

AN ACT concerning courts.

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

Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Section 7.1 as follows:

(20 ILCS 1705/7.1) (from Ch. 91 1/2, par. 100-7.1)

Sec. 7.1. Individual Care Grants.

(a) For the purposes of this Section 7.1, "Department" means the Department of Healthcare and Family Services.

(b) To assist families in seeking intensive community-based services or residential placement for children with mental illness, for whom no appropriate care is available in State-operated facilities, the Department shall supplement the amount a family is able to pay, as determined by the Department and the amount available from other sources, provided the Department's share shall not exceed a uniform maximum rate to be determined from time to time by the Department. The Department may exercise the authority under this Section as is necessary to implement the provisions of Section 5-5.23 of the Illinois Public Aid Code and to administer Individual Care Grants. The Department shall work collaboratively with stakeholders and family representatives

in the implementation of this Section.

(c) A child shall continue to be eligible for an Individual Care Grant if (1): the child is placed in the temporary custody of the Department of Children and Family Services under Article II of the Juvenile Care Act of 1987 because the child was left at a psychiatric hospital beyond medical necessity and an application for the Family Support Program was pending with the Department or an active application was being reviewed by the Department when the petition under the Juvenile Court Act of 1987 was filed; or (2) the child is placed in the guardianship of the Department of Children and Family Services under Article V of the Juvenile Court Act of 1987 because the child requires care in a residential treatment facility and an application for the Family Support Program was pending with the Department or an active application was being reviewed by the Department when the guardianship order was entered.

(d) If the Department determines that the child meets all the eligibility criteria for Family Support Services and approves the application, the Department shall notify the parents and the Department of Children and Family Services. The court hearing the child's case under the Juvenile Court Act of 1987 shall conduct a hearing within 14 days after all parties have been notified and determine whether to vacate the custody or guardianship of the Department of Children and Family Services and return the child to the custody of his or her parents with Family Support Services in place or whether the

child shall continue in the custody or guardianship of the Department of Children and Family Services and decline the Family Support Program. The court shall conduct the hearing under Section 2-4b or Section 5-711 of the Juvenile Court Act of 1987. If the court vacates the custody or guardianship of the Department of Children and Family Services and returns the child to the custody of the parent, guardian, or other adult respondent with Family Support Services, the Department shall become fiscally responsible for providing services to the child. If the court determines that the child shall continue in the custody of the Department of Children and Family Services, the Department of Children and Family Services shall remain fiscally responsible for providing services to the child, the Family Support Services shall be declined, and the child shall no longer be eligible for Family Support Services as long as the child remains in the custody or guardianship of the Department of Children and Family Services.

(e) The Department shall provide an expedited review process for applications for minors in the custody or guardianship of the Department of Children and Family Services who continue to remain eligible for Individual Care Grants. The Department shall work collaboratively with stakeholders, including legal representatives of minors in care, providers of residential treatment services, and with the Department of Children and Family Services, to ensure that minors who are recipients of Individual Care Grants under this Section and

Sections ~~Section~~ 2-4b and 5-711 of the Juvenile Court Act of 1987 do not experience a disruption in services if the minor transitions from one program to another. The Department shall adopt rules to implement this Section no later than July 1, 2019.

(Source: P.A. 99-479, eff. 9-10-15; 100-978, eff. 8-19-18.)

Section 10. The Juvenile Court Act of 1987 is amended by changing Sections 2-31 and 2-33 and by adding Section 5-711 as follows:

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

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

(1) All proceedings under Article II of this Act in respect of any minor ~~for whom a petition was filed after the effective date of this amendatory Act of 1991~~ automatically terminate upon his or her attaining the age of 21 ~~19~~ years, ~~except that a court may continue the wardship of a minor until age 21 for good cause when there is satisfactory evidence presented to the court and the court makes written factual findings that the health, safety, and best interest of the minor and the public require the continuation of the wardship. A court shall find that it is in the minor's best interest to continue wardship if the Department of Children and Family Services has not made reasonable efforts to ensure that the minor has documents~~

~~necessary for adult living as provided in Section 35.10 of the Children and Family Services Act.~~

(2) Whenever the court determines, and makes written factual findings, that health, safety, and the best interests of the minor and the public no longer require the wardship of the court, the court shall order the wardship terminated and all proceedings under this Act respecting that minor finally closed and discharged. The court may at the same time continue or terminate any custodianship or guardianship theretofore ordered but the termination must be made in compliance with Section 2-28. When terminating wardship under this Section, if the minor is over 18, or if wardship is terminated in conjunction with an order partially or completely emancipating the minor in accordance with the Emancipation of Minors Act, the court shall also consider the following factors, in addition to the health, safety, and best interest of the minor and the public: (A) the minor's wishes regarding case closure; (B) the manner in which the minor will maintain independence without services from the Department; (C) the minor's engagement in services including placement offered by the Department; (D) if the minor is not engaged the Department's efforts to engage the minor; (E) the nature of communication between the minor and the Department; (F) the minor's involvement in other State systems or services; (G) the minor's connections with family and other community support; and (H) any other factor the court deems relevant ~~also make specific~~

~~findings of fact as to the minor's wishes regarding case closure and the manner in which the minor will maintain independence.~~ The minor's lack of cooperation with services provided by the Department of Children and Family Services shall not by itself be considered sufficient evidence that the minor is prepared to live independently and that it is in the best interest of the minor to terminate wardship. It shall not be in the minor's best interest to terminate wardship of a minor over the age of 18 who is in the guardianship of the Department of Children and Family Services if the Department has not made reasonable efforts to ensure that the minor has documents necessary for adult living as provided in Section 35.10 of the Children and Family Services Act.

(3) The wardship of the minor and any custodianship or guardianship respecting the minor for whom a petition was filed after the effective date of this amendatory Act of 1991 automatically terminates when he attains the age of 19 years except as set forth in subsection (1) of this Section. The clerk of the court shall at that time record all proceedings under this Act as finally closed and discharged for that reason. The provisions of this subsection (3) become inoperative on and after the effective date of this amendatory Act of the 101st General Assembly.

(4) Notwithstanding any provision of law to the contrary, the changes made by this amendatory Act of the 101st General Assembly apply to all cases that are pending on or after the

effective date of this amendatory Act of the 101st General Assembly.

(Source: P.A. 100-680, eff. 1-1-19.)

(705 ILCS 405/2-33)

Sec. 2-33. Supplemental petition to reinstate wardship.

(1) Any time prior to a minor's 18th birthday, pursuant to a supplemental petition filed under this Section, the court may reinstate wardship and open a previously closed case when:

(a) wardship and guardianship under the Juvenile Court Act of 1987 was vacated in conjunction with the appointment of a private guardian under the Probate Act of 1975;

(b) the minor is not presently a ward of the court under Article II of this Act nor is there a petition for adjudication of wardship pending on behalf of the minor; and

(c) it is in the minor's best interest that wardship be reinstated.

(2) Any time prior to a minor's 21st birthday, pursuant to a supplemental petition filed under this Section, the court may reinstate wardship and open a previously closed case when:

(a) wardship and guardianship under this Act was vacated pursuant to:

(i) an order entered under subsection (2) of Section 2-31 in the case of a minor over the age of 18;

(ii) closure of a case under subsection (2) of

Section 2-31 in the case of a minor under the age of 18 who has been partially or completely emancipated in accordance with the Emancipation of Minors Act; or

(iii) an order entered under subsection (3) of Section 2-31 based on the minor's attaining the age of 19 years before the effective date of this amendatory Act of the 101st General Assembly;

(b) the minor is not presently a ward of the court under Article II of this Act nor is there a petition for adjudication of wardship pending on behalf of the minor; and

(c) it is in the minor's best interest that wardship be reinstated.

(3) The supplemental petition must be filed in the same proceeding in which the original adjudication order was entered. Unless excused by court for good cause shown, the petitioner shall give notice of the time and place of the hearing on the supplemental petition, in person or by mail, to the minor, if the minor is 14 years of age or older, and to the parties to the juvenile court proceeding. Notice shall be provided at least 3 court days in advance of the hearing date.

(4) A minor who is the subject of a petition to reinstate wardship under this Section shall be provided with representation in accordance with Sections 1-5 and 2-17 of this Act.

(5) Whenever a minor is committed to the Department of

Children and Family Services for care and services following the reinstatement of wardship under this Section, the Department shall:

(a) Within 30 days of such commitment, prepare and file with the court a case plan which complies with the federal Adoption Assistance and Child Welfare Act of 1980 and is consistent with the health, safety and best interests of the minor; and

(b) Promptly refer the minor for such services as are necessary and consistent with the minor's health, safety and best interests.

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

(705 ILCS 405/5-711 new)

Sec. 5-711. Family Support Program services; hearing.

(a) Any minor who is placed in the guardianship of the Department of Children and Family Services under Section 5-710 while an application for the Family Support Program was pending with the Department of Healthcare and Family Services or an active application was being reviewed by the Department of Healthcare and Family Services shall continue to be considered eligible for services if all other eligibility criteria are met.

(b) The court shall conduct a hearing within 14 days upon notification to all parties that an application for the Family Support Program services has been approved and services are

available. At the hearing, the court shall determine whether to vacate guardianship of the Department of Children and Family Services and return the minor to the custody of the parent or guardian with Family Support Program services or whether the minor shall continue in the guardianship of the Department of Children and Family Services and decline the Family Support Program services. In making its determination, the court shall consider the minor's best interest, the involvement of the parent or guardian in proceedings under this Act, the involvement of the parent or guardian in the minor's treatment, the relationship between the minor and the parent or guardian, and any other factor the court deems relevant. If the court vacates the guardianship of the Department of Children and Family Services and returns the minor to the custody of the parent or guardian with Family Support Services, the Department of Healthcare and Family Services shall become financially responsible for providing services to the minor. If the court determines that the minor shall continue in the custody of the Department of Children and Family Services, the Department of Children and Family Services shall remain financially responsible for providing services to the minor, the Family Support Services shall be declined, and the minor shall no longer be eligible for Family Support Services.

(c) This Section does not apply to a minor:

(1) for whom a petition has been filed under this Act alleging that he or she is an abused or neglected minor;

(2) for whom the court has made a finding that he or she is an abused or neglected minor under this Act except a finding under item (iv) of paragraph (a) of subsection (1) of Section 5-710 that an independent basis of abuse, neglect, or dependency exists; or

(3) who has been the subject of an indicated allegation of abuse or neglect by the Department of Children and Family Services, other than for psychiatric lock-out, in which the parent or guardian was the perpetrator within 5 years of the filing of the pending petition.

Section 99. Effective date. This Act takes effect upon becoming law.