement,  
7 and the following determinations:

8 (i) (Blank).

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

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

25 (iv) (Blank).

26 (v) (Blank).

1           (4) The minor or any person interested in the minor may  
2 apply to the court for a change in custody of the minor and the  
3 appointment of a new custodian or guardian of the person or for  
4 the restoration of the minor to the custody of his parents or  
5 former guardian or custodian.

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

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

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

21           When parental rights have been terminated for a minimum  
22 of 3 years and the child who is the subject of the  
23 permanency hearing is 13 years old or older and is not  
24 currently placed in a placement likely to achieve  
25 permanency, the Department of Children and Family Services  
26 shall make reasonable efforts to locate parents whose

1 rights have been terminated, except when the Court  
2 determines that those efforts would be futile or  
3 inconsistent with the subject child's best interests. The  
4 Department of Children and Family Services shall assess the  
5 appropriateness of the parent whose rights have been  
6 terminated, and shall, as appropriate, foster and support  
7 connections between the parent whose rights have been  
8 terminated and the youth. The Department of Children and  
9 Family Services shall document its determinations and  
10 efforts to foster connections in the child's case plan.

11 Custody of the minor shall not be restored to any parent,  
12 guardian or legal custodian in any case in which the minor is  
13 found to be neglected or abused under Section 2-3 or dependent  
14 under Section 2-4 of this Act, unless the minor can be cared  
15 for at home without endangering his or her health or safety and  
16 it is in the best interest of the minor, and if such neglect,  
17 abuse, or dependency is found by the court under paragraph (1)  
18 of Section 2-21 of this Act to have come about due to the acts  
19 or omissions or both of such parent, guardian or legal  
20 custodian, until such time as an investigation is made as  
21 provided in paragraph (5) and a hearing is held on the issue of  
22 the health, safety and best interest of the minor and the  
23 fitness of such parent, guardian or legal custodian to care for  
24 the minor and the court enters an order that such parent,  
25 guardian or legal custodian is fit to care for the minor. In  
26 the event that the minor has attained 18 years of age and the

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

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

15 (5) Whenever a parent, guardian, or legal custodian files a  
16 motion for restoration of custody of the minor, and the minor  
17 was adjudicated neglected, abused, or dependent as a result of  
18 physical abuse, the court shall cause to be made an  
19 investigation as to whether the movant has ever been charged  
20 with or convicted of any criminal offense which would indicate  
21 the likelihood of any further physical abuse to the minor.  
22 Evidence of such criminal convictions shall be taken into  
23 account in determining whether the minor can be cared for at  
24 home without endangering his or her health or safety and  
25 fitness of the parent, guardian, or legal custodian.

26 (a) Any agency of this State or any subdivision thereof

1 shall co-operate with the agent of the court in providing  
2 any information sought in the investigation.

3 (b) The information derived from the investigation and  
4 any conclusions or recommendations derived from the  
5 information shall be provided to the parent, guardian, or  
6 legal custodian seeking restoration of custody prior to the  
7 hearing on fitness and the movant shall have an opportunity  
8 at the hearing to refute the information or contest its  
9 significance.

10 (c) All information obtained from any investigation  
11 shall be confidential as provided in Section 5-150 of this  
12 Act.

13 (Source: P.A. 97-425, eff. 8-16-11; 97-1076, eff. 8-24-12;  
14 98-756, eff. 7-16-14.)

15 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

16 Sec. 2-31. Duration of wardship and discharge of  
17 proceedings.

18 (1) All proceedings under this Act ~~in respect of any minor~~  
19 ~~for whom a petition was filed after the effective date of this~~  
20 ~~amendatory Act of 1991~~ automatically terminate upon the minor  
21 attaining the age of 21. The clerk of the court shall at that  
22 time record all proceedings under this Act as finally closed  
23 and discharged for that reason ~~his attaining the age of 19~~  
24 ~~years, except that a court may continue the wardship of a minor~~  
25 ~~until age 21 for good cause when there is satisfactory evidence~~

1 ~~presented to the court and the court makes written factual~~  
2 ~~findings that the health, safety, and best interest of the~~  
3 ~~minor and the public require the continuation of the wardship.~~

4 (2) Whenever the court determines, and makes written  
5 factual findings, that health, safety, and the best interests  
6 of the minor and the public no longer require the wardship of  
7 the court, the court shall order the wardship terminated and  
8 all proceedings under this Act respecting that minor finally  
9 closed and discharged. The court may at the same time continue  
10 or terminate any custodianship or guardianship theretofore  
11 ordered but the termination must be made in compliance with  
12 Section 2-28. When terminating wardship under this Section, if  
13 the minor is over 18 and is exiting wardship to live  
14 independently, or if wardship is terminated in conjunction with  
15 an order partially or completely emancipating the minor in  
16 accordance with the Emancipation of Minors Act, the court shall  
17 also make specific findings of fact as to the minor's wishes  
18 regarding case closure and the manner in which the minor will  
19 maintain independence. The minor's lack of cooperation with  
20 services provided by the Department of Children and Family  
21 Services shall not by itself be considered sufficient evidence  
22 that the minor is prepared to live independently and that it is  
23 in the best interest of the minor to terminate wardship. In  
24 ruling on a motion by any party requesting that the case of a  
25 minor over the age of 18 be closed to independence, the court,  
26 upon the request of any party, shall conduct a permanency

1 hearing instanter pursuant to Section 2-28. After conducting  
2 the permanency hearing, the court is authorized to enter any  
3 orders necessary to assist the minor in preparing to live  
4 independently, including orders requiring the Department of  
5 Children and Family Services to provide services and placement.

6 (3) (Blank) ~~The wardship of the minor and any custodianship~~  
7 ~~or guardianship respecting the minor for whom a petition was~~  
8 ~~filed after the effective date of this amendatory Act of 1991~~  
9 ~~automatically terminates when he attains the age of 19 years~~  
10 ~~except as set forth in subsection (1) of this Section. The~~  
11 ~~clerk of the court shall at that time record all proceedings~~  
12 ~~under this Act as finally closed and discharged for that~~  
13 ~~reason.~~

14 (Source: P.A. 96-581, eff. 1-1-10.)".