

AN ACT concerning children.

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

Section 1. This Act may be referred to as the Kinship in Demand (KIND) Act.

Section 2. Legislative findings and declaration of policy. The General Assembly finds, determines, and declares the following:

(1) The Kinship in Demand Act creates the statutory vision and authority for the Department of Children and Family Services to execute a kin-first approach to service delivery and directs the juvenile courts to provide necessary oversight of the Department's obligations to maintain family connections and promote equitable opportunities for youth and families to thrive with relational permanence.

(2) Connection to family, community, and culture creates emotional and relational permanency. Emotional and relational permanency includes recognizing and supporting many types of important long-term relationships that help a youth feel loved and connected.

(3) Federal policy prioritizes placement with relatives or close family friends when youth enter into

the foster system. Research consistently demonstrates that placing youth with their kin lessens the trauma of family separation, reduces placement disruptions, enhances permanency options if youth cannot be reunified, results in higher placement satisfaction for youth in care, and delivers better social, behavioral, mental health, and educational outcomes for youth than non-kin foster care.

(4) Kinship placements are not only more stable, they are shown to reduce the time to permanence when both subsidized guardianship and adoption are available as permanency options. By making the duration in foster care shorter, kinship placements can help to mitigate the long-term consequences of family separation. This reality means that the State should encourage kinship guardianship, and carefully consider how such arrangements help children with existing family structures which can be damaged by the termination of parental rights.

(5) It is in the State's public policy interest to adopt a kin-first culture for the Illinois foster system and ensure that youth placed in the care of relatives by the Department of Children and Family Services receive equitable resources and permanency planning tailored to each family's unique needs. The Department of Children and Family Services must promote kinship placement, help youth in care maintain connections with their families, tailor services and supports to kinship families, and listen to

the voices of youth, their families, and kinship caregivers to materially improve young people's experiences. The Department's policies and resource allocations must align with kin-first values and the Department must pursue federal funding opportunities to enhance kinship care. Lawyers and judges in juvenile court play a meaningful role in creating a kin-first culture. The juvenile court must have sufficient information at all stages of the process to provide essential judicial oversight of the Department's efforts to contact and engage relatives.

(6) The financial costs of raising a child, whether borne by a relative or a foster parent, are significant. Youth in care who are placed with relatives should not be deprived of the financial resources available to non-relative foster parents. Foster home licensing standards comprise the foundation on which different and insufficient financial support for relative caregivers compared to non-relatives is built, a disparity that undermines the economic security, well-being, and equitable access to federal foster care maintenance payments for youth living with kin. In September 2023, the U.S. Department of Health and Human Services authorized states to voluntarily establish different licensing or approval standards for kinship caregivers to remove barriers to kinship caregiving that harms youth and

impedes attainment of permanency. To address inequities and harms, the General Assembly intends to effectuate this federal rule and to leverage every opportunity permitted by the federal government to obtain federal funds for (i) family finding and relative placements, including payments for kinship caregivers at least equivalent to those provided to licensed foster parents and (ii) kinship navigator programs, which the federal government asserts are essential components of the foster system, designed to support kinship caregivers who are providing homes for youth in care.

Section 5. The Children and Family Services Act is amended by changing Sections 4d, 5, 6a, 7, and 7.3 and by adding Sections 46 and 55 as follows:

(20 ILCS 505/4d)

Sec. 4d. Definitions ~~Definition~~. As used in this Act:

"Caregiver" means a certified relative caregiver, relative caregiver, or foster parent with whom a youth in care is placed.

"Certified relative caregiver" has the meaning ascribed to that term in Section 2.36 of the Child Care Act of 1969.

"Certified relative caregiver home" has the meaning ascribed to that term in Section 2.37 of the Child Care Act of 1969.

"Fictive kin" means a person who is unrelated to a child by birth, marriage, tribal custom, or adoption who is shown to have significant and close personal or emotional ties with the child or the child's family.

"Relative" means a person who is: (i) related to a child by blood, marriage, tribal custom, adoption, or to a child's sibling in any of the foregoing ways, even though the person is not related to the child, when the child and the child's sibling are placed together with that person or (ii) fictive kin. For children who have been in the guardianship of the Department following the termination of their parents' parental rights, been adopted or placed in subsidized or unsubsidized guardianship, and are subsequently returned to the temporary custody or guardianship of the Department, "relative" includes any person who would have qualified as a relative under this Section prior to the termination of the parents' parental rights if the Department determines, and documents, or the court finds that it would be in the child's best interests to consider this person a relative, based upon the factors for determining best interests set forth in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

"Relative caregiver" means a person responsible for the care and supervision of a child placed by the Department, other than the parent, who is a relative.

"Relative home" means a home of a relative that is not a

foster family home or a certified relative caregiver home but provides care to a child placed by the Department who is a relative of a household member of the relative's home.

"Subsidized guardian" means a person who signs a subsidized guardianship agreement prior to being appointed as plenary guardian of the person of a minor.

"Subsidized guardianship" means a permanency outcome when a caregiver is appointed as a plenary guardian of the person of a minor exiting the foster care system, who receives guardianship assistance program payments. Payments may be funded through State funds, federal funds, or both State and federal funds.

"Youth in care" means persons placed in the temporary custody or guardianship of the Department pursuant to the Juvenile Court Act of 1987.

(Source: P.A. 100-159, eff. 8-18-17.)

(20 ILCS 505/5)

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

(a) For purposes of this Section:

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

(A) were committed to the Department pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987 and who continue under the jurisdiction of the court; or

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

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

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

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

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

(C) preventing the unnecessary separation of

children from their families by identifying family problems, assisting families in resolving their problems, and preventing the breakup of the family where the prevention of child removal is desirable and possible when the child can be cared for at home without endangering the child's health and safety;

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

(E) placing children in suitable permanent family arrangements, through guardianship or adoption, in cases where restoration to the birth family is not safe, possible, or appropriate;

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

(G) (blank);

(H) (blank); and

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

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

(i) who are in a foster home, or

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

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

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

(b) (Blank).

(b-5) The Department shall adopt rules to establish a process for all licensed residential providers in Illinois to submit data as required by the Department if they contract or receive reimbursement for children's mental health, substance use, and developmental disability services from the Department of Human Services, the Department of Juvenile Justice, or the Department of Healthcare and Family Services. The requested data must include, but is not limited to, capacity, staffing,

and occupancy data for the purpose of establishing State need and placement availability.

All information collected, shared, or stored pursuant to this subsection shall be handled in accordance with all State and federal privacy laws and accompanying regulations and rules, including without limitation the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) and the Mental Health and Developmental Disabilities Confidentiality Act.

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

(d) The Director may authorize advance disbursements for any new program initiative to any agency contracting with the Department. As a prerequisite for an advance disbursement, the contractor must post a surety bond in the amount of the advance disbursement and have a purchase of service contract approved by the Department. The Department may pay up to 2 months operational expenses in advance. The amount of the advance disbursement shall be prorated over the life of the contract or the remaining months of the fiscal year, whichever is less, and the installment amount shall then be deducted from future bills. Advance disbursement authorizations for new initiatives shall not be made to any agency after that agency has operated

during 2 consecutive fiscal years. The requirements of this Section concerning advance disbursements shall not apply with respect to the following: payments to local public agencies for child day care services as authorized by Section 5a of this Act; and youth service programs receiving grant funds under Section 17a-4.

(e) (Blank).

(f) (Blank).

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

(1) reunification, guardianship, and adoption;

(2) relative and licensed foster care;

(3) family counseling;

(4) protective services;

(5) (blank);

(6) homemaker service;

(7) return of runaway children;

(8) (blank);

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

(10) interstate services.

Rules and regulations established by the Department shall include provisions for training Department staff and the staff of Department grantees, through contracts with other agencies or resources, in screening techniques to identify substance use disorders, as defined in the Substance Use Disorder Act, approved by the Department of Human Services, as a successor to the Department of Alcoholism and Substance Abuse, for the purpose of identifying children and adults who should be referred for an assessment at an organization appropriately licensed by the Department of Human Services for substance use disorder treatment.

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

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

- (1) case management;
- (2) homemakers;
- (3) counseling;

- (4) parent education;
- (5) day care; ~~and~~
- (6) emergency assistance and advocacy; and ~~—~~
- (7) kinship navigator and relative caregiver supports.

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

- (1) comprehensive family-based services;
- (2) assessments;
- (3) respite care; and
- (4) in-home health services.

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

(j) The Department may provide categories of financial assistance and education assistance grants, and shall establish rules and regulations concerning the assistance and grants, to persons who adopt or become subsidized guardians of children with physical or mental disabilities, children who are older, or other hard-to-place children who (i) immediately prior to their adoption or subsidized guardianship were youth in care or (ii) were determined eligible for financial assistance with respect to a prior adoption and who become available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died. The Department may continue to provide financial

assistance and education assistance grants for a child who was determined eligible for financial assistance under this subsection (j) in the interim period beginning when the child's adoptive parents died and ending with the finalization of the new adoption of the child by another adoptive parent or parents. The Department may also provide categories of financial assistance and education assistance grants, and shall establish rules and regulations for the assistance and grants, to persons appointed guardian of the person under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile Court Act of 1987 for children who were youth in care for 12 months immediately prior to the appointment of the guardian.

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

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

(j-5) The Department shall not deny or delay the placement of a child for adoption if an approved family is available

either outside of the Department region handling the case, or outside of the State of Illinois.

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

(l) The Department shall offer family preservation services, as defined in Section 8.2 of the Abused and Neglected Child Reporting Act, to help families, including adoptive and extended families. Family preservation services shall be offered (i) to prevent the placement of children in substitute care when the children can be cared for at home or in the custody of the person responsible for the children's welfare, (ii) to reunite children with their families, or (iii) to maintain an adoption or subsidized guardianship ~~adoptive placement~~. Family preservation services shall only be offered when doing so will not endanger the children's health or safety. With respect to children who are in substitute care pursuant to the Juvenile Court Act of 1987, family preservation services shall not be offered if a goal other than those of subdivisions (A), (B), or (B-1) of subsection (2.3) ~~(2)~~ of Section 2-28 of that Act has been set, except that reunification services may be offered as provided in paragraph (F) of subsection (2.3) ~~(2)~~ of Section 2-28 of that Act. Nothing in this paragraph shall be construed to create a private right of action or claim on the part of any individual

or child welfare agency, except that when a child is the subject of an action under Article II of the Juvenile Court Act of 1987 and the child's service plan calls for services to facilitate achievement of the permanency goal, the court hearing the action under Article II of the Juvenile Court Act of 1987 may order the Department to provide the services set out in the plan, if those services are not provided with reasonable promptness and if those services are available.

The Department shall notify the child and the child's family of the Department's responsibility to offer and provide family preservation services as identified in the service plan. The child and the child's family shall be eligible for services as soon as the report is determined to be "indicated". The Department may offer services to any child or family with respect to whom a report of suspected child abuse or neglect has been filed, prior to concluding its investigation under Section 7.12 of the Abused and Neglected Child Reporting Act. However, the child's or family's willingness to accept services shall not be considered in the investigation. The Department may also provide services to any child or family who is the subject of any report of suspected child abuse or neglect or may refer such child or family to services available from other agencies in the community, even if the report is determined to be unfounded, if the conditions in the child's or family's home are reasonably likely to subject the child or family to future reports of suspected

child abuse or neglect. Acceptance of such services shall be voluntary. The Department may also provide services to any child or family after completion of a family assessment, as an alternative to an investigation, as provided under the "differential response program" provided for in subsection (a-5) of Section 7.4 of the Abused and Neglected Child Reporting Act.

The Department may, at its discretion except for those children also adjudicated neglected or dependent, accept for care and training any child who has been adjudicated addicted, as a truant minor in need of supervision or as a minor requiring authoritative intervention, under the Juvenile Court Act or the Juvenile Court Act of 1987, but no such child shall be committed to the Department by any court without the approval of the Department. On and after January 1, 2015 (the effective date of Public Act 98-803) and before January 1, 2017, a minor charged with a criminal offense under the Criminal Code of 1961 or the Criminal Code of 2012 or adjudicated delinquent shall not be placed in the custody of or committed to the Department by any court, except (i) a minor less than 16 years of age committed to the Department under Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor for whom an independent basis of abuse, neglect, or dependency exists, which must be defined by departmental rule, or (iii) a minor for whom the court has granted a supplemental petition to reinstate wardship pursuant to subsection (2) of Section

2-33 of the Juvenile Court Act of 1987. On and after January 1, 2017, a minor charged with a criminal offense under the Criminal Code of 1961 or the Criminal Code of 2012 or adjudicated delinquent shall not be placed in the custody of or committed to the Department by any court, except (i) a minor less than 15 years of age committed to the Department under Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor for whom an independent basis of abuse, neglect, or dependency exists, which must be defined by departmental rule, or (iii) a minor for whom the court has granted a supplemental petition to reinstate wardship pursuant to subsection (2) of Section 2-33 of the Juvenile Court Act of 1987. An independent basis exists when the allegations or adjudication of abuse, neglect, or dependency do not arise from the same facts, incident, or circumstances which give rise to a charge or adjudication of delinquency. The Department shall assign a caseworker to attend any hearing involving a youth in the care and custody of the Department who is placed on aftercare release, including hearings involving sanctions for violation of aftercare release conditions and aftercare release revocation hearings.

As soon as is possible ~~after August 7, 2009 (the effective date of Public Act 96-134)~~, the Department shall develop and implement a special program of family preservation services to support intact, relative, foster, and adoptive families who are experiencing extreme hardships due to the difficulty and stress of caring for a child who has been diagnosed with a

pervasive developmental disorder if the Department determines that those services are necessary to ensure the health and safety of the child. The Department may offer services to any family whether or not a report has been filed under the Abused and Neglected Child Reporting Act. The Department may refer the child or family to services available from other agencies in the community if the conditions in the child's or family's home are reasonably likely to subject the child or family to future reports of suspected child abuse or neglect. Acceptance of these services shall be voluntary. The Department shall develop and implement a public information campaign to alert health and social service providers and the general public about these special family preservation services. The nature and scope of the services offered and the number of families served under the special program implemented under this paragraph shall be determined by the level of funding that the Department annually allocates for this purpose. The term "pervasive developmental disorder" under this paragraph means a neurological condition, including, but not limited to, Asperger's Syndrome and autism, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

(1-1) The General Assembly recognizes that the best interests of the child require that the child be placed in the most permanent living arrangement that is an appropriate option for the child, consistent with the child's best

interest, using the factors set forth in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987 as soon as is practically possible. To achieve this goal, the General Assembly directs the Department of Children and Family Services to conduct concurrent planning so that permanency may occur at the earliest opportunity. Permanent living arrangements may include prevention of placement of a child outside the home of the family when the child can be cared for at home without endangering the child's health or safety; reunification with the family, when safe and appropriate, if temporary placement is necessary; or movement of the child toward the most appropriate ~~permanent~~ living arrangement and ~~permanent~~ legal status.

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

When a child is placed in foster care, the Department shall ensure and document that reasonable efforts were made to prevent or eliminate the need to remove the child from the child's home. The Department must make reasonable efforts to reunify the family when temporary placement of the child occurs unless otherwise required, pursuant to the Juvenile Court Act of 1987. At any time after the dispositional hearing where the Department believes that further reunification services would be ineffective, it may request a finding from

the court that reasonable efforts are no longer appropriate. The Department is not required to provide further reunification services after such a finding.

A decision to place a child in substitute care shall be made with considerations of the child's health, safety, and best interests. The Department shall make diligent efforts to place the child with a relative, document those diligent efforts, and document reasons for any failure or inability to secure such a relative placement. If the primary issue preventing an emergency placement of a child with a relative is a lack of resources, including, but not limited to, concrete goods, safety modifications, and services, the Department shall make diligent efforts to assist the relative in obtaining the necessary resources. No later than July 1, 2025, the Department shall adopt rules defining what is diligent and necessary in providing supports to potential relative placements. At the time of placement, consideration should also be given so that if reunification fails or is delayed, the placement has the potential to be an appropriate permanent placement ~~made is the best available placement to provide permanency~~ for the child.

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

- (1) the likelihood of prompt reunification;

- (2) the past history of the family;
- (3) the barriers to reunification being addressed by the family;
- (4) the level of cooperation of the family;
- (4.5) the child's wishes;
- (5) the caregivers' ~~foster parents'~~ willingness to work with the family to reunite;
- (6) the willingness and ability of the caregivers' ~~foster family~~ to provide a permanent placement ~~an adoptive home or long term placement;~~
- (7) the age of the child;
- (8) placement of siblings; and -
- (9) the wishes of the parent or parents unless the parental preferences are contrary to the best interests of the child.

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

- (1) it has received a written consent to such temporary custody signed by the parents of the child or by the parent having custody of the child if the parents are not living together or by the guardian or custodian of the child if the child is not in the custody of either parent, or
- (2) the child is found in the State and neither a parent, guardian nor custodian of the child can be located.

If the child is found in the child's residence without a parent, guardian, custodian, or responsible caretaker, the Department may, instead of removing the child and assuming temporary custody, place an authorized representative of the Department in that residence until such time as a parent, guardian, or custodian enters the home and expresses a willingness and apparent ability to ensure the child's health and safety and resume permanent charge of the child, or until a relative enters the home and is willing and able to ensure the child's health and safety and assume charge of the child until a parent, guardian, or custodian enters the home and expresses such willingness and ability to ensure the child's safety and resume permanent charge. After a caretaker has remained in the home for a period not to exceed 12 hours, the Department must follow those procedures outlined in Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987.

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

5-415 of the Juvenile Court Act of 1987, shall have the authority, responsibilities and duties that a legal custodian of the child would have under subsection (9) of Section 1-3 of the Juvenile Court Act of 1987.

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

A parent, guardian, or custodian of a child in the temporary custody of the Department who would have custody of the child if the child were not in the temporary custody of the Department may deliver to the Department a signed request that the Department surrender the temporary custody of the child. The Department may retain temporary custody of the child for 10 days after the receipt of the request, during which period the Department may cause to be filed a petition pursuant to the Juvenile Court Act of 1987. If a petition is so filed, the Department shall retain temporary custody of the child until the court orders otherwise. If a petition is not filed within the 10-day period, the child shall be surrendered to the custody of the requesting parent, guardian, or custodian not later than the expiration of the 10-day period, at which time the authority and duties of the Department with respect to the temporary custody of the child shall terminate.

(m-1) The Department may place children under 18 years of age in a secure child care facility licensed by the Department that cares for children who are in need of secure living

arrangements for their health, safety, and well-being after a determination is made by the facility director and the Director or the Director's designate prior to admission to the facility subject to Section 2-27.1 of the Juvenile Court Act of 1987. This subsection (m-1) does not apply to a child who is subject to placement in a correctional facility operated pursuant to Section 3-15-2 of the Unified Code of Corrections, unless the child is a youth in care who was placed in the care of the Department before being subject to placement in a correctional facility and a court of competent jurisdiction has ordered placement of the child in a secure care facility.

(n) The Department may place children under 18 years of age in licensed child care facilities when in the opinion of the Department, appropriate services aimed at family preservation have been unsuccessful and cannot ensure the child's health and safety or are unavailable and such placement would be for their best interest. Payment for board, clothing, care, training and supervision of any child placed in a licensed child care facility may be made by the Department, by the parents or guardians of the estates of those children, or by both the Department and the parents or guardians, except that no payments shall be made by the Department for any child placed in a licensed child care facility for board, clothing, care, training, and supervision of such a child that exceed the average per capita cost of maintaining and of caring for a child in institutions for

dependent or neglected children operated by the Department. However, such restriction on payments does not apply in cases where children require specialized care and treatment for problems of severe emotional disturbance, physical disability, social adjustment, or any combination thereof and suitable facilities for the placement of such children are not available at payment rates within the limitations set forth in this Section. All reimbursements for services delivered shall be absolutely inalienable by assignment, sale, attachment, or garnishment or otherwise.

(n-1) The Department shall provide or authorize child welfare services, aimed at assisting minors to achieve sustainable self-sufficiency as independent adults, for any minor eligible for the reinstatement of wardship pursuant to subsection (2) of Section 2-33 of the Juvenile Court Act of 1987, whether or not such reinstatement is sought or allowed, provided that the minor consents to such services and has not yet attained the age of 21. The Department shall have responsibility for the development and delivery of services under this Section. An eligible youth may access services under this Section through the Department of Children and Family Services or by referral from the Department of Human Services. Youth participating in services under this Section shall cooperate with the assigned case manager in developing an agreement identifying the services to be provided and how the youth will increase skills to achieve self-sufficiency. A

homeless shelter is not considered appropriate housing for any youth receiving child welfare services under this Section. The Department shall continue child welfare services under this Section to any eligible minor until the minor becomes 21 years of age, no longer consents to participate, or achieves self-sufficiency as identified in the minor's service plan. The Department of Children and Family Services shall create clear, readable notice of the rights of former foster youth to child welfare services under this Section and how such services may be obtained. The Department of Children and Family Services and the Department of Human Services shall disseminate this information statewide. The Department shall adopt regulations describing services intended to assist minors in achieving sustainable self-sufficiency as independent adults.

(o) The Department shall establish an administrative review and appeal process for children and families who request or receive child welfare services from the Department. Youth in care who are placed by private child welfare agencies, and caregivers ~~foster families~~ with whom those youth are placed, shall be afforded the same procedural and appeal rights as children and families in the case of placement by the Department, including the right to an initial review of a private agency decision by that agency. The Department shall ensure that any private child welfare agency, which accepts youth in care for placement, affords those rights to children

and caregivers with whom those children are placed ~~foster families~~. The Department shall accept for administrative review and an appeal hearing a complaint made by (i) a child or caregiver with whom the child is placed ~~foster family~~ concerning a decision following an initial review by a private child welfare agency or (ii) a prospective adoptive parent who alleges a violation of subsection (j-5) of this Section. An appeal of a decision concerning a change in the placement of a child shall be conducted in an expedited manner. A court determination that a current ~~foster home~~ placement is necessary and appropriate under Section 2-28 of the Juvenile Court Act of 1987 does not constitute a judicial determination on the merits of an administrative appeal, filed by a former caregiver ~~foster parent~~, involving a change of placement decision. No later than July 1, 2025, the Department shall adopt rules to develop a reconsideration process to review: a denial of certification of a relative, a denial of placement with a relative, and a denial of visitation with an identified relative. Rules shall include standards and criteria for reconsideration that incorporate the best interests of the child under subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987, address situations where multiple relatives seek certification, and provide that all rules regarding placement changes shall be followed. The rules shall outline the essential elements of each form used in the implementation and enforcement of the provisions of this amendatory Act of

the 103rd General Assembly.

(p) (Blank).

(q) The Department may receive and use, in their entirety, for the benefit of children any gift, donation, or bequest of money or other property which is received on behalf of such children, or any financial benefits to which such children are or may become entitled while under the jurisdiction or care of the Department, except that the benefits described in Section 5.46 must be used and conserved consistent with the provisions under Section 5.46.

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

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

(1) Establish standards in accordance with State and federal laws for disbursing money from children's accounts. In all circumstances, the Department's

Guardianship Administrator or the Guardianship Administrator's designee must approve disbursements from children's accounts. The Department shall be responsible for keeping complete records of all disbursements for each account for any purpose.

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

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

(r) The Department shall promulgate regulations encouraging all adoption agencies to voluntarily forward to the Department or its agent names and addresses of all persons who have applied for and have been approved for adoption of a hard-to-place child or child with a disability and the names of such children who have not been placed for adoption. A list of such names and addresses shall be maintained by the

Department or its agent, and coded lists which maintain the confidentiality of the person seeking to adopt the child and of the child shall be made available, without charge, to every adoption agency in the State to assist the agencies in placing such children for adoption. The Department may delegate to an agent its duty to maintain and make available such lists. The Department shall ensure that such agent maintains the confidentiality of the person seeking to adopt the child and of the child.

(s) The Department of Children and Family Services may establish and implement a program to reimburse caregivers ~~Department and private child welfare agency foster parents~~ licensed, certified, or otherwise approved by the Department of Children and Family Services for damages sustained by the caregivers ~~foster parents~~ as a result of the malicious or negligent acts of ~~foster~~ children placed by the Department, as well as providing third party coverage for such caregivers ~~foster parents~~ with regard to actions of ~~foster~~ children placed by the Department to other individuals. Such coverage will be secondary to the caregiver's ~~foster parent~~ liability insurance policy, if applicable. The program shall be funded through appropriations from the General Revenue Fund, specifically designated for such purposes.

(t) The Department shall perform home studies and investigations and shall exercise supervision over visitation as ordered by a court pursuant to the Illinois Marriage and

Dissolution of Marriage Act or the Adoption Act only if:

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

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

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

(u) In addition to other information that must be provided, whenever the Department places a child with a prospective adoptive parent or parents, in a licensed foster home, group home, or child care institution, ~~or~~ in a relative home, or in a certified relative caregiver home, the Department shall provide to the caregiver, appropriate facility staff, or prospective adoptive parent or parents ~~or other caretaker:~~

(1) available detailed information concerning the child's educational and health history, copies of immunization records (including insurance and medical card

information), a history of the child's previous placements, if any, and reasons for placement changes excluding any information that identifies or reveals the location of any previous caregiver or adoptive parents caretaker;

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

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

The caregiver, appropriate facility staff, or prospective adoptive parent or parents, caretaker shall be informed of any known social or behavioral information (including, but not limited to, criminal background, fire setting, perpetuation of sexual abuse, destructive behavior, and substance abuse) necessary to care for and safeguard the children to be placed or currently in the home or setting. The Department may prepare a written summary of the information required by this paragraph, which may be provided to the caregiver, appropriate facility staff, or foster or prospective adoptive parent in advance of a placement. The caregiver, appropriate facility staff, foster or prospective adoptive parent may review the supporting documents in the child's file in the presence of casework staff. In the case of an emergency placement,

casework staff shall at least provide known information verbally, if necessary, and must subsequently provide the information in writing as required by this subsection.

The information described in this subsection shall be provided in writing. In the case of emergency placements when time does not allow prior review, preparation, and collection of written information, the Department shall provide such information as it becomes available. Within 10 business days after placement, the Department shall obtain from the caregiver, appropriate facility staff, or prospective adoptive parent or parents ~~or other caretaker~~ a signed verification of receipt of the information provided. Within 10 business days after placement, the Department shall provide to the child's guardian ad litem a copy of the information provided to the caregiver, appropriate facility staff, or prospective adoptive parent or parents ~~or other caretaker~~. The information provided to the caregiver, appropriate facility staff, or prospective adoptive parent or parents ~~or other caretaker~~ shall be reviewed and approved regarding accuracy at the supervisory level.

(u-5) Beginning July 1, 2025, certified relative caregiver homes under Section 3.4 of the Child Care Act of 1969 shall be eligible to receive foster care maintenance payments from the Department in an amount no less than payments made to licensed foster family homes. Beginning July 1, 2025, relative homes providing care to a child placed by the Department that are not

a certified relative caregiver home under Section 3.4 of the Child Care Act of 1969 or a licensed foster family home shall be eligible to receive payments from the Department in an amount no less 90% of the payments made to licensed foster family homes and certified relative caregiver homes. Effective July 1, 1995, only foster care placements licensed as foster family homes pursuant to the Child Care Act of 1969 shall be eligible to receive foster care payments from the Department. Relative caregivers who, as of July 1, 1995, were approved pursuant to approved relative placement rules previously promulgated by the Department at 89 Ill. Adm. Code 335 and had submitted an application for licensure as a foster family home may continue to receive foster care payments only until the Department determines that they may be licensed as a foster family home or that their application for licensure is denied or until September 30, 1995, whichever occurs first.

(u-6) To assist relative and certified relative caregivers, no later than July 1, 2025, the Department shall adopt rules to implement a relative support program, as follows:

(1) For relative and certified relative caregivers, the Department is authorized to reimburse or prepay reasonable expenditures to remedy home conditions necessary to fulfill the home safety-related requirements of relative caregiver homes.

(2) The Department may provide short-term emergency

funds to relative and certified relative caregiver homes experiencing extreme hardships due to the difficulty and stress associated with adding youth in care as new household members.

(3) Consistent with federal law, the Department shall include in any State Plan made in accordance with the Adoption Assistance and Child Welfare Act of 1980, Titles IV-E and XIX of the Social Security Act, and any other applicable federal laws the provision of kinship navigator program services. The Department shall apply for and administer all relevant federal aid in accordance with law. Federal funds acquired for the kinship navigator program shall be used for the development, implementation, and operation of kinship navigator program services. The kinship navigator program services may provide information, referral services, support, and assistance to relative and certified relative caregivers of youth in care to address their unique needs and challenges. Until the Department is approved to receive federal funds for these purposes, the Department shall publicly post on the Department's website semi-annual updates regarding the Department's progress in pursuing federal funding. Whenever the Department publicly posts these updates on its website, the Department shall notify the General Assembly through the General Assembly's designee.

(u-7) To support finding permanency for children through

subsidized guardianship and adoption and to prevent disruption in guardianship and adoptive placements, the Department shall establish and maintain accessible subsidized guardianship and adoption support services for all children under 18 years of age placed in guardianship or adoption who, immediately preceding the guardianship or adoption, were in the custody or guardianship of the Department under Article II of the Juvenile Court Act of 1987.

The Department shall establish and maintain a toll-free number to respond to requests from the public about its subsidized guardianship and adoption support services under this subsection and shall staff the toll-free number so that calls are answered on a timely basis, but in no event more than one business day after the receipt of a request. These requests from the public may be made anonymously. To meet this obligation, the Department may utilize the same toll-free number the Department operates to respond to post-adoption requests under subsection (b-5) of Section 18.9 of the Adoption Act. The Department shall publicize information about the Department's subsidized guardianship support services and toll-free number as follows:

(1) it shall post information on the Department's website;

(2) it shall provide the information to every licensed child welfare agency and any entity providing subsidized guardianship support services in Illinois courts;

(3) it shall reference such information in the materials the Department provides to caregivers pursuing subsidized guardianship to inform them of their rights and responsibilities under the Child Care Act of 1969 and this Act;

(4) it shall provide the information, including the Department's Post Adoption and Guardianship Services booklet, to eligible caregivers as part of its guardianship training and at the time they are presented with the Permanency Commitment form;

(5) it shall include, in each annual notification letter mailed to subsidized guardians, a short, 2-sided flier or news bulletin in plain language that describes access to post-guardianship services, how to access services under the Family Support Program, formerly known as the Individual Care Grant Program, the webpage address to the Post Adoption and Guardianship Services booklet, information on how to request that a copy of the booklet be mailed; and

(6) it shall ensure that kinship navigator programs of this State, when established, have this information to include in materials the programs provide to caregivers.

No later than July 1, 2026, the Department shall provide a mechanism for the public to make information requests by electronic means.

The Department shall review and update annually all

information relating to its subsidized guardianship support services, including its Post Adoption and Guardianship Services booklet, to include updated information on Family Support Program services eligibility and subsidized guardianship support services that are available through the medical assistance program established under Article V of the Illinois Public Aid Code or any other State program for mental health services. The Department and the Department of Healthcare and Family Services shall coordinate their efforts in the development of these resources.

Every licensed child welfare agency and any entity providing kinship navigator programs funded by the Department shall provide the Department's website address and link to the Department's subsidized guardianship support services information set forth in subsection (d), including the Department's toll-free number, to every relative who is or will be providing guardianship placement for a child placed by the Department.

(v) The Department shall access criminal history record information as defined in the Illinois Uniform Conviction Information Act and information maintained in the adjudicatory and dispositional record system as defined in Section 2605-355 of the Illinois State Police Law if the Department determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act. The

Department shall provide for interactive computerized communication and processing equipment that permits direct on-line communication with the Illinois State Police's central criminal history data repository. The Department shall comply with all certification requirements and provide certified operators who have been trained by personnel from the Illinois State Police. In addition, one Office of the Inspector General investigator shall have training in the use of the criminal history information access system and have access to the terminal. The Department of Children and Family Services and its employees shall abide by rules and regulations established by the Illinois State Police relating to the access and dissemination of this information.

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

(v-2) Prior to final approval for placement of a child

with a foster or adoptive parent, the Department shall check its child abuse and neglect registry for information concerning prospective foster and adoptive parents, and any adult living in the home. If any prospective foster or adoptive parent or other adult living in the home has resided in another state in the preceding 5 years, the Department shall request a check of that other state's child abuse and neglect registry.

(v-3) Prior to the final approval of final placement of a related child in a certified relative caregiver home as defined in Section 2.37 of the Child Care Act of 1969, the Department shall ensure that the background screening meets the standards required under subsection (c) of Section 3.4 of the Child Care Act of 1969.

(v-4) Prior to final approval for placement of a child with a relative, as defined in Section 4d of this Act, who is not a licensed foster parent, has declined to seek approval to be a certified relative caregiver, or was denied approval as a certified relative caregiver, the Department shall:

(i) check the child abuse and neglect registry for information concerning the prospective relative caregiver and any other adult living in the home. If any prospective relative caregiver or other adult living in the home has resided in another state in the preceding 5 years, the Department shall request a check of that other state's child abuse and neglect registry; and

(ii) conduct a criminal records background check of the prospective relative caregiver and all other adults living in the home, including fingerprint-based checks of national crime information databases. Final approval for placement shall not be granted if the record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children, or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, or if there is a felony conviction for physical assault, battery, or a drug-related offense committed within the past 5 years; provided however, that the Department is empowered to grant a waiver as the Department may provide by rule, and the Department approves the request for the waiver based on a comprehensive evaluation of the caregiver and household members and the conditions relating to the safety of the placement.

No later than July 1, 2025, the Department shall adopt rules or revise existing rules to effectuate the changes made to this subsection (v-4). The rules shall outline the essential elements of each form used in the implementation and enforcement of the provisions of this amendatory Act of the 103rd General Assembly.

(w) (Blank). ~~Within 120 days of August 20, 1995 (the effective date of Public Act 89 392), the Department shall~~

~~prepare and submit to the Governor and the General Assembly, a written plan for the development of in-state licensed secure child care facilities that care for children who are in need of secure living arrangements for their health, safety, and well being. For purposes of this subsection, secure care facility shall mean a facility that is designed and operated to ensure that all entrances and exits from the facility, a building or a distinct part of the building, are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of the building. The plan shall include descriptions of the types of facilities that are needed in Illinois; the cost of developing these secure care facilities; the estimated number of placements; the potential cost savings resulting from the movement of children currently out of state who are projected to be returned to Illinois; the necessary geographic distribution of these facilities in Illinois; and a proposed timetable for development of such facilities.~~

(x) The Department shall conduct annual credit history checks to determine the financial history of children placed under its guardianship pursuant to the Juvenile Court Act of 1987. The Department shall conduct such credit checks starting when a youth in care turns 12 years old and each year thereafter for the duration of the guardianship as terminated pursuant to the Juvenile Court Act of 1987. The Department

shall determine if financial exploitation of the child's personal information has occurred. If financial exploitation appears to have taken place or is presently ongoing, the Department shall notify the proper law enforcement agency, the proper State's Attorney, or the Attorney General.

(y) Beginning on July 22, 2010 (the effective date of Public Act 96-1189), a child with a disability who receives residential and educational services from the Department shall be eligible to receive transition services in accordance with Article 14 of the School Code from the age of 14.5 through age 21, inclusive, notwithstanding the child's residential services arrangement. For purposes of this subsection, "child with a disability" means a child with a disability as defined by the federal Individuals with Disabilities Education Improvement Act of 2004.

(z) The Department shall access criminal history record information as defined as "background information" in this subsection and criminal history record information as defined in the Illinois Uniform Conviction Information Act for each Department employee or Department applicant. Each Department employee or Department applicant shall submit the employee's or applicant's fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and the Federal Bureau of Investigation criminal history

records databases. The Illinois State Police shall charge a fee for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the record check. The Illinois State Police shall furnish, pursuant to positive identification, all Illinois conviction information to the Department of Children and Family Services.

For purposes of this subsection:

"Background information" means all of the following:

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

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

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

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

"Department applicant" means an individual who has conditional Department full-time or part-time work, a contractor, an individual used to replace or supplement staff, an academic intern, a volunteer in Department offices or on Department contracts, a work-study student, an individual or entity licensed by the Department, or an unlicensed service provider who works as a condition of a contract or an agreement and whose work may bring the unlicensed service provider into contact with Department clients or client records.

(Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff. 1-1-24; 103-546, eff. 8-11-23; 103-605, eff. 7-1-24.)

(20 ILCS 505/6a) (from Ch. 23, par. 5006a)

Sec. 6a. Case plan.

(a) With respect to each Department client for whom the Department is providing placement service, the Department shall develop a case plan designed to stabilize the family situation and prevent placement of a child outside the home of the family when the child can be cared for at home without endangering the child's health or safety, reunify the family if temporary placement is necessary when safe and appropriate, or move the child toward an appropriate ~~the most~~ permanent

living arrangement and permanent legal status, consistent with the child's best interest, using the factors set forth in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987. Such case plan shall provide for the utilization of family preservation services as defined in Section 8.2 of the Abused and Neglected Child Reporting Act. Such case plan shall be reviewed and updated every 6 months. The Department shall ensure that incarcerated parents are able to participate in case plan reviews via teleconference or videoconference. Where appropriate, the case plan shall include recommendations concerning alcohol or drug abuse evaluation.

If the parent is incarcerated, the case plan must address the tasks that must be completed by the parent and how the parent will participate in the administrative case review and permanency planning hearings and, wherever possible, must include treatment that reflects the resources available at the facility where the parent is confined. The case plan must provide for visitation opportunities, unless visitation is not in the best interests of the child.

(b) The Department may enter into written agreements with child welfare agencies to establish and implement case plan demonstration projects. The demonstration projects shall require that service providers develop, implement, review and update client case plans. The Department shall examine the effectiveness of the demonstration projects in promoting the family reunification or the permanent placement of each client

and shall report its findings to the General Assembly no later than 90 days after the end of the fiscal year in which any such demonstration project is implemented.

(Source: P.A. 99-836, eff. 1-1-17.)

(20 ILCS 505/7) (from Ch. 23, par. 5007)

Sec. 7. Placement of children; considerations.

(a) In placing any child under this Act, the Department shall place the child, as far as possible, in the care and custody of some individual holding the same religious belief as the parents of the child, or with some child care facility which is operated by persons of like religious faith as the parents of such child.

(a-5) In placing a child under this Act, the Department shall place the child with the child's sibling or siblings under Section 7.4 of this Act unless the placement is not in each child's best interest, or is otherwise not possible under the Department's rules. If the child is not placed with a sibling under the Department's rules, the Department shall consider placements that are likely to develop, preserve, nurture, and support sibling relationships, where doing so is in each child's best interest.

(b) In placing a child under this Act, the Department shall ~~may~~ place a child with a relative if the Department determines that the relative will be able to adequately provide for the child's safety and welfare based on the

factors set forth in the Department's rules governing such ~~relative~~ placements, and that the placement is consistent with the child's best interests, taking into consideration the factors set out in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

When the Department first assumes custody of a child, in placing that child under this Act, the Department shall make reasonable efforts to identify, locate, and provide notice to all adult grandparents and other adult relatives of the child who are ready, willing, and able to care for the child. At a minimum, these diligent efforts shall be renewed each time the child requires a placement change and it is appropriate for the child to be cared for in a home environment. The Department must document its efforts to identify, locate, and provide notice to such potential relative placements and maintain the documentation in the child's case file. The Department shall complete the following initial family finding and relative engagement efforts:

(1) The Department shall conduct an investigation in order to identify and locate all grandparents, parents of a sibling of the child, if the parent has legal custody of the sibling, adult siblings, other adult relatives of the minor including any other adult relatives suggested by the parents, and, if it is known or there is reason to know the child is an Indian child, any extended family members, as defined in Section 4 of the Indian Child Welfare Act of

1978 (25 U.S.C. 1903). The Department shall make diligent efforts to investigate the names and locations of the relatives, including, but not limited to, asking the child in an age-appropriate manner and consistent with the child's best interest about any parent, alleged parent, and relatives important to the child, and obtaining information regarding the location of the child's parents, alleged parents, and adult relatives.

As used in this subsection (b), "family finding and relative engagement" means conducting an investigation, including, but not limited to, through a computer-based search engine, to identify any person who would be eligible to be a relative caregiver as defined in Section 4d of this Act and to connect a child, consistent with the child's best interest, who may be disconnected from the child's parents, with those relatives and kin in an effort to provide family support or possible placement. If it is known or there is reason to know that the child is an Indian child, as defined in Section 4 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903), "family finding and relative engagement" also includes contacting the Indian child's tribe to identify relatives and kin. No later than July 1, 2025, the Department shall adopt rules setting forth specific criteria as to family finding and relative engagement efforts under this subsection (b) and under Section 2-27.3 of the Juvenile Court Act of 1987,

including determining the manner in which efforts may or may not be appropriate, consistent with the best interests of the child.

(2) In accordance with Section 471(a)(29) of the Social Security Act, the Department shall make diligent efforts to provide all adult relatives who are located with written notification and oral notification, in person or by telephone, of all the following information:

(i) the minor has been removed from the custody of the minor's parent or guardian; and

(ii) an explanation of the various options to participate in the care and placement of the minor and support for the minor's family, including any options that may expire by failing to respond. The notice shall provide information about providing care for the minor while the family receives reunification services with the goal of returning the child to the parent or guardian, how to become a certified relative caregiver home, and additional services and support that are available in substitute care. The notice shall also include information regarding, adoption and subsidized guardianship assistance options, health care coverage for youth in care under the medical assistance program established under Article V of the Illinois Public Aid Code, and other options for contact with the minor, including, but not limited to, visitation. Upon

establishing the Department's kinship navigator program, the notice shall also include information regarding that benefit.

No later than July 1, 2025, the Department shall adopt or amend existing rules to implement the requirements of this subsection, including what constitutes "diligent efforts" and when exceptions, consistent with federal law, are appropriate.

(b-5) (1) If the Department determines that a placement with any identified relative is not in the child's best interests or that the relative does not meet the requirements to be a relative caregiver, as set forth in Department rules or by statute, the Department must document the basis for that decision, ~~and~~ maintain the documentation in the child's case file, inform the identified relative of the relative's right to reconsideration of the decision to deny placement with the identified relative, provide the identified relative with a description of the reconsideration process established in accordance with subsection (o) of Section 5 of this Act, and report this information to the court in accordance with the requirements of Section 2-27.3 of the Juvenile Court Act of 1987.

If, pursuant to the Department's rules, any person files an administrative appeal of the Department's decision not to place a child with a relative, it is the Department's burden to prove that the decision is consistent with the child's best interests. The Department shall report information related to

these appeals pursuant to Section 46 of this Act.

When the Department determines that the child requires placement in an environment, other than a home environment, the Department shall continue to make reasonable efforts to identify and locate relatives to serve as visitation resources for the child and potential future placement resources, unless excused by the court, as outlined in Section 2-27.3 of the Juvenile Court Act of 1987. ~~except when the Department determines that those efforts would be futile or inconsistent with the child's best interests.~~

If the Department determines that efforts to identify and locate relatives would be futile or inconsistent with the child's best interests, the Department shall document the basis of its determination and maintain the documentation in the child's case file.

If the Department determines that an individual or a group of relatives are inappropriate to serve as visitation resources or possible placement resources, the Department shall document the basis of its determination, ~~and~~ maintain the documentation in the child's case file, inform the identified relative of the relative's right to a reconsideration of the decision to deny visitation with the identified relative, provide the identified relative with a description of the reconsideration process established in accordance with subsection (o) of Section 5 of this Act, and report this information to the court in accordance with the

requirements of Section 2-27.3 of the Juvenile Court Act of 1987.

When the Department determines that an individual or a group of relatives are appropriate to serve as visitation resources or possible future placement resources, the Department shall document the basis of its determination, maintain the documentation in the child's case file, create a visitation or transition plan, or both, and incorporate the visitation or transition plan, or both, into the child's case plan. The Department shall report this information to the court as part of the Department's family finding and relative engagement efforts required under Section 2-27.3 of the Juvenile Court Act of 1987. For the purpose of this subsection, any determination as to the child's best interests shall include consideration of the factors set out in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

(2) The Department may initially ~~not~~ place a child in a foster family home as defined under Section 2.17 of the Child Care Act of 1969 or a certified relative caregiver home as defined under Section 4d of this Act. Initial placement may also be made with a relative who is not yet a certified relative caregiver if all of the following conditions are met:

(A) The prospective relative caregiver and all other adults in the home must authorize and submit to a background screening that includes the components set

forth in subsection (c) of Section 3.4 of the Child Care Act of 1969. If the results of a check of the Law Enforcement Agencies Data System (LEADS) identifies a prior criminal conviction of (i) the prospective relative caregiver for an offense not prohibited under subsection (c) of Section 3.4 of the Child Care Act of 1969 or (ii) any other adult in the home for a felony offense, the Department shall thoroughly investigate and evaluate the criminal history, including an assessment of the person's character and the impact that the criminal history has on the prospective relative caregiver's ability to parent the child. The investigation must consider the type of crime, the number of crimes, the nature of the offense, the age of the person at the time of the crime, the length of time that has elapsed since the last conviction, the relationship of the crime to the ability to care for children, the role that the person will have with the child, and any evidence of rehabilitation. Initial placement may not be made if the results of a check of the Law Enforcement Agencies Data System (LEADS) identifies a prior criminal conviction of the prospective relative caregiver for an offense prohibited under subsection (c) of Section 3.4 of the Child Care Act of 1969; however, a waiver may be granted for placement of the child in accordance with subsection (v-4) of Section 5.

(B) The home safety and needs assessment requirements

set forth in paragraph (1) of subsection (b) of Section 3.4 of the Child Care Act of 1969 are satisfied.

(C) The prospective relative caregiver is able to meet the physical, emotional, medical, and educational needs of the specific child or children being placed by the Department.

No later than July 1, 2025, the Department shall adopt rules or amend existing rules to implement the provisions of this subsection (b-5). The rules shall outline the essential elements of each form used in the implementation and enforcement of the provisions of this amendatory Act of the 103rd General Assembly.

~~with a relative, with the exception of certain circumstances which may be waived as defined by the Department in rules, if the results of a check of the Law Enforcement Agencies Data System (LEADS) identifies a prior criminal conviction of the relative or any adult member of the relative's household for any of the following offenses under the Criminal Code of 1961 or the Criminal Code of 2012:~~

~~(1) murder;~~

~~(1.1) solicitation of murder;~~

~~(1.2) solicitation of murder for hire;~~

~~(1.3) intentional homicide of an unborn child;~~

~~(1.4) voluntary manslaughter of an unborn child;~~

~~(1.5) involuntary manslaughter;~~

~~(1.6) reckless homicide;~~

- ~~(1.7) concealment of a homicidal death;~~
- ~~(1.8) involuntary manslaughter of an unborn child;~~
- ~~(1.9) reckless homicide of an unborn child;~~
- ~~(1.10) drug-induced homicide;~~
- ~~(2) a sex offense under Article 11, except offenses described in Sections 11-7, 11-8, 11-12, 11-13, 11-35, 11-40, and 11-45;~~
- ~~(3) kidnapping;~~
- ~~(3.1) aggravated unlawful restraint;~~
- ~~(3.2) forcible detention;~~
- ~~(3.3) aiding and abetting child abduction;~~
- ~~(4) aggravated kidnapping;~~
- ~~(5) child abduction;~~
- ~~(6) aggravated battery of a child as described in Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;~~
- ~~(7) criminal sexual assault;~~
- ~~(8) aggravated criminal sexual assault;~~
- ~~(8.1) predatory criminal sexual assault of a child;~~
- ~~(9) criminal sexual abuse;~~
- ~~(10) aggravated sexual abuse;~~
- ~~(11) heinous battery as described in Section 12-4.1 or subdivision (a) (2) of Section 12-3.05;~~
- ~~(12) aggravated battery with a firearm as described in Section 12-4.2 or subdivision (c) (1), (c) (2), (c) (3), or (c) (4) of Section 12-3.05;~~
- ~~(13) tampering with food, drugs, or cosmetics;~~

~~(14) drug-induced infliction of great bodily harm as described in Section 12-4.7 or subdivision (g) (1) of Section 12-3.05;~~

~~(15) aggravated stalking;~~

~~(16) home invasion;~~

~~(17) vehicular invasion;~~

~~(18) criminal transmission of HIV;~~

~~(19) criminal abuse or neglect of an elderly person or person with a disability as described in Section 12-21 or subsection (b) of Section 12-4.4a;~~

~~(20) child abandonment;~~

~~(21) endangering the life or health of a child;~~

~~(22) ritual mutilation;~~

~~(23) ritualized abuse of a child;~~

~~(24) an offense in any other state the elements of which are similar and bear a substantial relationship to any of the foregoing offenses.~~

No later than July 1, 2025, relative caregiver payments shall be made to relative caregiver homes as provided under Section 5 of this Act. ~~For the purpose of this subsection, "relative" shall include any person, 21 years of age or over, other than the parent, who (i) is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, parent's sibling, sibling's child, first cousin, second cousin, godparent, or grandparent's sibling; or (ii) is the spouse of such a~~

~~relative; or (iii) is the child's step parent, or adult step sibling; or (iv) is a fictive kin; "relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and the child's sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this paragraph prior to the adoption, but only if the Department determines, and documents, that it would be in the child's best interests to consider this person a relative, based upon the factors for determining best interests set forth in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987. A relative with whom a child is placed pursuant to this subsection may, but is not required to, apply for licensure as a foster family home pursuant to the Child Care Act of 1969; provided, however, that as of July 1, 1995, foster care payments shall be made only to licensed foster family homes pursuant to the terms of Section 5 of this Act.~~

~~Notwithstanding any other provision under this subsection to the contrary, a fictive kin with whom a child is placed pursuant to this subsection shall apply for licensure as a foster family home pursuant to the Child Care Act of 1969 within 6 months of the child's placement with the fictive kin.~~

~~The Department shall not remove a child from the home of a fictive kin on the basis that the fictive kin fails to apply for licensure within 6 months of the child's placement with the fictive kin, or fails to meet the standard for licensure. All other requirements established under the rules and procedures of the Department concerning the placement of a child, for whom the Department is legally responsible, with a relative shall apply. By June 1, 2015, the Department shall promulgate rules establishing criteria and standards for placement, identification, and licensure of fictive kin.~~

~~For purposes of this subsection, "fictive kin" means any individual, unrelated by birth or marriage, who:~~

~~(i) is shown to have significant and close personal or emotional ties with the child or the child's family prior to the child's placement with the individual; or~~

~~(ii) is the current foster parent of a child in the custody or guardianship of the Department pursuant to this Act and the Juvenile Court Act of 1987, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection, as defined by Department rule.~~

The provisions added to this subsection (b) by Public Act 98-846 shall become operative on and after June 1, 2015.

(c) In placing a child under this Act, the Department

shall ensure that the child's health, safety, and best interests are met. In rejecting placement of a child with an identified relative, the Department shall (i) ensure that the child's health, safety, and best interests are met, (ii) inform the identified relative of the relative's right to reconsideration of the decision and provide the identified relative with a description of the reconsideration process established in accordance with subsection (o) of Section 5 of this Act, (iii) report that the Department rejected the relative placement to the court in accordance with the requirements of Section 2-27.3 of the Juvenile Court Act of 1987, and (iv) report the reason for denial in accordance with Section 46 of this Act. In evaluating the best interests of the child, the Department shall take into consideration the factors set forth in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

The Department shall consider the individual needs of the child and the capacity of the prospective caregivers or prospective ~~foster or~~ adoptive parents to meet the needs of the child. When a child must be placed outside the child's home and cannot be immediately returned to the child's parents or guardian, a comprehensive, individualized assessment shall be performed of that child at which time the needs of the child shall be determined. Only if race, color, or national origin is identified as a legitimate factor in advancing the child's best interests shall it be considered. Race, color, or

national origin shall not be routinely considered in making a placement decision. The Department shall make special efforts for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of the children for whom foster and adoptive homes are needed. "Special efforts" shall include contacting and working with community organizations and religious organizations and may include contracting with those organizations, utilizing local media and other local resources, and conducting outreach activities.

(c-1) At the time of placement, the Department shall consider concurrent planning, as described in subsection (1-1) of Section 5, so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child. To the extent that doing so is in the child's best interests as set forth in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987, the Department should consider placements that will permit the child to maintain a meaningful relationship with the child's parents.

(d) The Department may accept gifts, grants, offers of services, and other contributions to use in making special recruitment efforts.

(e) The Department in placing children in relative caregiver, certified relative caregiver, adoptive, or foster

care homes may not, in any policy or practice relating to the placement of children for adoption or foster care, discriminate against any child or prospective caregiver or adoptive parent ~~adoptive or foster parent~~ on the basis of race.

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

(20 ILCS 505/7.3)

Sec. 7.3. Placement plan. The Department shall develop and implement a written plan for placing children. The plan shall include at least the following features:

(1) A plan for recruiting minority adoptive and foster families. The plan shall include strategies for using existing resources in minority communities, use of minority outreach staff whenever possible, use of minority foster homes for placements after birth and before adoption, and other techniques as appropriate.

(2) A plan for training adoptive and foster families of minority children.

(3) A plan for employing social workers in adoption and foster care. The plan shall include staffing goals and objectives.

(4) A plan for ensuring that adoption and foster care workers attend training offered or approved by the Department regarding the State's goal of encouraging cultural diversity and the needs of special needs

children.

(5) A plan that includes policies and procedures for determining for each child requiring placement outside of the child's home, and who cannot be immediately returned to the child's parents or guardian, the placement needs of that child. In the rare instance when an individualized assessment identifies, documents, and substantiates that race, color, or national origin is a factor that needs to be considered in advancing a particular child's best interests, it shall be considered in making a placement.

(6) A plan for improving the certification of relative homes as certified relative caregiver homes, including establishing and expanding access to a kinship navigator program once established pursuant to paragraph (3) of subsection (u-6) of Section 5 of this Act, providing an effective process for ensuring relatives are informed of the benefits of relative caregiver home certification under Section 3.4 of the Child Care Act of 1969, and tailoring relative caregiver home certification standards that are appropriately distinct from foster home licensure standards.

Beginning July 1, 2026 and every 3 years thereafter, the plans required under this Section shall be evaluated by the Department and revised based on the findings of that evaluation.

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

(20 ILCS 505/46 new)

Sec. 46. Annual reports regarding relative and certified relative caregiver placements. Beginning January 1, 2026, and annually thereafter, the Department shall post on its website data from the preceding State fiscal year regarding:

(1) the number of youth in care who were adopted specifying the length of stay in out-of-home care and the number of youth in care who exited to permanency through guardianship specifying the length of stay in out-of-home care and whether the guardianship was subsidized or unsubsidized for each case;

(2) the number of youth with the permanency goal of guardianship and the number of youth with the permanency goal of adoption;

(3) the number of youth in care who moved from non-relative care to a relative placement;

(4) the number of homes that successfully became a certified relative caregiver home in accordance with Section 3.4 of the Child Care Act of 1969; and

(5) the number of reconsideration reviews of the Department's decisions not to place a child with a relative commenced in accordance with subsection (o) of Section 5 of this Act. For data related to each reconsideration review, the Department shall indicate whether the child resides in a licensed placement or in

the home of a relative at the time of the reconsideration review, the reason for the Department's denial of the placement with the relative, and the outcome associated with each reconsideration review.

The Department shall include a description of the methodology the Department used to collect the information for paragraphs (1) through (5), indicate whether the Department had any difficulties collecting the information, and indicate whether there are concerns about the validity of the information. If any of the data elements required to be disclosed under this Section could reveal a youth's identity if revealed in combination with all the identifying information due to small sample size, the Department shall exclude the data elements that could be used to identify the youth so that the data can be included as part of a larger sample and report that the data was excluded for this reason.

(20 ILCS 505/55 new)

Sec. 55. Performance audits. Three years after the effective date of this amendatory Act of the 103rd General Assembly, the Auditor General shall commence a performance audit of the Department to determine whether the Department is meeting the requirements established by this amendatory Act of the 103rd General Assembly under Sections 4d, 5, 6a, 7, 7.3, 46, and 55 of this Act, Sections 2.05, 2.17, 2.36, 2.37, 2.38, 2.39, 2.40, 3.4, 4, 4.3, 7.3, and 7.4 of the Child Care Act of

1969, Sections 1-3, 1-5, 2-10, 2-13, 2-21, 2-22, 2-23, 2-27, 2-27.3, 2-28, 2-28.1, and 5-745 of the Juvenile Court Act of 1987, and Sections 4.1 and 15.1 of the Adoption Act. Within 2 years after the audit's release, the Auditor General shall commence a follow-up performance audit to determine whether the Department has implemented the recommendations contained in the initial performance audit. Upon completion of each audit, the Auditor General shall report its findings to the General Assembly. The Auditor General's reports shall include any issues or deficiencies and recommendations. The audits required by this Section shall be in accordance with and subject to the Illinois State Auditing Act.

Section 10. The Child Care Act of 1969 is amended by changing Sections 2.05, 2.17, 4, 4.3, 5, 7.3, and 7.4 and by adding Sections 2.36, 2.37, 2.38, 2.39, 2.40, and 3.4 as follows:

(225 ILCS 10/2.05) (from Ch. 23, par. 2212.05)

Sec. 2.05. "Facility for child care" or "child care facility" means any person, group of persons, agency, association, organization, corporation, institution, center, or group, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of

custody in any facility as defined in this Act, established and maintained for the care of children. "Child care facility" includes a relative, as defined in Section 2.36 ~~2.17~~ of this Act, who is licensed as a foster family home under Section 4 of this Act or provides a certified relative caregiver home, as defined in Section 2.37 of this Act.

(Source: P.A. 98-804, eff. 1-1-15.)

(225 ILCS 10/2.17) (from Ch. 23, par. 2212.17)

(Text of Section before amendment by P.A. 103-721)

Sec. 2.17. "Foster family home" means the home of an individual or family:

(1) that is licensed or approved by the state in which it is situated as a foster family home that meets the standards established for the licensing or approval; and

(2) in which a child in foster care has been placed in the care of an individual who resides with the child and who has been licensed or approved by the state to be a foster parent and:

(A) who the Department of Children and Family Services deems capable of adhering to the reasonable and prudent parent standard;

(B) who provides 24-hour substitute care for children placed away from their parents or other caretakers; and

(3) who provides the care for no more than 6 children, except the Director of Children and Family Services, pursuant

to Department regulations, may waive the numerical limitation of foster children who may be cared for in a foster family home for any of the following reasons to allow: (i) a parenting youth in foster care to remain with the child of the parenting youth; (ii) siblings to remain together; (iii) a child with an established meaningful relationship with the family to remain with the family; or (iv) a family with special training or skills to provide care to a child who has a severe disability. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served.

For purposes of this Section, a "relative" includes any person, 21 years of age or over, other than the parent, who (i) is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt; or (ii) is the spouse of such a relative; or (iii) is a child's step-father, step-mother, or adult step-brother or step-sister; or (iv) is a fictive kin; "relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For purposes of placement of children pursuant to Section 7 of the Children and Family Services Act and for purposes of licensing requirements set forth in Section 4 of this Act, for children under the custody or

guardianship of the Department pursuant to the Juvenile Court Act of 1987, after a parent signs a consent, surrender, or waiver or after a parent's rights are otherwise terminated, and while the child remains in the custody or guardianship of the Department, the child is considered to be related to those to whom the child was related under this Section prior to the signing of the consent, surrender, or waiver or the order of termination of parental rights.

The term "foster family home" includes homes receiving children from any State-operated institution for child care; or from any agency established by a municipality or other political subdivision of the State of Illinois authorized to provide care for children outside their own homes. The term "foster family home" does not include an "adoption-only home" as defined in Section 2.23 of this Act. The types of foster family homes are defined as follows:

(a) "Boarding home" means a foster family home which receives payment for regular full-time care of a child or children.

(b) "Free home" means a foster family home other than an adoptive home which does not receive payments for the care of a child or children.

(c) "Adoptive home" means a foster family home which receives a child or children for the purpose of adopting the child or children, but does not include an adoption-only home.

(d) "Work-wage home" means a foster family home which receives a child or children who pay part or all of their board by rendering some services to the family not prohibited by the Child Labor Law or by standards or regulations of the Department prescribed under this Act. The child or children may receive a wage in connection with the services rendered the foster family.

(e) "Agency-supervised home" means a foster family home under the direct and regular supervision of a licensed child welfare agency, of the Department of Children and Family Services, of a circuit court, or of any other State agency which has authority to place children in child care facilities, and which receives no more than 8 children, unless of common parentage, who are placed and are regularly supervised by one of the specified agencies.

(f) "Independent home" means a foster family home, other than an adoptive home, which receives no more than 4 children, unless of common parentage, directly from parents, or other legally responsible persons, by independent arrangement and which is not subject to direct and regular supervision of a specified agency except as such supervision pertains to licensing by the Department.

(g) "Host home" means an emergency foster family home under the direction and regular supervision of a licensed child welfare agency, contracted to provide short-term

crisis intervention services to youth served under the Comprehensive Community-Based Youth Services program, under the direction of the Department of Human Services. The youth shall not be under the custody or guardianship of the Department pursuant to the Juvenile Court Act of 1987.

(Source: P.A. 102-688, eff. 7-1-22; 103-564, eff. 11-17-23.)

(Text of Section after amendment by P.A. 103-721)

Sec. 2.17. "Foster family home" means the home of an individual or family:

(1) that is licensed or approved by the state in which it is situated as a foster family home that meets the standards established for the licensing or approval; and

(2) in which a child in foster care has been placed in the care of an individual who resides with the child and who has been licensed or approved by the state to be a foster parent and:

(A) who the Department of Children and Family Services deems capable of adhering to the reasonable and prudent parent standard;

(B) who provides 24-hour substitute care for children placed away from their parents or other caretakers; and

(3) who provides the care for no more than 6 children, except the Director of Children and Family Services, pursuant to Department regulations, may waive the numerical limitation

of foster children who may be cared for in a foster family home for any of the following reasons to allow: (i) a parenting youth in foster care to remain with the child of the parenting youth; (ii) siblings to remain together; (iii) a child with an established meaningful relationship with the family to remain with the family; or (iv) a family with special training or skills to provide care to a child who has a severe disability. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served.

~~For purposes of this Section, a "relative" includes any person, 21 years of age or over, other than the parent, who (i) is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great grandparent, uncle, aunt, nephew, niece, first cousin, great uncle, or great aunt; or (ii) is the spouse of such a relative; or (iii) is a child's step father, step mother, or adult step brother or step sister; or (iv) is a fictive kin; "relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For purposes of placement of children pursuant to Section 7 of the Children and Family Services Act and for purposes of licensing requirements set forth in Section 4 of this Act, for children under the custody or guardianship of the Department pursuant to the Juvenile Court~~

~~Act of 1987, after a parent signs a consent, surrender, or waiver or after a parent's rights are otherwise terminated, and while the child remains in the custody or guardianship of the Department, the child is considered to be related to those to whom the child was related under this Section prior to the signing of the consent, surrender, or waiver or the order of termination of parental rights.~~

The term "foster family home" includes homes receiving children from any State-operated institution for child care; or from any agency established by a municipality or other political subdivision of the State of Illinois authorized to provide care for children outside their own homes. The term "foster family home" does not include an "adoption-only home" as defined in Section 2.23 or a "certified relative caregiver home" as defined in Section 2.37 of this Act. The types of foster family homes are defined as follows:

(a) "Boarding home" means a foster family home which receives payment for regular full-time care of a child or children.

(b) "Free home" means a foster family home other than an adoptive home which does not receive payments for the care of a child or children.

(c) "Adoptive home" means a foster family home which receives a child or children for the purpose of adopting the child or children, but does not include an adoption-only home.

(d) "Work-wage home" means a foster family home which receives a child or children who pay part or all of their board by rendering some services to the family not prohibited by the Child Labor Law of 2024 or by standards or regulations of the Department prescribed under this Act. The child or children may receive a wage in connection with the services rendered the foster family.

(e) "Agency-supervised home" means a foster family home under the direct and regular supervision of a licensed child welfare agency, of the Department of Children and Family Services, of a circuit court, or of any other State agency which has authority to place children in child care facilities, and which receives no more than 8 children, unless of common parentage, who are placed and are regularly supervised by one of the specified agencies.

(f) "Independent home" means a foster family home, other than an adoptive home, which receives no more than 4 children, unless of common parentage, directly from parents, or other legally responsible persons, by independent arrangement and which is not subject to direct and regular supervision of a specified agency except as such supervision pertains to licensing by the Department.

(g) "Host home" means an emergency foster family home under the direction and regular supervision of a licensed child welfare agency, contracted to provide short-term

crisis intervention services to youth served under the Comprehensive Community-Based Youth Services program, under the direction of the Department of Human Services. The youth shall not be under the custody or guardianship of the Department pursuant to the Juvenile Court Act of 1987.

(Source: P.A. 102-688, eff. 7-1-22; 103-564, eff. 11-17-23; 103-721, eff. 1-1-25.)

(225 ILCS 10/2.36 new)

Sec. 2.36. Certified relative caregiver. "Certified relative caregiver" means a person responsible for the care and supervision of a child placed in a certified relative caregiver home by the Department, other than the parent, who is a relative. As used in this definition, "relative" means a person who is: (i) related to a child by blood, marriage, tribal custom, adoption, or to a child's sibling in any of the foregoing ways, even though the person is not related to the child, when the child and the child's sibling are placed together with that person or (ii) fictive kin. For children who have been in the guardianship of the Department following the termination of their parents' parental rights, been adopted or placed in subsidized or unsubsidized guardianship, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" shall include any person who would have qualified as a relative under this

Section prior to the termination of the parents' parental rights if the Department determines, and documents, or the court finds that it would be in the child's best interests to consider this person a relative, based upon the factors for determining best interests set forth in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

(225 ILCS 10/2.37 new)

Sec. 2.37. Certified relative caregiver home. "Certified relative caregiver home" means a placement resource meeting the standards for a certified relative caregiver home under Section 3.4 of this Act, which is eligible to receive payments from the Department under State or federal law for room and board for a child placed with a certified relative caregiver. A certified relative caregiver home is sufficient to comply with 45 CFR 1355.20.

(225 ILCS 10/2.38 new)

Sec. 2.38. Fictive kin. "Fictive kin" has the meaning ascribed to the term in Section 4d of the Children and Family Services Act.

(225 ILCS 10/2.39 new)

Sec. 2.39. Caregiver. "Caregiver" means a certified relative caregiver, relative caregiver, or foster parent with whom a youth in care is placed.

(225 ILCS 10/2.40 new)

Sec. 2.40. National consortium recommendations. "National consortium recommendations" means the preferred standards of national organizations with expertise in relative home care developed to establish requirements or criteria for relative homes that are no more or only minimally more restrictive than necessary to comply with the requirements under Sections 471 and 474 of the Social Security Act, Public Law 115-123. Consortium recommendations include criteria for assessing relative homes for safety, sanitation, protection of civil rights, use of the reasonable and prudent parenting standard, and background screening for caregivers and other residents in the caregiver home.

(225 ILCS 10/3.4 new)

Sec. 3.4. Standards for certified relative caregiver homes.

(a) No later than July 1, 2025, the Department shall adopt rules outlining the standards for certified relative caregiver homes, which are reasonably in accordance with the national consortium recommendations and federal law and rules, and consistent with the requirements of this Act. The standards for certified relative caregiver homes shall: (i) be different from licensing standards used for non-relative foster family homes under Section 4; (ii) align with the recommendation of

the U.S. Department of Health and Human Services' Administration for Children and Families for implementation of Section 471(a)(10), 471(a)(11), and 471(a)(20) and Section 474 of Title IV-E of the Social Security Act; (iii) be no more restrictive than, and reasonably in accordance with, national consortium recommendations; and (iv) address background screening for caregivers and other household residents and assessing home safety and caregiver capacity to meet the identified child's needs.

A guiding premise for certified relative caregiver home standards is that foster care maintenance payments for every relative, starting upon placement, regardless of federal reimbursement, are critical to ensure that the basic needs and well-being of all children in relative care are being met. If an agency places a child in the care of a relative, the relative must immediately be provided with adequate support to care for that child. The Department shall review foster care maintenance payments to ensure that children receive the same amount of foster care maintenance payments whether placed in a certified relative caregiver home or a licensed foster family home.

In developing rules, the Department shall solicit and incorporate feedback from relative caregivers. No later than 60 days after the effective date of this amendatory Act of the 103rd General Assembly, the Department shall begin soliciting input from relatives who are currently or have recently been

caregivers to youth in care to develop the rules and procedures to implement the requirements of this Section. The Department shall solicit this input in a manner convenient for caregivers to participate, including without limitation, in-person convenings at after hours and weekend venues, locations that provide child care, and modalities that are accessible and welcoming to new and experienced relative caregivers from all regions of the State. The rules shall outline the essential elements of each form used in the implementation and enforcement of the provisions of this amendatory Act of the 103rd General Assembly.

(b) In order to assess whether standards are met for a certified relative caregiver home under this Section, the Department or a licensed child welfare agency shall:

(1) complete the home safety and needs assessment and identify and provide any necessary concrete goods or safety modifications to assist the prospective certified relative caregiver in meeting the needs of the specific child or children being placed by the Department, in a manner consistent with Department rule;

(2) assess the ability of the prospective certified relative caregiver to care for the physical, emotional, medical, and educational needs of the specific child or children being placed by the Department using the protocol and form provided through national consortium recommendations; and

(3) using the standard background check form established by rule, complete a background check for each person seeking certified relative caregiver approval and any other adults living in the home as required under this Section.

(c) The Department or a licensed child welfare agency shall conduct the following background screening investigation for every prospective certified relative caregiver and adult resident living in the home:

(1) a name-based State, local, or tribal criminal background check, and as soon as reasonably possible, initiate a fingerprint-based background check;

(2) a review of this State's Central Registry and registries of any state in which an adult household member has resided in the last 5 years, if applicable to determine if the person has been determined to be a perpetrator in an indicated report of child abuse or neglect; and

(3) a review of the sex offender registry.

No home may be a certified relative caregiver home if any prospective caregivers or adult residents in the home refuse to authorize a background screening investigation as required by this Section. Only information and standards that bear a reasonable and rational relation to the caregiving capacity of the certified relative caregiver and adult member of the household and overall safety provided by residents of that

home shall be used by the Department or licensed child welfare agency.

In approving a certified relative caregiver home in accordance with this Section, if an adult has a criminal record, the Department or licensed child welfare agency shall thoroughly investigate and evaluate the criminal history of the adult and, in so doing, include an assessment of the adult's character and, in the case of the prospective certified relative caregiver, the impact that the criminal history has on the prospective certified relative caregiver's ability to parent the child; the investigation should consider the type of crime, the number of crimes, the nature of the offense, the age of the person at the time of the crime, the length of time that has elapsed since the last conviction, the relationship of the crime to the ability to care for children, the role that adult will have with the child, and any evidence of rehabilitation. In accordance with federal law, a home shall not be approved if the record of the prospective certified relative caregiver's background screening reveals: (i) a felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or a crime of rape, sexual assault, or homicide; or (ii) a felony conviction in the last 5 years for physical assault, battery, or a drug-related offense.

If the Department is contemplating denying approval of a certified relative caregiver home, the Department shall

provide a written notice in the prospective certified relative caregiver's primary language to each prospective certified relative caregiver before the Department takes final action to deny approval of the home. This written notice shall include the specific reason or reasons the Department is considering denial, list actions prospective certified relative caregivers can take, if any, to remedy such conditions and the timeframes in which such actions would need to be completed, explain reasonable supports that the Department can provide to assist the prospective certified relative caregivers in taking remedial actions and how the prospective certified relative caregivers can request such assistance, and provide the recourse prospective certified relative caregivers can seek to resolve disputes about the Department's findings. The Department shall provide prospective certified relative caregivers reasonable opportunity pursuant to rulemaking to cure any remediable deficiencies that the Department identified before taking final action to deny approval of a certified relative caregiver home.

If conditions have not been remedied after a reasonable opportunity and assistance to cure identified deficiencies has been provided, the Department shall provide a final written notice explaining the reasons for denying the certified relative caregiver home approval and the reconsideration process to review the decision to deny certification. The Department shall not prohibit a prospective certified relative

caregiver from being reconsidered for approval if the prospective certified relative caregivers are able to demonstrate a change in circumstances that improves deficient conditions.

Documentation that a certified relative caregiver home meets the required standards may be filed on behalf of such homes by a licensed child welfare agency, by a State agency authorized to place children in foster care, or by out-of-state agencies approved by the Department to place children in this State. For documentation on behalf of a home in which specific children are placed by and remain under supervision of the applicant agency, such agency shall document that the certified relative caregiver home, responsible for the care of related specific children therein, was found to be in reasonable compliance with standards prescribed by the Department for certified relative caregiver homes under this Section. Certification is applicable to one or more related children and documentation for certification shall indicate the specific child or children who would be eligible for placement in this certified relative caregiver home.

Information concerning criminal convictions of prospective certified relative caregivers and adult residents of a prospective certified relative caregiver home investigated under this Section, including the source of the information, State conviction information provided by the Illinois State

Police, and any conclusions or recommendations derived from the information, shall be offered to the prospective certified relative caregivers and adult residents of a prospective certified relative caregiver home, and provided, upon request, to such persons prior to final action by the Department in the certified relative caregiver home approval process.

Any information concerning criminal charges or the disposition of such criminal charges obtained by the Department shall be confidential and may not be transmitted outside the Department, except as required or permitted by State or federal law, and may not be transmitted to anyone within the Department except as needed for the purpose of evaluating standards for a certified relative caregiver home or for evaluating the placement of a specific child in the home. Information concerning a prospective certified relative caregiver or an adult resident of a prospective certified relative caregiver home obtained by the Department for the purposes of this Section shall be confidential and exempt from public inspection and copying as provided under Section 7 of the Freedom of Information Act, and such information shall not be transmitted outside the Department, except as required or authorized by State or federal law, including applicable provisions in the Abused and Neglected Child Reporting Act, and shall not be transmitted to anyone within the Department except as provided in the Abused and Neglected Child Reporting Act, and shall not be transmitted to anyone within the

Department except as needed for the purposes of evaluating homes. Any employee of the Department, the Illinois State Police, or a licensed child welfare agency receiving confidential information under this Section who gives or causes to be given any confidential information concerning any criminal convictions or child abuse or neglect reports involving a prospective certified relative caregiver or an adult resident of a prospective certified relative caregiver home shall be guilty of a Class A misdemeanor unless release of such information is authorized by this Section or Section 11.1 of the Abused and Neglected Child Reporting Act.

The Department shall permit, but shall not require, a prospective certified relative caregiver who does not yet have eligible children placed by the Department in the relative's home to commence the process to become a certified relative caregiver home for a particular identified child under this Section before a child is placed by the Department if the prospective certified relative caregiver prefers to begin this process in advance of the identified child being placed. No later than July 1, 2025, the Department shall adopt rules delineating the process for re-assessing a certified relative caregiver home if the identified child is not placed in that home within 6 months of the home becoming certified.

(d) The Department shall ensure that prospective certified relative caregivers are provided with assistance in completing the steps required for approval as a certified relative

caregiver home, including, but not limited to, the following types of assistance:

(1) completing forms together with the relative or for the relative, if possible;

(2) obtaining court records or dispositions related to background checks;

(3) accessing translation services;

(4) using mobile fingerprinting devices in the home, and if mobile devices are unavailable, providing assistance scheduling appointments that are accessible and available at times that fit the household members' schedules, providing transportation and child care to allow the household members to complete fingerprinting appointments, and contracting with community-based fingerprinting locations that offer evening and weekend appointments;

(5) reimbursement or advance payment for the prospective certified relative caregiver to help with reasonable home maintenance to resolve critical safety issues in accordance with Department rulemaking; and

(6) purchasing required safety or comfort items such as a car seat or mattress.

(e) Orientation provided to certified relative caregivers shall include information regarding:

(1) caregivers' right to be heard in juvenile court proceedings;

(2) the availability of the advocacy hotline and Office of the Inspector General that caregivers may use to report incidents of misconduct or violation of rules by Department employees, service providers, or contractors;

(3) the Department's expectations for caregiving obligations including, but not limited to, specific requirements of court orders, critical incident notifications and timeframes, supervision for the child's age and needs, out-of-state travel, and consent procedures;

(4) assistance available to the certified relative caregivers, including child care, respite care, transportation assistance, case management, training and support groups, kinship navigator services, financial assistance, and after hours and weekend 24 hours, 7 days a week emergency supports, and how to access such assistance;

(5) reasonable and prudent parenting standards; and

(6) permanency options.

Orientation shall be provided in a setting and modality convenient for the residents of the certified relative caregiver home, which shall include the option for one-on-one sessions at the residence, after business hours, and in the primary language of the caregivers. Training opportunities shall be offered to the residents of the certified relative caregiver home, but shall not be a requirement that delays the

certified relative caregiver home approval process from being completed.

The Department or licensed child welfare agency may provide support groups and development opportunities for certified relative caregivers, and take other steps to support permanency, such as offering voluntary training, or concurrent assessments of multiple prospective certified relative caregivers to determine which may be best suited to provide long-term permanency for a particular child. However, these support groups and development opportunities shall not be requirements for prospective certified relative caregiver homes or delay immediate placement and support to a relative who satisfies the standards set forth in this Section.

(f) All child welfare agencies serving relative and certified relative caregiver homes shall be required by the Department to have complaint policies and procedures that shall be provided in writing to prospective and current certified relative caregivers and residents of prospective and current certified relative caregiver homes, at the earliest time possible. The complaint procedure shall allow residents of prospective and current certified relative caregiver homes to submit complaints 7 days a week and complaints shall be reviewed by the Department within 30 days of receipt. These complaint procedures must be filed with the Department within 6 months after the effective date of this amendatory of the 103rd General Assembly.

No later than July 1, 2025, the Department shall revise any rules and procedures pertaining to eligibility of certified relative caregivers to qualify for State and federal subsidies and services under the guardianship and adoption assistance program and remove any requirements that exceed the federal requirements for participation in these programs or supports to ensure that certified relative caregiver homes are deemed eligible for permanency options, such as adoption or subsidized guardianship, if the child is unable to safely return to the child's parents. The rules shall outline the essential elements of each form used in the implementation and enforcement of the provisions of this amendatory Act of the 103rd General Assembly.

The Department shall submit any necessary State plan amendments necessary to comply with this Section and to ensure Title IV-E reimbursement eligibility under Section 671(a)(20)(A-B) of the Social Security Act can be achieved expeditiously. The Department shall differentiate expenditures related to certified relative caregivers from licensed care placements to provide clarity in expenditures of State and federal monies for certified relative caregiver supports.

(225 ILCS 10/4)

(Text of Section before amendment by P.A. 103-594 and 103-770)

Sec. 4. License requirement; application; notice.

(a) Any person, group of persons or corporation who or which receives children or arranges for care or placement of one or more children unrelated to the operator must apply for a license to operate one of the types of facilities defined in Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any relative, as defined in Section 2.17 of this Act, who receives a child or children for placement by the Department on a full-time basis may apply for a license to operate a foster family home as defined in Section 2.17 of this Act.

(a-5) Any agency, person, group of persons, association, organization, corporation, institution, center, or group providing adoption services must be licensed by the Department as a child welfare agency as defined in Section 2.08 of this Act. "Providing adoption services" as used in this Act, includes facilitating or engaging in adoption services.

(b) Application for a license to operate a child care facility must be made to the Department in the manner and on forms prescribed by it. An application to operate a foster family home shall include, at a minimum: a completed written form; written authorization by the applicant and all adult members of the applicant's household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or

children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; the name and address of at least one relative who can attest to the applicant's capability to care for the child or children; and fingerprints submitted by the applicant and all adult members of the applicant's household.

(b-5) Prior to submitting an application for a foster family home license, a quality of care concerns applicant as defined in Section 2.22a of this Act must submit a preliminary application to the Department in the manner and on forms prescribed by it. The Department shall explain to the quality of care concerns applicant the grounds for requiring a preliminary application. The preliminary application shall include a list of (i) all children placed in the home by the Department who were removed by the Department for reasons other than returning to a parent and the circumstances under which they were removed and (ii) all children placed by the Department who were subsequently adopted by or placed in the private guardianship of the quality of care concerns applicant who are currently under 18 and who no longer reside in the home and the reasons why they no longer reside in the home. The preliminary application shall also include, if the quality of care concerns applicant chooses to submit, (1) a response to the quality of care concerns, including any reason the concerns are invalid, have been addressed or ameliorated, or no longer apply and (2) affirmative documentation

demonstrating that the quality of care concerns applicant's home does not pose a risk to children and that the family will be able to meet the physical and emotional needs of children. The Department shall verify the information in the preliminary application and review (i) information regarding any prior licensing complaints, (ii) information regarding any prior child abuse or neglect investigations, (iii) information regarding any involuntary foster home holds placed on the home by the Department, and (iv) information regarding all child exit interviews, as provided in Section 5.26 of the Children and Family Services Act, regarding the home. Foster home applicants with quality of care concerns are presumed unsuitable for future licensure.

Notwithstanding the provisions of this subsection (b-5), the Department may make an exception and issue a foster family license to a quality of care concerns applicant if the Department is satisfied that the foster family home does not pose a risk to children and that the foster family will be able to meet the physical and emotional needs of children. In making this determination, the Department must obtain and carefully review all relevant documents and shall obtain consultation from its Clinical Division as appropriate and as prescribed by Department rule and procedure. The Department has the authority to deny a preliminary application based on the record of quality of care concerns of the foster family home. In the alternative, the Department may (i) approve the

preliminary application, (ii) approve the preliminary application subject to obtaining additional information or assessments, or (iii) approve the preliminary application for purposes of placing a particular child or children only in the foster family home. If the Department approves a preliminary application, the foster family shall submit an application for licensure as described in subsection (b) of this Section. The Department shall notify the quality of care concerns applicant of its decision and the basis for its decision in writing.

(c) The Department shall notify the public when a child care institution, maternity center, or group home licensed by the Department undergoes a change in (i) the range of care or services offered at the facility, (ii) the age or type of children served, or (iii) the area within the facility used by children. The Department shall notify the public of the change in a newspaper of general circulation in the county or municipality in which the applicant's facility is or is proposed to be located.

(d) If, upon examination of the facility and investigation of persons responsible for care of children and, in the case of a foster home, taking into account information obtained for purposes of evaluating a preliminary application, if applicable, the Department is satisfied that the facility and responsible persons reasonably meet standards prescribed for the type of facility for which application is made, it shall issue a license in proper form, designating on that license

the type of child care facility and, except for a child welfare agency, the number of children to be served at any one time.

(e) The Department shall not issue or renew the license of any child welfare agency providing adoption services, unless the agency (i) is officially recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law) and (ii) is in compliance with all of the standards necessary to maintain its status as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law). The Department shall grant a grace period of 24 months from the effective date of this amendatory Act of the 94th General Assembly for existing child welfare agencies providing adoption services to obtain 501(c)(3) status. The Department shall permit an existing child welfare agency that converts from its current structure in order to be recognized as a 501(c)(3) organization as required by this Section to either retain its current license or transfer its current license to a newly formed entity, if the creation of a new entity is required in order to comply with this Section, provided that the child welfare agency demonstrates that it continues to meet all other licensing requirements and that the principal officers and directors and programs of the converted child welfare agency or newly organized child welfare agency are substantially the same as

the original. The Department shall have the sole discretion to grant a one year extension to any agency unable to obtain 501(c)(3) status within the timeframe specified in this subsection (e), provided that such agency has filed an application for 501(c)(3) status with the Internal Revenue Service within the 2-year timeframe specified in this subsection (e).

(Source: P.A. 101-63, eff. 7-12-19; 102-763, eff. 1-1-23.)

(Text of Section after amendment by P.A. 103-770 but before 103-594)

Sec. 4. License requirement; application; notice.

(a) Any person, group of persons or corporation who or which receives children or arranges for care or placement of one or more children unrelated to the operator must apply for a license to operate one of the types of facilities defined in Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any relative, as defined in Section 2.38 ~~2.17~~ of this Act, who receives a child or children for placement by the Department on a full-time basis may apply for a license to operate a foster family home as defined in Section 2.17 of this Act or may apply to be a certified relative caregiver home as defined in Section 2.37 of this Act.

(a-5) Any agency, person, group of persons, association, organization, corporation, institution, center, or group providing adoption services must be licensed by the Department

as a child welfare agency as defined in Section 2.08 of this Act. "Providing adoption services", as used in this Act, includes facilitating or engaging in adoption services.

(b) Application for a license to operate a child care facility must be made to the Department in the manner and on forms prescribed by it. An application to operate a foster family home shall include, at a minimum: a completed written form; written authorization by the applicant and all adult members of the applicant's household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; the name and address of at least one relative who can attest to the applicant's capability to care for the child or children; and fingerprints submitted by the applicant and all adult members of the applicant's household.

(b-5) Prior to submitting an application for a foster family home license, a quality of care concerns applicant as defined in Section 2.22a of this Act must submit a preliminary application to the Department in the manner and on forms prescribed by it. The Department shall explain to the quality of care concerns applicant the grounds for requiring a

preliminary application. The preliminary application shall include a list of (i) all children placed in the home by the Department who were removed by the Department for reasons other than returning to a parent and the circumstances under which they were removed and (ii) all children placed by the Department who were subsequently adopted by or placed in the private guardianship of the quality of care concerns applicant who are currently under 18 and who no longer reside in the home and the reasons why they no longer reside in the home. The preliminary application shall also include, if the quality of care concerns applicant chooses to submit, (1) a response to the quality of care concerns, including any reason the concerns are invalid, have been addressed or ameliorated, or no longer apply and (2) affirmative documentation demonstrating that the quality of care concerns applicant's home does not pose a risk to children and that the family will be able to meet the physical and emotional needs of children. The Department shall verify the information in the preliminary application and review (i) information regarding any prior licensing complaints, (ii) information regarding any prior child abuse or neglect investigations, (iii) information regarding any involuntary foster home holds placed on the home by the Department, and (iv) information regarding all child exit interviews, as provided in Section 5.26 of the Children and Family Services Act, regarding the home. Foster home applicants with quality of care concerns are presumed

unsuitable for future licensure.

Notwithstanding the provisions of this subsection (b-5), the Department may make an exception and issue a foster family license to a quality of care concerns applicant if the Department is satisfied that the foster family home does not pose a risk to children and that the foster family will be able to meet the physical and emotional needs of children. In making this determination, the Department must obtain and carefully review all relevant documents and shall obtain consultation from its Clinical Division as appropriate and as prescribed by Department rule and procedure. The Department has the authority to deny a preliminary application based on the record of quality of care concerns of the foster family home. In the alternative, the Department may (i) approve the preliminary application, (ii) approve the preliminary application subject to obtaining additional information or assessments, or (iii) approve the preliminary application for purposes of placing a particular child or children only in the foster family home. If the Department approves a preliminary application, the foster family shall submit an application for licensure as described in subsection (b) of this Section. The Department shall notify the quality of care concerns applicant of its decision and the basis for its decision in writing.

(c) The Department shall notify the public when a child care institution, maternity center, or group home licensed by the Department undergoes a change in (i) the range of care or

services offered at the facility or (ii) the type of children served. The Department shall notify the public of the change in a newspaper of general circulation in the county or municipality in which the applicant's facility is or is proposed to be located.

(c-5) When a child care institution, maternity center, or a group home licensed by the Department undergoes a change in (i) the age of children served or (ii) the area within the facility used by children, the Department shall post information regarding proposed changes on its website as required by rule.

(d) If, upon examination of the facility and investigation of persons responsible for care of children and, in the case of a foster home, taking into account information obtained for purposes of evaluating a preliminary application, if applicable, the Department is satisfied that the facility and responsible persons reasonably meet standards prescribed for the type of facility for which application is made, it shall issue a license in proper form, designating on that license the type of child care facility and, except for a child welfare agency, the number of children to be served at any one time.

(e) The Department shall not issue or renew the license of any child welfare agency providing adoption services, unless the agency (i) is officially recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c)(3) of the Internal Revenue Code of

1986 (or any successor provision of federal tax law) and (ii) is in compliance with all of the standards necessary to maintain its status as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law). The Department shall grant a grace period of 24 months from August 15, 2005 (the effective date of Public Act 94-586) ~~this amendatory Act of the 94th General Assembly~~ for existing child welfare agencies providing adoption services to obtain 501(c)(3) status. The Department shall permit an existing child welfare agency that converts from its current structure in order to be recognized as a 501(c)(3) organization as required by this Section to either retain its current license or transfer its current license to a newly formed entity, if the creation of a new entity is required in order to comply with this Section, provided that the child welfare agency demonstrates that it continues to meet all other licensing requirements and that the principal officers and directors and programs of the converted child welfare agency or newly organized child welfare agency are substantially the same as the original. The Department shall have the sole discretion to grant a one-year ~~one-year~~ extension to any agency unable to obtain 501(c)(3) status within the timeframe specified in this subsection (e), provided that such agency has filed an application for 501(c)(3) status with the Internal Revenue Service within the 2-year timeframe specified in this subsection (e).

(f) The Department shall adopt rules to implement the changes to this Section made by Public Act 103-770 ~~this amendatory Act of the 103rd General Assembly~~ no later than January 1, 2025.

(Source: P.A. 102-763, eff. 1-1-23; 103-770, eff. 1-1-25; revised 8-20-24.)

(Text of Section after amendment by P.A. 103-594)

Sec. 4. License requirement; application; notice; Department of Children and Family Services.

(a) Any person, group of persons or corporation who or which receives children or arranges for care or placement of one or more children unrelated to the operator must apply for a license to operate one of the types of facilities defined in Sections 2.05 through 2.19 (other than a day care center or day care home) and in Section 2.22 of this Act. Any relative, as defined in Section 2.38 ~~2.17~~ of this Act, who receives a child or children for placement by the Department on a full-time basis may apply for a license to operate a foster family home as defined in Section 2.17 of this Act or may apply to be a certified relative caregiver home as defined in Section 2.37 of this Act.

(a-5) Any agency, person, group of persons, association, organization, corporation, institution, center, or group providing adoption services must be licensed by the Department as a child welfare agency as defined in Section 2.08 of this

Act. "Providing adoption services", as used in this Act, includes facilitating or engaging in adoption services.

(b) Application for a license to operate a child care facility (other than a day care center, day care home, or group day care home) must be made to the Department in the manner and on forms prescribed by it. An application to operate a foster family home shall include, at a minimum: a completed written form; written authorization by the applicant and all adult members of the applicant's household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; the name and address of at least one relative who can attest to the applicant's capability to care for the child or children; and fingerprints submitted by the applicant and all adult members of the applicant's household.

(b-5) Prior to submitting an application for a foster family home license, a quality of care concerns applicant as defined in Section 2.22a of this Act must submit a preliminary application to the Department in the manner and on forms prescribed by it. The Department shall explain to the quality of care concerns applicant the grounds for requiring a

preliminary application. The preliminary application shall include a list of (i) all children placed in the home by the Department who were removed by the Department for reasons other than returning to a parent and the circumstances under which they were removed and (ii) all children placed by the Department who were subsequently adopted by or placed in the private guardianship of the quality of care concerns applicant who are currently under 18 and who no longer reside in the home and the reasons why they no longer reside in the home. The preliminary application shall also include, if the quality of care concerns applicant chooses to submit, (1) a response to the quality of care concerns, including any reason the concerns are invalid, have been addressed or ameliorated, or no longer apply and (2) affirmative documentation demonstrating that the quality of care concerns applicant's home does not pose a risk to children and that the family will be able to meet the physical and emotional needs of children. The Department shall verify the information in the preliminary application and review (i) information regarding any prior licensing complaints, (ii) information regarding any prior child abuse or neglect investigations, (iii) information regarding any involuntary foster home holds placed on the home by the Department, and (iv) information regarding all child exit interviews, as provided in Section 5.26 of the Children and Family Services Act, regarding the home. Foster home applicants with quality of care concerns are presumed

unsuitable for future licensure.

Notwithstanding the provisions of this subsection (b-5), the Department may make an exception and issue a foster family license to a quality of care concerns applicant if the Department is satisfied that the foster family home does not pose a risk to children and that the foster family will be able to meet the physical and emotional needs of children. In making this determination, the Department must obtain and carefully review all relevant documents and shall obtain consultation from its Clinical Division as appropriate and as prescribed by Department rule and procedure. The Department has the authority to deny a preliminary application based on the record of quality of care concerns of the foster family home. In the alternative, the Department may (i) approve the preliminary application, (ii) approve the preliminary application subject to obtaining additional information or assessments, or (iii) approve the preliminary application for purposes of placing a particular child or children only in the foster family home. If the Department approves a preliminary application, the foster family shall submit an application for licensure as described in subsection (b) of this Section. The Department shall notify the quality of care concerns applicant of its decision and the basis for its decision in writing.

(c) The Department shall notify the public when a child care institution, maternity center, or group home licensed by the Department undergoes a change in (i) the range of care or

services offered at the facility or (ii) the type of children served. The Department shall notify the public of the change in a newspaper of general circulation in the county or municipality in which the applicant's facility is or is proposed to be located.

(c-5) When a child care institution, maternity center, or a group home licensed by the Department undergoes a change in (i) the age of children served or (ii) the area within the facility used by children, the Department shall post information regarding proposed changes on its website as required by rule.

(d) If, upon examination of the facility and investigation of persons responsible for care of children and, in the case of a foster home, taking into account information obtained for purposes of evaluating a preliminary application, if applicable, the Department is satisfied that the facility and responsible persons reasonably meet standards prescribed for the type of facility for which application is made, it shall issue a license in proper form, designating on that license the type of child care facility and, except for a child welfare agency, the number of children to be served at any one time.

(e) The Department shall not issue or renew the license of any child welfare agency providing adoption services, unless the agency (i) is officially recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c)(3) of the Internal Revenue Code of

1986 (or any successor provision of federal tax law) and (ii) is in compliance with all of the standards necessary to maintain its status as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law). The Department shall grant a grace period of 24 months from August 15, 2005 (the effective date of Public Act 94-586) ~~this amendatory Act of the 94th General Assembly~~ for existing child welfare agencies providing adoption services to obtain 501(c)(3) status. The Department shall permit an existing child welfare agency that converts from its current structure in order to be recognized as a 501(c)(3) organization as required by this Section to either retain its current license or transfer its current license to a newly formed entity, if the creation of a new entity is required in order to comply with this Section, provided that the child welfare agency demonstrates that it continues to meet all other licensing requirements and that the principal officers and directors and programs of the converted child welfare agency or newly organized child welfare agency are substantially the same as the original. The Department shall have the sole discretion to grant a one-year ~~one-year~~ extension to any agency unable to obtain 501(c)(3) status within the timeframe specified in this subsection (e), provided that such agency has filed an application for 501(c)(3) status with the Internal Revenue Service within the 2-year timeframe specified in this subsection (e).

(f) The Department shall adopt rules to implement the changes to this Section made by Public Act 103-770 ~~this amendatory Act of the 103rd General Assembly~~ no later than January 1, 2025.

(Source: P.A. 102-763, eff. 1-1-23; 103-594, eff. 7-1-26; 103-770, eff. 1-1-25; revised 8-20-24.)

(225 ILCS 10/4.3) (from Ch. 23, par. 2214.3)

(Text of Section before amendment by P.A. 103-594)

Sec. 4.3. Child Abuse and Neglect Reports. All child care facility license applicants and all current and prospective employees of a child care facility who have any possible contact with children in the course of their duties, as a condition of such licensure or employment, shall authorize in writing on a form prescribed by the Department an investigation of the Central Register, as defined in the Abused and Neglected Child Reporting Act, to ascertain if such applicant or employee has been determined to be a perpetrator in an indicated report of child abuse or neglect.

All child care facilities as a condition of licensure pursuant to this Act shall maintain such information which demonstrates that all current employees and other applicants for employment who have any possible contact with children in the course of their duties have authorized an investigation of the Central Register as hereinabove required. Only those current or prospective employees who will have no possible

contact with children as part of their present or prospective employment may be excluded from provisions requiring authorization of an investigation.

Such information concerning a license applicant, employee or prospective employee obtained by the Department shall be confidential and exempt from public inspection and copying as provided under Section 7 of The Freedom of Information Act, and such information shall not be transmitted outside the Department, except as provided in the Abused and Neglected Child Reporting Act, and shall not be transmitted to anyone within the Department except as provided in the Abused and Neglected Child Reporting Act, and shall not be transmitted to anyone within the Department except as needed for the purposes of evaluation of an application for licensure or for consideration by a child care facility of an employee. Any employee of the Department of Children and Family Services under this Section who gives or causes to be given any confidential information concerning any child abuse or neglect reports about a child care facility applicant, child care facility employee, shall be guilty of a Class A misdemeanor, unless release of such information is authorized by Section 11.1 of the Abused and Neglected Child Reporting Act.

Additionally, any licensee who is informed by the Department of Children and Family Services, pursuant to Section 7.4 of the Abused and Neglected Child Reporting Act, approved June 26, 1975, as amended, that a formal

investigation has commenced relating to an employee of the child care facility or any other person in frequent contact with children at the facility, shall take reasonable action necessary to insure that the employee or other person is restricted during the pendency of the investigation from contact with children whose care has been entrusted to the facility.

When a foster family home is the subject of an indicated report under the Abused and Neglected Child Reporting Act, the Department of Children and Family Services must immediately conduct a re-examination of the foster family home to evaluate whether it continues to meet the minimum standards for licensure. The re-examination is separate and apart from the formal investigation of the report. The Department must establish a schedule for re-examination of the foster family home mentioned in the report at least once a year.

When a certified relative caregiver home is the subject of an indicated report under the Abused and Neglected Child Reporting Act, the Department shall immediately conduct a re-examination of the certified relative caregiver home to evaluate whether the home remains an appropriate placement or the certified relative caregiver home continues to meet the minimum standards for certification required under Section 3.4 of this Act. The re-examination is separate and apart from the formal investigation of the report and shall be completed in the timeframes established by rule.

(Source: P.A. 91-557, eff. 1-1-00.)

(Text of Section after amendment by P.A. 103-594)

Sec. 4.3. Child Abuse and Neglect Reports. All child care facility license applicants (other than a day care center, day care home, or group day care home) and all current and prospective employees of a child care facility (other than a day care center, day care home, or group day care home) who have any possible contact with children in the course of their duties, as a condition of such licensure or employment, shall authorize in writing on a form prescribed by the Department an investigation of the Central Register, as defined in the Abused and Neglected Child Reporting Act, to ascertain if such applicant or employee has been determined to be a perpetrator in an indicated report of child abuse or neglect.

All child care facilities (other than a day care center, day care home, or group day care home) as a condition of licensure pursuant to this Act shall maintain such information which demonstrates that all current employees and other applicants for employment who have any possible contact with children in the course of their duties have authorized an investigation of the Central Register as hereinabove required. Only those current or prospective employees who will have no possible contact with children as part of their present or prospective employment may be excluded from provisions requiring authorization of an investigation.

Such information concerning a license applicant, employee or prospective employee obtained by the Department shall be confidential and exempt from public inspection and copying as provided under Section 7 of The Freedom of Information Act, and such information shall not be transmitted outside the Department, except as provided in the Abused and Neglected Child Reporting Act, and shall not be transmitted to anyone within the Department except as provided in the Abused and Neglected Child Reporting Act, and shall not be transmitted to anyone within the Department except as needed for the purposes of evaluation of an application for licensure or for consideration by a child care facility of an employee. Any employee of the Department of Children and Family Services under this Section who gives or causes to be given any confidential information concerning any child abuse or neglect reports about a child care facility applicant, child care facility employee, shall be guilty of a Class A misdemeanor, unless release of such information is authorized by Section 11.1 of the Abused and Neglected Child Reporting Act.

Additionally, any licensee who is informed by the Department of Children and Family Services, pursuant to Section 7.4 of the Abused and Neglected Child Reporting Act, approved June 26, 1975, as amended, that a formal investigation has commenced relating to an employee of the child care facility or any other person in frequent contact with children at the facility, shall take reasonable action

necessary to insure that the employee or other person is restricted during the pendency of the investigation from contact with children whose care has been entrusted to the facility.

When a foster family home is the subject of an indicated report under the Abused and Neglected Child Reporting Act, the Department of Children and Family Services must immediately conduct a re-examination of the foster family home to evaluate whether it continues to meet the minimum standards for licensure. The re-examination is separate and apart from the formal investigation of the report. The Department must establish a schedule for re-examination of the foster family home mentioned in the report at least once a year.

When a certified relative caregiver home is the subject of an indicated report under the Abused and Neglected Child Reporting Act, the Department shall immediately conduct a re-examination of the certified relative caregiver home to evaluate whether the home remains an appropriate placement or the certified relative caregiver home continues to meet the minimum standards for certification required under Section 3.4 of this Act. The re-examination is separate and apart from the formal investigation of the report and shall be completed in the timeframes established by rule.

(Source: P.A. 103-594, eff. 7-1-26.)

(Text of Section before amendment by P.A. 103-594)

Sec. 5. (a) In respect to child care institutions, maternity centers, child welfare agencies, day care centers, day care agencies and group homes, the Department, upon receiving application filed in proper order, shall examine the facilities and persons responsible for care of children therein.

(b) In respect to foster family and day care homes, applications may be filed on behalf of such homes by a licensed child welfare agency, by a State agency authorized to place children in foster care or by out-of-State agencies approved by the Department to place children in this State. In respect to day care homes, applications may be filed on behalf of such homes by a licensed day care agency or licensed child welfare agency. In applying for license in behalf of a home in which children are placed by and remain under supervision of the applicant agency, such agency shall certify that the home and persons responsible for care of unrelated children therein, or the home and relatives, as defined in Section 2.36 ~~2.17~~ of this Act, responsible for the care of related children therein, were found to be in reasonable compliance with standards prescribed by the Department for the type of care indicated.

(c) The Department shall not allow any person to examine facilities under a provision of this Act who has not passed an examination demonstrating that such person is familiar with this Act and with the appropriate standards and regulations of

the Department.

(d) With the exception of day care centers, day care homes, and group day care homes, licenses shall be issued in such form and manner as prescribed by the Department and are valid for 4 years from the date issued, unless revoked by the Department or voluntarily surrendered by the licensee. Licenses issued for day care centers, day care homes, and group day care homes shall be valid for 3 years from the date issued, unless revoked by the Department or voluntarily surrendered by the licensee. When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect for up to 30 days until the final agency decision on the application has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, but such extensions shall be only upon good cause shown.

(e) The Department may issue one 6-month permit to a newly established facility for child care to allow that facility reasonable time to become eligible for a full license. If the facility for child care is a foster family home, or day care home the Department may issue one 2-month permit only.

(f) The Department may issue an emergency permit to a child care facility taking in children as a result of the temporary closure for more than 2 weeks of a licensed child

care facility due to a natural disaster. An emergency permit under this subsection shall be issued to a facility only if the persons providing child care services at the facility were employees of the temporarily closed day care center at the time it was closed. No investigation of an employee of a child care facility receiving an emergency permit under this subsection shall be required if that employee has previously been investigated at another child care facility. No emergency permit issued under this subsection shall be valid for more than 90 days after the date of issuance.

(g) During the hours of operation of any licensed child care facility, authorized representatives of the Department may without notice visit the facility for the purpose of determining its continuing compliance with this Act or regulations adopted pursuant thereto.

(h) Day care centers, day care homes, and group day care homes shall be monitored at least annually by a licensing representative from the Department or the agency that recommended licensure.

(Source: P.A. 98-804, eff. 1-1-15.)

(Text of Section after amendment by P.A. 103-594)

Sec. 5. (a) This Section does not apply to any day care center, day care home, or group day care home.

In respect to child care institutions, maternity centers, child welfare agencies, and group homes, the Department, upon

receiving application filed in proper order, shall examine the facilities and persons responsible for care of children therein.

(b) In respect to foster family homes, applications may be filed on behalf of such homes by a licensed child welfare agency, by a State agency authorized to place children in foster care or by out-of-State agencies approved by the Department to place children in this State. In applying for license in behalf of a home in which children are placed by and remain under supervision of the applicant agency, such agency shall certify that the home and persons responsible for care of unrelated children therein, or the home and relatives, as defined in Section 2.36 ~~2.17~~ of this Act, responsible for the care of related children therein, were found to be in reasonable compliance with standards prescribed by the Department for the type of care indicated.

(c) The Department shall not allow any person to examine facilities under a provision of this Act who has not passed an examination demonstrating that such person is familiar with this Act and with the appropriate standards and regulations of the Department.

(d) Licenses shall be issued in such form and manner as prescribed by the Department and are valid for 4 years from the date issued, unless revoked by the Department or voluntarily surrendered by the licensee. When a licensee has made timely and sufficient application for the renewal of a license or a

new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect for up to 30 days until the final agency decision on the application has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, but such extensions shall be only upon good cause shown.

(e) The Department may issue one 6-month permit to a newly established facility for child care to allow that facility reasonable time to become eligible for a full license. If the facility for child care is a foster family home, the Department may issue one 2-month permit only.

(f) The Department may issue an emergency permit to a child care facility taking in children as a result of the temporary closure for more than 2 weeks of a licensed child care facility due to a natural disaster. An emergency permit under this subsection shall be issued to a facility only if the persons providing child care services at the facility were employees of the temporarily closed facility at the time it was closed. No investigation of an employee of a child care facility receiving an emergency permit under this subsection shall be required if that employee has previously been investigated at another child care facility. No emergency permit issued under this subsection shall be valid for more than 90 days after the date of issuance.

(g) During the hours of operation of any licensed child

care facility, authorized representatives of the Department may without notice visit the facility for the purpose of determining its continuing compliance with this Act or regulations adopted pursuant thereto.

(h) (Blank).

(Source: P.A. 103-594, eff. 7-1-26.)

(225 ILCS 10/7.3)

Sec. 7.3. Children placed by private child welfare agency.

(a) Before placing a child who is a youth in care in a foster family home, a private child welfare agency must ascertain (i) whether any other children who are youth in care have been placed in that home and (ii) whether every such child who has been placed in that home continues to reside in that home, unless the child has been transferred to another placement or is no longer a youth in care. The agency must keep a record of every other child welfare agency that has placed such a child in that foster family home; the record must include the name and telephone number of a contact person at each such agency.

(b) At least once every 30 days, a private child welfare agency that places youth in care in certified relative caregiver or foster family homes must make a site visit to every such home where it has placed a youth in care. The purpose of the site visit is to verify that the child continues to reside in that home and to verify the child's safety and

well-being. The agency must document the verification in its records. If a private child welfare agency fails to comply with the requirements of this subsection, the Department must suspend all payments to the agency until the agency complies.

(c) The Department must periodically (but no less often than once every 6 months) review the child placement records of each private child welfare agency that places youth in care.

(d) If a child placed in a foster family home is missing, the foster parent must promptly report that fact to the Department or to the child welfare agency that placed the child in the home. If the foster parent fails to make such a report, the Department shall put the home on hold for the placement of other children and initiate corrective action that may include revocation of the foster parent's license to operate the foster family home. A foster parent who knowingly and willfully fails to report a missing foster child under this subsection is guilty of a Class A misdemeanor.

(e) If a private child welfare agency determines that a youth in care whom it has placed in a certified relative caregiver or foster family home no longer resides in that home, the agency must promptly report that fact to the Department. If the agency fails to make such a report, the Department shall put the agency on hold for the placement of other children and initiate corrective action that may include revocation of the agency's license.

(f) When a child is missing from a certified relative caregiver or foster home, the Department or private agency in charge of case management shall report regularly to the certified relative caregiver or foster parent concerning efforts to locate the missing child.

(g) The Department must strive to account for the status and whereabouts of every one of its youth in care who it determines is not residing in the authorized placement in which the youth was placed.

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

(225 ILCS 10/7.4)

Sec. 7.4. Disclosures.

(a) Every licensed child welfare agency providing adoption services shall provide to all prospective clients and to the public written disclosures with respect to its adoption services, policies, and practices, including general eligibility criteria, fees, and the mutual rights and responsibilities of clients, including birth parents and adoptive parents. The written disclosure shall be posted on any website maintained by the child welfare agency that relates to adoption services. The Department shall adopt rules relating to the contents of the written disclosures. Eligible agencies may be deemed compliant with this subsection (a).

(b) Every licensed child welfare agency providing adoption services shall provide to all applicants, prior to

application, a written schedule of estimated fees, expenses, and refund policies. Every child welfare agency providing adoption services shall have a written policy that shall be part of its standard adoption contract and state that it will not charge additional fees and expenses beyond those disclosed in the adoption contract unless additional fees are reasonably required by the circumstances and are disclosed to the adoptive parents or parent before they are incurred. The Department shall adopt rules relating to the contents of the written schedule and policy. Eligible agencies may be deemed compliant with this subsection (b).

(c) Every licensed child welfare agency providing adoption services must make full and fair disclosure to its clients, including birth parents and adoptive parents, of all circumstances material to the placement of a child for adoption. The Department shall adopt rules necessary for the implementation and regulation of the requirements of this subsection (c).

(c-5) Whenever a licensed child welfare agency places a child in a certified relative caregiver or licensed foster family home or an adoption-only home, the agency shall provide the following to the caregiver ~~caretaker~~ or prospective adoptive parent:

(1) Available detailed information concerning the child's educational and health history, copies of immunization records (including insurance and medical card

information), a history of the child's previous placements, if any, and reasons for placement changes, excluding any information that identifies or reveals the location of any previous caretaker.

(2) A copy of the child's portion of the client service plan, including any visitation arrangement, and all amendments or revisions to it as related to the child.

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

(4) Any known social or behavioral information (including, but not limited to, criminal background, fire setting, perpetration of sexual abuse, destructive behavior, and substance abuse) necessary to care for and safeguard the child.

The agency may prepare a written summary of the information required by this subsection, which may be provided to the certified relative caregiver or foster or prospective adoptive parent in advance of a placement. The certified relative caregiver or foster or prospective adoptive parent may review the supporting documents in the child's file in the presence of casework staff. In the case of an emergency placement, casework staff shall at least provide information verbally, if necessary, and must subsequently provide the information in writing as required by this subsection. In the case of emergency placements when time does not allow prior

review, preparation, and collection of written information, the agency shall provide such information as it becomes available.

The Department shall adopt rules necessary for the implementation and regulation of the requirements of this subsection (c-5).

(d) Every licensed child welfare agency providing adoption services shall meet minimum standards set forth by the Department concerning the taking or acknowledging of a consent prior to taking or acknowledging a consent from a prospective birth parent. The Department shall adopt rules concerning the minimum standards required by agencies under this Section.

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

Section 15. The Juvenile Court Act of 1987 is amended by changing Sections 1-3, 1-5, 2-10, 2-13, 2-21, 2-22, 2-23, 2-27, 2-28, 2-28.1, and 5-745 and by adding Section 2-27.3 as follows:

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

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

(1) "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition under Section 2-13, 3-15, or 4-12 that a minor under 18 years of age is abused,

neglected, or dependent, or requires authoritative intervention, or addicted, respectively, are supported by a preponderance of the evidence or whether the allegations of a petition under Section 5-520 that a minor is delinquent are proved beyond a reasonable doubt.

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

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

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

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

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

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

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

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

(i) where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love,

attachment, and a sense of being valued);

(ii) the child's sense of security;

(iii) the child's sense of familiarity;

(iv) continuity of affection for the child;

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

(e) the child's wishes and long-term goals, including the child's wishes regarding available permanency options and the child's wishes regarding maintaining connections with parents, siblings, and other relatives;

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

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

(h) the uniqueness of every family and child;

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

(j) the preferences of the persons available to care for the child, including willingness to provide permanency to the child, either through subsidized guardianship or through adoption.

(4.08) "Caregiver" includes a foster parent. Beginning July 1, 2025, "caregiver" includes a foster parent as defined in Section 2.17 of the Child Care Act of 1969, certified

relative caregiver, as defined in Section 2.36 of the Child Care Act of 1969, and relative caregiver as defined in Section 4d of the Children and Family Services Act.

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

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

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

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

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

(7.03) "Expunge" means to physically destroy the records and to obliterate the minor's name from any official index, public record, or electronic database.

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

(8) "Guardianship of the person" of a minor means the duty

and authority to act in the best interests of the minor, subject to residual parental rights and responsibilities, to make important decisions in matters having a permanent effect on the life and development of the minor and to be concerned with the minor's general welfare. It includes but is not necessarily limited to:

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

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

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

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

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

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

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

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

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

(8.2) "Juvenile law enforcement record" includes records of arrest, station adjustments, fingerprints, probation adjustments, the issuance of a notice to appear, or any other records or documents maintained by any law enforcement agency relating to a minor suspected of committing an offense, and records maintained by a law enforcement agency that identifies a juvenile as a suspect in committing an offense, but does not include records identifying a juvenile as a victim, witness, or missing juvenile and any records created, maintained, or used for purposes of referral to programs relating to diversion as defined in subsection (6) of Section 5-105.

(9) "Legal custody" means the relationship created by an order of court in the best interests of the minor which imposes on the custodian the responsibility of physical possession of

a minor and the duty to protect, train and discipline the minor and to provide the minor with food, shelter, education, and ordinary medical care, except as these are limited by residual parental rights and responsibilities and the rights and responsibilities of the guardian of the person, if any.

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

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

(11) "Parent" means a father or mother of a child and includes any adoptive parent. It also includes a person (i) whose parentage is presumed or has been established under the law of this or another jurisdiction or (ii) who has registered with the Putative Father Registry in accordance with Section 12.1 of the Adoption Act and whose paternity has not been ruled out under the law of this or another jurisdiction. It does not include a parent whose rights in respect to the minor have been terminated in any manner provided by law. It does not include a person who has been or could be determined to be a parent under the Illinois Parentage Act of 1984 or the Illinois Parentage Act of 2015, or similar parentage law in any other state, if that person has been convicted of or pled nolo contendere to a

crime that resulted in the conception of the child under Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14, 12-14.1, subsection (a) or (b) (but not subsection (c)) of Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012, or similar statute in another jurisdiction unless upon motion of any party, other than the offender, to the juvenile court proceedings the court finds it is in the child's best interest to deem the offender a parent for purposes of the juvenile court proceedings.

(11.1) "Permanency goal" means a goal set by the court as defined in subsection (2.3) ~~subdivision (2)~~ of Section 2-28.

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

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

(12.1) "Physically capable adult relative" means a person 21 years of age or older who does not have a severe physical disability or medical condition, or is not suffering from

alcoholism or drug addiction, that prevents the person from providing the care necessary to safeguard the physical safety and welfare of a minor who is left in that person's care by the parent or parents or other person responsible for the minor's welfare.

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

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

(13) "Residual parental rights and responsibilities" means those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including, but not necessarily limited to, the right to reasonable visitation (which may be limited by the court in the best interests of the minor as provided in subsection (8)(b) of this Section), the right to consent to adoption, the

right to determine the minor's religious affiliation, and the responsibility for the minor's support.

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

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

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

(14.2) "Significant event report" means a written document describing an occurrence or event beyond the customary operations, routines, or relationships in the Department of Children of Family Services, a child care facility, or other entity that is licensed or regulated by the Department of Children of Family Services or that provides services for the Department of Children of Family Services under a grant, contract, or purchase of service agreement; involving children or youth, employees, foster parents, or relative caregivers; allegations of abuse or neglect or any other incident raising a concern about the well-being of a minor under the jurisdiction of the court under Article II of the Juvenile Court Act of 1987; incidents involving damage to property, allegations of criminal activity, misconduct, or other occurrences affecting the operations of the Department of

Children of Family Services or a child care facility; any incident that could have media impact; and unusual incidents as defined by Department of Children and Family Services rule.

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

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

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

(18) "Secure child care facility" means any child care facility licensed by the Department of Children and Family Services to provide secure living arrangements for children under 18 years of age who are subject to placement in facilities under the Children and Family Services Act and who are not subject to placement in facilities for whom standards are established by the Department of Corrections under Section 3-15-2 of the Unified Code of Corrections. "Secure child care facility" also means a facility that is designed and operated

to ensure that all entrances and exits from the facility, a building, or a distinct part of the building are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of the building.

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

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

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

(1) Except as provided in this Section and paragraph (2) of Sections 2-22, 3-23, 4-20, 5-610 or 5-705, the minor who is the subject of the proceeding and the minor's parents, guardian, legal custodian or responsible relative who are parties respondent have the right to be present, to be heard, to present evidence material to the proceedings, to cross-examine witnesses, to examine pertinent court files and records and also, although proceedings under this Act are not intended to be adversary in character, the right to be represented by counsel. At the request of any party financially unable to employ counsel, with the exception of a foster parent permitted to intervene under this Section, the court shall appoint the Public Defender or such other counsel as the case may require. Counsel appointed for the minor and any indigent party shall appear at all stages of the trial court proceeding, and such appointment shall continue through

the permanency hearings and termination of parental rights proceedings subject to withdrawal, vacating of appointment, or substitution pursuant to Supreme Court Rules or the Code of Civil Procedure. Following the dispositional hearing, the court may require appointed counsel, other than counsel for the minor or counsel for the guardian ad litem, to withdraw the counsel's appearance upon failure of the party for whom counsel was appointed under this Section to attend any subsequent proceedings.

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

(1.5) The Department shall maintain a system of response to inquiry made by parents or putative parents as to whether

their child is under the custody or guardianship of the Department; and if so, the Department shall direct the parents or putative parents to the appropriate court of jurisdiction, including where inquiry may be made of the clerk of the court regarding the case number and the next scheduled court date of the minor's case. Effective notice and the means of accessing information shall be given to the public on a continuing basis by the Department.

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

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

Any ~~foster parent or relative~~ caregiver who is denied the right to be heard under this Section may bring a mandamus action under Article XIV of the Code of Civil Procedure against the court or any public agency to enforce that right.

The mandamus action may be brought immediately upon the denial of those rights but in no event later than 30 days after the caregiver ~~foster parent~~ has been denied the right to be heard.

(b) If after an adjudication that a minor is abused or neglected as provided under Section 2-21 of this Act and a motion has been made to restore the minor to any parent, guardian, or legal custodian found by the court to have caused the neglect or to have inflicted the abuse on the minor, a caregiver ~~foster parent~~ may file a motion to intervene in the proceeding for the sole purpose of requesting that the minor be placed with the caregiver ~~foster parent~~, provided that the caregiver ~~foster parent~~ (i) is the current caregiver ~~foster parent~~ of the minor or (ii) has previously been a caregiver ~~foster parent~~ for the minor for one year or more, has a foster care license or is eligible for a license or is not required to have a license, and is not the subject of any findings of abuse or neglect of any child. The juvenile court may only enter orders placing a minor with a specific caregiver ~~foster parent~~ under this subsection (2) (b) and nothing in this Section shall be construed to confer any jurisdiction or authority on the juvenile court to issue any other orders requiring the appointed guardian or custodian of a minor to place the minor in a designated caregiver's ~~foster~~ home or facility. This Section is not intended to encompass any matters that are within the scope or determinable under the administrative and appeal process established by rules of the Department of

Children and Family Services under Section 5(o) of the Children and Family Services Act. Nothing in this Section shall relieve the court of its responsibility, under Section 2-14(a) of this Act to act in a just and speedy manner to reunify families where it is the best interests of the minor and the child can be cared for at home without endangering the child's health or safety and, if reunification is not in the best interests of the minor, to find another permanent home for the minor. Nothing in this Section, or in any order issued by the court with respect to the placement of a minor with a caregiver ~~foster parent~~, shall impair the ability of the Department of Children and Family Services, or anyone else authorized under Section 5 of the Abused and Neglected Child Reporting Act, to remove a minor from the home of a caregiver ~~foster parent~~ if the Department of Children and Family Services or the person removing the minor has reason to believe that the circumstances or conditions of the minor are such that continuing in the residence or care of the caregiver ~~foster parent~~ will jeopardize the child's health and safety or present an imminent risk of harm to that minor's life.

(c) If a caregiver ~~foster parent~~ has had the minor who is the subject of the proceeding under Article II in the caregiver's ~~foster parent's~~ home for more than one year on or after July 3, 1994 and if the minor's placement is being terminated from that caregiver's ~~foster parent's~~ home, that caregiver ~~foster parent~~ shall have standing and intervenor

status except in those circumstances where the Department of Children and Family Services or anyone else authorized under Section 5 of the Abused and Neglected Child Reporting Act has removed the minor from the caregiver ~~foster parent~~ because of a reasonable belief that the circumstances or conditions of the minor are such that continuing in the residence or care of the caregiver ~~foster parent~~ will jeopardize the child's health or safety or presents an imminent risk of harm to the minor's life.

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

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

If the child is alleged to be abused, neglected or dependent, the court shall admonish the parents that if the court declares the child to be a ward of the court and awards custody or guardianship to the Department of Children and Family Services, the parents must cooperate with the Department of Children and Family Services, comply with the

terms of the service plans, and correct the conditions that require the child to be in care, or risk termination of their parental rights.

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

When the court finds that a child is an abused, neglected, or dependent minor under Section 2-21, the court shall admonish the parents that the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions that require the child to be in care, or risk termination of their parental rights.

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

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

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

(6) The general public except for the news media and the crime victim, as defined in Section 3 of the Rights of Crime Victims and Witnesses Act, shall be excluded from any hearing and, except for the persons specified in this Section only persons, including representatives of agencies and associations, who in the opinion of the court have a direct interest in the case or in the work of the court shall be admitted to the hearing. However, the court may, for the minor's safety and protection and for good cause shown, prohibit any person or agency present in court from further disclosing the minor's identity. Nothing in this subsection (6) prevents the court from allowing other juveniles to be present or to participate in a court session being held under the Juvenile Drug Court Treatment Act.

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

involving the minor's sibling or half sibling.

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

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

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

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

(2) If the court finds that there is probable cause to believe that the minor is abused, neglected, or dependent, the court shall state in writing the factual basis supporting its finding and the minor, the minor's parent, guardian, or custodian, and other persons able to give relevant testimony shall be examined before the court. The Department of Children and Family Services shall give testimony concerning indicated reports of abuse and neglect, of which they are aware through the central registry, involving the minor's parent, guardian, or custodian. After such testimony, the court may, consistent with the health, safety, and best interests of the minor, enter an order that the minor shall be released upon the request of parent, guardian, or custodian if the parent, guardian, or custodian appears to take custody. If it is

determined that a parent's, guardian's, or custodian's compliance with critical services mitigates the necessity for removal of the minor from the minor's home, the court may enter an Order of Protection setting forth reasonable conditions of behavior that a parent, guardian, or custodian must observe for a specified period of time, not to exceed 12 months, without a violation; provided, however, that the 12-month period shall begin anew after any violation. "Custodian" includes the Department of Children and Family Services, if it has been given custody of the child, or any other agency of the State which has been given custody or wardship of the child. If it is consistent with the health, safety, and best interests of the minor, the court may also prescribe shelter care and order that the minor be kept in a suitable place designated by the court or in a shelter care facility designated by the Department of Children and Family Services or a licensed child welfare agency; however, on and after January 1, 2015 (the effective date of Public Act 98-803) and before January 1, 2017, a minor charged with a criminal offense under the Criminal Code of 1961 or the Criminal Code of 2012 or adjudicated delinquent shall not be placed in the custody of or committed to the Department of Children and Family Services by any court, except a minor less than 16 years of age and committed to the Department of Children and Family Services under Section 5-710 of this Act or a minor for whom an independent basis of abuse, neglect, or dependency exists; and

on and after January 1, 2017, a minor charged with a criminal offense under the Criminal Code of 1961 or the Criminal Code of 2012 or adjudicated delinquent shall not be placed in the custody of or committed to the Department of Children and Family Services by any court, except a minor less than 15 years of age and committed to the Department of Children and Family Services under Section 5-710 of this Act or a minor for whom an independent basis of abuse, neglect, or dependency exists. An independent basis exists when the allegations or adjudication of abuse, neglect, or dependency do not arise from the same facts, incident, or circumstances which give rise to a charge or adjudication of delinquency.

In placing the minor, the Department or other agency shall, to the extent compatible with the court's order, comply with Section 7 of the Children and Family Services Act. In determining the health, safety, and best interests of the minor to prescribe shelter care, the court must find that it is a matter of immediate and urgent necessity for the safety, and protection of the minor or of the person or property of another that the minor be placed in a shelter care facility or that the minor is likely to flee the jurisdiction of the court, and must further find that reasonable efforts have been made or that, consistent with the health, safety and best interests of the minor, no efforts reasonably can be made to prevent or eliminate the necessity of removal of the minor from the minor's home. The court shall require documentation from the

Department of Children and Family Services as to the reasonable efforts that were made to prevent or eliminate the necessity of removal of the minor from the minor's home or the reasons why no efforts reasonably could be made to prevent or eliminate the necessity of removal. When a minor is placed in the home of a relative, the Department of Children and Family Services shall complete a preliminary background review of the members of the minor's custodian's household in accordance with Section 3.4 or 4.3 of the Child Care Act of 1969 within 90 days of that placement. If the minor is not placed in the home of a relative, the court shall require evidence from the Department as to the efforts that were made to place the minor in the home of a relative or the reasons why no efforts reasonably could be made to place the minor in the home of a relative, consistent with the best interests of the minor. If the minor is ordered placed in a shelter care facility of the Department of Children and Family Services or a licensed child welfare agency, the court shall, upon request of the appropriate Department or other agency, appoint the Department of Children and Family Services Guardianship Administrator or other appropriate agency executive temporary custodian of the minor and the court may enter such other orders related to the temporary custody as it deems fit and proper, including the provision of services to the minor or the minor's family to ameliorate the causes contributing to the finding of probable cause or to the finding of the existence of immediate and

urgent necessity.

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

Where the Department of Children and Family Services Guardianship Administrator is appointed as the executive temporary custodian, and when the child has siblings in care, the Department of Children and Family Services shall file with the court and serve on the parties a sibling placement and contact plan within 10 days, excluding weekends and holidays, after the appointment. The sibling placement and contact plan shall set forth whether the siblings are placed together, and if they are not placed together, what, if any, efforts are being made to place them together. If the Department has determined that it is not in a child's best interest to be placed with a sibling, the Department shall document in the sibling placement and contact plan the basis for its determination. For siblings placed separately, the sibling placement and contact plan shall set the time and place for

visits, the frequency of the visits, the length of visits, who shall be present for the visits, and where appropriate, the child's opportunities to have contact with their siblings in addition to in person contact. If the Department determines it is not in the best interest of a sibling to have contact with a sibling, the Department shall document in the sibling placement and contact plan the basis for its determination. The sibling placement and contact plan shall specify a date for development of the Sibling Contact Support Plan, under subsection (f) of Section 7.4 of the Children and Family Services Act, and shall remain in effect until the Sibling Contact Support Plan is developed.

For good cause, the court may waive the requirement to file the parent-child visiting plan or the sibling placement and contact plan, or extend the time for filing either plan. Any party may, by motion, request the court to review the parent-child visiting plan to determine whether it is reasonably calculated to expeditiously facilitate the achievement of the permanency goal. A party may, by motion, request the court to review the parent-child visiting plan or the sibling placement and contact plan to determine whether it is consistent with the minor's best interest. The court may refer the parties to mediation where available. The frequency, duration, and locations of visitation shall be measured by the needs of the child and family, and not by the convenience of Department personnel. Child development principles shall be

considered by the court in its analysis of how frequent visitation should be, how long it should last, where it should take place, and who should be present. If upon motion of the party to review either plan and after receiving evidence, the court determines that the parent-child visiting plan is not reasonably calculated to expeditiously facilitate the achievement of the permanency goal or that the restrictions placed on parent-child contact or sibling placement or contact are contrary to the child's best interests, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the evidence. The court shall enter an order for the Department to implement changes to the parent-child visiting plan or sibling placement or contact plan, consistent with the court's findings. At any stage of proceeding, any party may by motion request the court to enter any orders necessary to implement the parent-child visiting plan, sibling placement or contact plan, or subsequently developed Sibling Contact Support Plan. Nothing under this subsection (2) shall restrict the court from granting discretionary authority to the Department to increase opportunities for additional parent-child contacts or sibling contacts, without further court orders. Nothing in this subsection (2) shall restrict the Department from immediately restricting or terminating parent-child contact or sibling contacts, without either amending the parent-child visiting plan or the sibling contact plan or obtaining a court order,

where the Department or its assigns reasonably believe there is an immediate need to protect the child's health, safety, and welfare. Such restrictions or terminations must be based on available facts to the Department and its assigns when viewed in light of the surrounding circumstances and shall only occur on an individual case-by-case basis. The Department shall file with the court and serve on the parties any amendments to the plan within 10 days, excluding weekends and holidays, of the change of the visitation.

Acceptance of services shall not be considered an admission of any allegation in a petition made pursuant to this Act, nor may a referral of services be considered as evidence in any proceeding pursuant to this Act, except where the issue is whether the Department has made reasonable efforts to reunite the family. In making its findings that it is consistent with the health, safety, and best interests of the minor to prescribe shelter care, the court shall state in writing (i) the factual basis supporting its findings concerning the immediate and urgent necessity for the protection of the minor or of the person or property of another and (ii) the factual basis supporting its findings that reasonable efforts were made to prevent or eliminate the removal of the minor from the minor's home or that no efforts reasonably could be made to prevent or eliminate the removal of the minor from the minor's home. The parents, guardian, custodian, temporary custodian, and minor shall each be

furnished a copy of such written findings. The temporary custodian shall maintain a copy of the court order and written findings in the case record for the child. The order together with the court's findings of fact in support thereof shall be entered of record in the court.

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

If the child is placed in the temporary custody of the Department of Children and Family Services for the minor's protection, the court shall admonish the parents, guardian, custodian, or responsible relative that the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions which require the child to be in care, or risk termination of their parental rights. The court shall ensure, by inquiring in open court of each parent, guardian, custodian, or responsible relative, that the parent, guardian, custodian, or responsible relative has had the opportunity to provide the Department with all known names, addresses, and telephone numbers of each of the minor's living adult relatives, including, but not limited to, grandparents, siblings of the minor's parents, and siblings. The court shall

advise the parents, guardian, custodian, or responsible relative to inform the Department if additional information regarding the minor's adult relatives becomes available.

(2.5) When the court places the minor in the temporary custody of the Department, the court shall inquire of the Department's initial family finding and relative engagement efforts, as described in Section 7 of the Children and Family Services Act, and the Department shall complete any remaining family finding and relative engagement efforts required under Section 7 of the Children and Family Services Act within 30 days of the minor being taken into temporary custody. The Department shall complete new family finding and relative engagement efforts in accordance with Section 7 of the Children and Family Services Act for relatives of the minor within 30 days of an unknown parent's identity being determined or a parent whose whereabouts were unknown being located.

(3) If prior to the shelter care hearing for a minor described in Sections 2-3, 2-4, 3-3, and 4-3 the moving party is unable to serve notice on the party respondent, the shelter care hearing may proceed ex parte. A shelter care order from an ex parte hearing shall be endorsed with the date and hour of issuance and shall be filed with the clerk's office and entered of record. The order shall expire after 10 days from the time it is issued unless before its expiration it is renewed, at a hearing upon appearance of the party respondent,

or upon an affidavit of the moving party as to all diligent efforts to notify the party respondent by notice as herein prescribed. The notice prescribed shall be in writing and shall be personally delivered to the minor or the minor's attorney and to the last known address of the other person or persons entitled to notice. The notice shall also state the nature of the allegations, the nature of the order sought by the State, including whether temporary custody is sought, and the consequences of failure to appear and shall contain a notice that the parties will not be entitled to further written notices or publication notices of proceedings in this case, including the filing of an amended petition or a motion to terminate parental rights, except as required by Supreme Court Rule 11; and shall explain the right of the parties and the procedures to vacate or modify a shelter care order as provided in this Section. The notice for a shelter care hearing shall be substantially as follows:

NOTICE TO PARENTS AND CHILDREN
OF SHELTER CARE HEARING

On at, before the Honorable
....., (address:), the State
of Illinois will present evidence (1) that (name of child
or children) are abused,
neglected, or dependent for the following reasons:
..... and (2)
whether there is "immediate and urgent necessity" to

remove the child or children from the responsible relative.

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

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

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

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

3. To present evidence concerning:

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

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

- c. The best interests of the child.

4. To cross examine the State's witnesses.

The Notice for rehearings shall be substantially as

follows:

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

If you were not present at and did not have adequate notice of the Shelter Care Hearing at which temporary custody of was awarded to, you have the right to request a full rehearing on whether the State should have temporary custody of To request this rehearing, you must file with the Clerk of the Juvenile Court (address):, in person or by mailing a statement (affidavit) setting forth the following:

1. That you were not present at the shelter care hearing.
2. That you did not get adequate notice (explaining how the notice was inadequate).
3. Your signature.
4. Signature must be notarized.

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

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

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

1. To have a guardian ad litem appointed.
2. To be declared competent as a witness and to present testimony concerning:
 - a. Whether they are abused, neglected or dependent.
 - b. Whether there is "immediate and urgent necessity" to be removed from home.
 - c. Their best interests.
3. To cross examine witnesses for other parties.
4. To obtain an explanation of any proceedings and orders of the court.

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

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

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

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

(8) If neither the parent, guardian, or custodian appears within 24 hours to take custody of a minor released upon request pursuant to subsection (2) of this Section, then the clerk of the court shall set the matter for rehearing not later than 7 days after the original order and shall issue a summons directed to the parent, guardian, or custodian to appear. At the same time the probation department shall prepare a report on the minor. If a parent, guardian, or custodian does not appear at such rehearing, the judge may enter an order prescribing that the minor be kept in a suitable place designated by the Department of Children and Family Services or a licensed child welfare agency.

(9) Notwithstanding any other provision of this Section any interested party, including the State, the temporary custodian, an agency providing services to the minor or family under a service plan pursuant to Section 8.2 of the Abused and Neglected Child Reporting Act, foster parent, or any of their

representatives, on notice to all parties entitled to notice, may file a motion that it is in the best interests of the minor to modify or vacate a temporary custody order on any of the following grounds:

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

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

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

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

In ruling on the motion, the court shall determine whether it is consistent with the health, safety, and best interests of the minor to modify or vacate a temporary custody order. If the minor is being restored to the custody of a parent, legal custodian, or guardian who lives outside of Illinois, and an Interstate Compact has been requested and refused, the court may order the Department of Children and Family Services to

arrange for an assessment of the minor's proposed living arrangement and for ongoing monitoring of the health, safety, and best interest of the minor and compliance with any order of protective supervision entered in accordance with Section 2-20 or 2-25.

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

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

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

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

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

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

(12) After the court has placed a minor in the care of a temporary custodian pursuant to this Section, any party may file a motion requesting the court to grant the temporary custodian the authority to serve as a surrogate decision maker for the minor under the Health Care Surrogate Act for purposes of making decisions pursuant to paragraph (1) of subsection (b) of Section 20 of the Health Care Surrogate Act. The court may grant the motion if it determines by clear and convincing evidence that it is in the best interests of the minor to grant the temporary custodian such authority. In making its determination, the court shall weigh the following factors in addition to considering the best interests factors listed in subsection (4.05) of Section 1-3 of this Act:

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

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

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

(d) the relationship between the respondents and adult

family members and the minor;

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

(f) any other factor the court deems relevant.

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

(Source: P.A. 102-489, eff. 8-20-21; 102-502, eff. 1-1-22; 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-605, eff. 7-1-24.)

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

Sec. 2-13. Petition.

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

(2) The petition shall be verified but the statements may be made upon information and belief. It shall allege that the

minor is abused, neglected, or dependent, with citations to the appropriate provisions of this Act, and set forth (a) facts sufficient to bring the minor under Section 2-3 or 2-4 and to inform respondents of the cause of action, including, but not limited to, a plain and concise statement of the factual allegations that form the basis for the filing of the petition; (b) the name, age and residence of the minor; (c) the names and residences of the minor's parents; (d) the name and residence of the minor's legal guardian or the person or persons having custody or control of the minor, or of the nearest known relative if no parent or guardian can be found; and (e) if the minor upon whose behalf the petition is brought is sheltered in custody, the date on which such temporary custody was ordered by the court or the date set for a temporary custody hearing. If any of the facts herein required are not known by the petitioner, the petition shall so state.

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

(4) If termination of parental rights and appointment of a guardian of the person with power to consent to adoption of the

minor under Section 2-29 is sought, the petition shall so state. If the petition includes this request, the prayer for relief shall clearly and obviously state that the parents could permanently lose their rights as a parent at this hearing.

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

(4.5) (a) Unless good cause exists that filing a petition to terminate parental rights is contrary to the child's best interests, with respect to any minors committed to its care pursuant to this Act, the Department of Children and Family Services shall request the State's Attorney to file a petition or motion for termination of parental rights and appointment of guardian of the person with power to consent to adoption of the minor under Section 2-29 if:

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

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

(iii) the parent is criminally convicted of:

(A) first degree murder or second degree murder of

any child;

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

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

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

(E) predatory criminal sexual assault of a child;

(E-5) aggravated criminal sexual assault;

(E-10) criminal sexual abuse in violation of subsection (a) of Section 11-1.50 of the Criminal Code of 1961 or the Criminal Code of 2012;

(E-15) sexual exploitation of a child;

(E-20) permitting sexual abuse of a child;

(E-25) criminal sexual assault; or

(F) an offense in any other state the elements of which are similar and bear a substantial relationship to any of the foregoing offenses.

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

(i) the child is being cared for by a relative,

(ii) the Department has documented in the case plan a

compelling reason for determining that filing such petition would not be in the best interests of the child,

(iii) the court has found within the preceding 12 months that the Department has failed to make reasonable efforts to reunify the child and family, ~~or~~

(iv) the parent is incarcerated, or the parent's prior incarceration is a significant factor in why the child has been in foster care for 15 months out of any 22-month period, the parent maintains a meaningful role in the child's life, and the Department has not documented another reason why it would otherwise be appropriate to file a petition to terminate parental rights pursuant to this Section and the Adoption Act. The assessment of whether an incarcerated parent maintains a meaningful role in the child's life may include consideration of the following:

(A) the child's best interest;

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

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

(D) limitations in the parent's access to family support programs, therapeutic services, visiting opportunities, telephone and mail services, and meaningful participation in court proceedings, or -

(v) the Department has not yet met with the child's caregiver to discuss the permanency goals of guardianship and adoption.

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

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

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

(c) (Blank).

(d) (Blank).

(5) The court shall liberally allow the petitioner to amend the petition to set forth a cause of action or to add, amend, or supplement factual allegations that form the basis for a cause of action up until 14 days before the adjudicatory hearing. The petitioner may amend the petition after that date and prior to the adjudicatory hearing if the court grants leave to amend upon a showing of good cause. The court may allow amendment of the petition to conform with the evidence at any time prior to ruling. In all cases in which the court

has granted leave to amend based on new evidence or new allegations, the court shall permit the respondent an adequate opportunity to prepare a defense to the amended petition.

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

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

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

Sec. 2-21. Findings and adjudication.

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

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

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

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

If the court finds that the minor is abused, neglected, or dependent, the court shall then determine and put in writing the factual basis supporting that determination, and specify, to the extent possible, the acts or omissions or both of each parent, guardian, or legal custodian that form the basis of the court's findings. That finding shall appear in the order of the court.

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

If the court determines that a person has inflicted physical or sexual abuse upon a minor, the court shall report that determination to the Illinois State Police, which shall include that information in its report to the President of the school board for a school district that requests a criminal history records check of that person, or the regional

superintendent of schools who requests a check of that person, as required under Section 10-21.9 or 34-18.5 of the School Code.

(2) If, pursuant to subsection (1) of this Section, the court determines and puts in writing the factual basis supporting the determination that the minor is either abused or neglected or dependent, the court shall then set a time not later than 30 days after the entry of the finding for a dispositional hearing (unless an earlier date is required pursuant to Section 2-13.1) to be conducted under Section 2-22 at which hearing the court shall determine whether it is consistent with the health, safety and best interests of the minor and the public that the minor ~~he~~ be made a ward of the court. To assist the court in making this and other determinations at the dispositional hearing, the court may order that an investigation be conducted and a dispositional report be prepared concerning the minor's physical and mental history and condition, family situation and background, economic status, education, occupation, history of delinquency or criminality, personal habits, and any other information that may be helpful to the court. The dispositional hearing may be continued once for a period not to exceed 30 days if the court finds that such continuance is necessary to complete the dispositional report.

(3) The time limits of this Section may be waived only by consent of all parties and approval by the court, as

determined to be consistent with the health, safety and best interests of the minor.

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

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

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

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

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

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

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

(A-1) the petitioner has demonstrated that the

Department has discussed the permanency options of guardianship and adoption with the caregiver and the Department has informed the court of the caregiver's wishes as to the permanency goal;

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

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

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

(705 ILCS 405/2-22) (from Ch. 37, par. 802-22)

Sec. 2-22. Dispositional hearing; evidence; continuance.

(1) At the dispositional hearing, the court shall determine whether it is in the best interests of the minor and the public that the minor be made a ward of the court, and, if the minor is to be made a ward of the court, the court shall determine the proper disposition best serving the health, safety and interests of the minor and the public. The court also shall consider the Department's diligent efforts in family finding and relative engagement for the minor required under Section 2-27.3 beginning July 1, 2025, the permanency goal set for the minor, the nature of the service plan for the

minor and the services delivered and to be delivered under the plan. All evidence helpful in determining these questions, including oral and written reports, may be admitted and may be relied upon to the extent of its probative value, even though not competent for the purposes of the adjudicatory hearing.

(2) Once all parties respondent have been served in compliance with Sections 2-15 and 2-16, no further service or notice must be given to a party prior to proceeding to a dispositional hearing. Before making an order of disposition the court shall advise the State's Attorney, the parents, guardian, custodian or responsible relative or their counsel of the factual contents and the conclusions of the reports prepared for the use of the court and considered by it, and afford fair opportunity, if requested, to controvert them. The court may order, however, that the documents containing such reports need not be submitted to inspection, or that sources of confidential information need not be disclosed except to the attorneys for the parties. Factual contents, conclusions, documents and sources disclosed by the court under this paragraph shall not be further disclosed without the express approval of the court pursuant to an in camera hearing.

(3) A record of a prior continuance under supervision under Section 2-20, whether successfully completed with regard to the child's health, safety and best interest, or not, is admissible at the dispositional hearing.

(4) On its own motion or that of the State's Attorney, a

parent, guardian, custodian, responsible relative or counsel, the court may adjourn the hearing for a reasonable period to receive reports or other evidence, if the adjournment is consistent with the health, safety and best interests of the minor, but in no event shall continuances be granted so that the dispositional hearing occurs more than 6 months after the initial removal of a minor from the minor's home. In scheduling investigations and hearings, the court shall give priority to proceedings in which a minor has been removed from the minor's home before an order of disposition has been made.

(5) Unless already set by the court, at the conclusion of the dispositional hearing, the court shall set the date for the first permanency hearing, to be conducted under subsections (2), (2.3), and (2.4) ~~subsection (2)~~ of Section 2-28, which shall be held: (a) within 12 months from the date temporary custody was taken, (b) if the parental rights of both parents have been terminated in accordance with the procedure described in subsection (5) of Section 2-21, within 30 days of the termination of parental rights and appointment of a guardian with power to consent to adoption, or (c) in accordance with subsection (2) of Section 2-13.1.

(6) When the court declares a child to be a ward of the court and awards guardianship to the Department of Children and Family Services: 7

(a) the court shall admonish the parents, guardian, custodian or responsible relative that the parents must

cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions which require the child to be in care, or risk termination of their parental rights; and

(b) the court shall inquire of the parties of any intent to proceed with termination of parental rights of a parent:

(A) whose identity still remains unknown;

(B) whose whereabouts remain unknown; or

(C) who was found in default at the adjudicatory hearing and has not obtained an order setting aside the default in accordance with Section 2-1301 of the Code of Civil Procedure.

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

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

Sec. 2-23. Kinds of dispositional orders.

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

(a) A minor found to be neglected or abused under Section 2-3 or dependent under Section 2-4 may be (1) continued in the custody of the minor's parents, guardian or legal custodian; (2) placed in accordance with Section 2-27; (3) restored to the custody of the parent, parents, guardian, or legal custodian, provided the court shall order the parent, parents, guardian, or legal custodian to

cooperate with the Department of Children and Family Services and comply with the terms of an after-care plan or risk the loss of custody of the child and the possible termination of their parental rights; or (4) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Minors Act.

If the minor is being restored to the custody of a parent, legal custodian, or guardian who lives outside of Illinois, and an Interstate Compact has been requested and refused, the court may order the Department of Children and Family Services to arrange for an assessment of the minor's proposed living arrangement and for ongoing monitoring of the health, safety, and best interest of the minor and compliance with any order of protective supervision entered in accordance with Section 2-24.

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

order that such parent, guardian or legal custodian is fit to care for the minor.

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

However, in any case in which a minor is found by the court to be dependent under Section 2-4 of this Act, custody of the minor shall not be restored to any parent, guardian or legal custodian whose acts or omissions or both have been identified, pursuant to subsection (1) of Section 2-21, as forming the basis for the court's finding of dependency, until such time as a hearing is held on the issue of the fitness of such parent, guardian or legal custodian to care for the minor without endangering the minor's health or safety, and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.

(b-1) A minor between the ages of 18 and 21 may be placed pursuant to Section 2-27 of this Act if (1) the court has granted a supplemental petition to reinstate wardship of the minor pursuant to subsection (2) of Section 2-33, (2) the court has adjudicated the minor a ward of the court, permitted the minor to return home under an order of protection, and subsequently made a finding that it is in the minor's best interest to vacate

the order of protection and commit the minor to the Department of Children and Family Services for care and service, or (3) the court returned the minor to the custody of the respondent under Section 2-4b of this Act without terminating the proceedings under Section 2-31 of this Act, and subsequently made a finding that it is in the minor's best interest to commit the minor to the Department of Children and Family Services for care and services.

(c) When the court awards guardianship to the Department of Children and Family Services, the court shall order: (i) the parents to cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions that require the child to be in care, or risk termination of their parental rights; and (ii) the Department to make diligent efforts in family finding and relative engagement to establish lifelong connections for the minor, consistent with the best interest of the minor, as required under Section 2-27.3.

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

Unless the order of disposition expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification, not inconsistent with Section

2-28, until final closing and discharge of the proceedings under Section 2-31.

(3) The court also shall enter any other orders necessary to fulfill the service plan, including, but not limited to, (i) orders requiring parties to cooperate with services, (ii) restraining orders controlling the conduct of any party likely to frustrate the achievement of the goal, and (iii) visiting orders. When the child is placed separately from a sibling, the court shall review the Sibling Contact Support Plan developed under subsection (f) of Section 7.4 of the Children and Family Services Act, if applicable. If the Department has not convened a meeting to develop a Sibling Contact Support Plan, or if the court finds that the existing Plan is not in the child's best interest, the court may enter an order requiring the Department to develop and implement a Sibling Contact Support Plan under subsection (f) of Section 7.4 of the Children and Family Services Act or order mediation. Unless otherwise specifically authorized by law, the court is not empowered under this subsection (3) to order specific placements, specific services, or specific service providers to be included in the plan. If, after receiving evidence, the court determines that the services contained in the plan are not reasonably calculated to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the evidence. The court also shall enter an order for

the Department to develop and implement a new service plan or to implement changes to the current service plan consistent with the court's findings. The new service plan shall be filed with the court and served on all parties within 45 days after the date of the order. The court shall continue the matter until the new service plan is filed. Except as authorized by subsection (3.5) of this Section or authorized by law, the court is not empowered under this Section to order specific placements, specific services, or specific service providers to be included in the service plan.

(3.5) If, after reviewing the evidence, including evidence from the Department, the court determines that the minor's current or planned placement is not necessary or appropriate to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting its determination and enter specific findings based on the evidence. If the court finds that the minor's current or planned placement is not necessary or appropriate, the court may enter an order directing the Department to implement a recommendation by the minor's treating clinician or a clinician contracted by the Department to evaluate the minor or a recommendation made by the Department. If the Department places a minor in a placement under an order entered under this subsection (3.5), the Department has the authority to remove the minor from that placement when a change in circumstances necessitates the removal to protect the minor's health,

safety, and best interest. If the Department determines removal is necessary, the Department shall notify the parties of the planned placement change in writing no later than 10 days prior to the implementation of its determination unless remaining in the placement poses an imminent risk of harm to the minor, in which case the Department shall notify the parties of the placement change in writing immediately following the implementation of its decision. The Department shall notify others of the decision to change the minor's placement as required by Department rule.

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

(5) Any order for disposition where the minor is committed or placed in accordance with Section 2-27 shall provide for the parents or guardian of the estate of such minor to pay to the legal custodian or guardian of the person of the minor such sums as are determined by the custodian or guardian of the person of the minor as necessary for the minor's needs. Such payments may not exceed the maximum amounts provided for by

Section 9.1 of the Children and Family Services Act.

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

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

(Source: P.A. 102-489, eff. 8-20-21; 103-22, eff. 8-8-23.)

(705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

Sec. 2-27. Placement; legal custody or guardianship.

(1) If the court determines and puts in writing the factual basis supporting the determination of whether the parents, guardian, or legal custodian of a minor adjudged a ward of the court are unfit or are unable, for some reason other than financial circumstances alone, to care for, protect, train or discipline the minor or are unwilling to do so, and that the health, safety, and best interest of the minor will be jeopardized if the minor remains in the custody of the minor's parents, guardian or custodian, the court may at this hearing and at any later point:

(a) place the minor in the custody of a suitable relative or other person as legal custodian or guardian;

(a-5) with the approval of the Department of Children

and Family Services, place the minor in the subsidized guardianship of a suitable relative or other person as legal guardian; "subsidized guardianship" has the meaning ascribed to that term in Section 4d of the Children and Family Services Act ~~means a private guardianship arrangement for children for whom the permanency goals of return home and adoption have been ruled out and who meet the qualifications for subsidized guardianship as defined by the Department of Children and Family Services in administrative rules;~~

(b) place the minor under the guardianship of a probation officer;

(c) commit the minor to an agency for care or placement, except an institution under the authority of the Department of Corrections or of the Department of Children and Family Services;

(d) on and after the effective date of this amendatory Act of the 98th General Assembly and before January 1, 2017, commit the minor to the Department of Children and Family Services for care and service; however, a minor charged with a criminal offense under the Criminal Code of 1961 or the Criminal Code of 2012 or adjudicated delinquent shall not be placed in the custody of or committed to the Department of Children and Family Services by any court, except (i) a minor less than 16 years of age and committed to the Department of Children

and Family Services under Section 5-710 of this Act, (ii) a minor under the age of 18 for whom an independent basis of abuse, neglect, or dependency exists, or (iii) a minor for whom the court has granted a supplemental petition to reinstate wardship pursuant to subsection (2) of Section 2-33 of this Act. On and after January 1, 2017, commit the minor to the Department of Children and Family Services for care and service; however, a minor charged with a criminal offense under the Criminal Code of 1961 or the Criminal Code of 2012 or adjudicated delinquent shall not be placed in the custody of or committed to the Department of Children and Family Services by any court, except (i) a minor less than 15 years of age and committed to the Department of Children and Family Services under Section 5-710 of this Act, (ii) a minor under the age of 18 for whom an independent basis of abuse, neglect, or dependency exists, or (iii) a minor for whom the court has granted a supplemental petition to reinstate wardship pursuant to subsection (2) of Section 2-33 of this Act. An independent basis exists when the allegations or adjudication of abuse, neglect, or dependency do not arise from the same facts, incident, or circumstances which give rise to a charge or adjudication of delinquency. The Department shall be given due notice of the pendency of the action and the Guardianship Administrator of the Department of Children and Family Services shall be appointed guardian

of the person of the minor. Whenever the Department seeks to discharge a minor from its care and service, the Guardianship Administrator shall petition the court for an order terminating guardianship. The Guardianship Administrator may designate one or more other officers of the Department, appointed as Department officers by administrative order of the Department Director, authorized to affix the signature of the Guardianship Administrator to documents affecting the guardian-ward relationship of children for whom the Guardianship Administrator has been appointed guardian at such times as the Guardianship Administrator is unable to perform the duties of the Guardianship Administrator office. The signature authorization shall include but not be limited to matters of consent of marriage, enlistment in the armed forces, legal proceedings, adoption, major medical and surgical treatment and application for driver's license. Signature authorizations made pursuant to the provisions of this paragraph shall be filed with the Secretary of State and the Secretary of State shall provide upon payment of the customary fee, certified copies of the authorization to any court or individual who requests a copy.

(1.5) In making a determination under this Section, the court shall also consider whether, based on health, safety, and the best interests of the minor,

(a) appropriate services aimed at family preservation and family reunification have been unsuccessful in rectifying the conditions that have led to a finding of unfitness or inability to care for, protect, train, or discipline the minor, or

(b) no family preservation or family reunification services would be appropriate, and if the petition or amended petition contained an allegation that the parent is an unfit person as defined in subdivision (D) of Section 1 of the Adoption Act, and the order of adjudication recites that parental unfitness was established by clear and convincing evidence, the court shall, when appropriate and in the best interest of the minor, enter an order terminating parental rights and appointing a guardian with power to consent to adoption in accordance with Section 2-29.

When making a placement, the court, wherever possible, shall require the Department of Children and Family Services to select a person holding the same religious belief as that of the minor or a private agency controlled by persons of like religious faith of the minor and shall require the Department to otherwise comply with Section 7 of the Children and Family Services Act in placing the child. In addition, whenever alternative plans for placement are available, the court shall ascertain and consider, to the extent appropriate in the particular case, the views and preferences of the minor.

(2) When a minor is placed with a suitable relative or other person pursuant to item (a) of subsection (1), the court shall appoint the suitable relative or other person the legal custodian or guardian of the person of the minor. When a minor is committed to any agency, the court shall appoint the proper officer or representative thereof as legal custodian or guardian of the person of the minor. Legal custodians and guardians of the person of the minor have the respective rights and duties set forth in subsection (9) of Section 1-3 except as otherwise provided by order of court; but no guardian of the person may consent to adoption of the minor unless that authority is conferred upon the guardian in accordance with Section 2-29. An agency whose representative is appointed guardian of the person or legal custodian of the minor may place the minor in any child care facility, but the facility must be licensed under the Child Care Act of 1969 or have been approved by the Department of Children and Family Services as meeting the standards established for such licensing. No agency may place a minor adjudicated under Sections 2-3 or 2-4 in a child care facility unless the placement is in compliance with the rules and regulations for placement under this Section promulgated by the Department of Children and Family Services under Section 5 of the Children and Family Services Act. Like authority and restrictions shall be conferred by the court upon any probation officer who has been appointed guardian of the person of a minor.

(3) No placement by any probation officer or agency whose representative is appointed guardian of the person or legal custodian of a minor may be made in any out of State child care facility unless it complies with the Interstate Compact on the Placement of Children. Placement with a parent, however, is not subject to that Interstate Compact.

(4) The clerk of the court shall issue to the legal custodian or guardian of the person a certified copy of the order of court, as proof of the legal custodian's or guardian's authority. No other process is necessary as authority for the keeping of the minor.

(5) Custody or guardianship granted under this Section continues until the court otherwise directs, but not after the minor reaches the age of 19 years except as set forth in Section 2-31, or if the minor was previously committed to the Department of Children and Family Services for care and service and the court has granted a supplemental petition to reinstate wardship pursuant to subsection (2) of Section 2-33.

(6) (Blank).

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

(705 ILCS 405/2-27.3 new)

Sec. 2-27.3. Ongoing family finding and relative engagement.

(a) (1) The Department shall make ongoing diligent efforts, to the fullest extent consistent with the minor's best

interest, to engage in ongoing family finding and relative engagement for the purposes of:

(A) establishing and supporting lifelong connections for the minor by building a network of sustainable and supportive relationships that allow the minor to experience a sense of belonging through enduring, life-long relationships with family, extended family, and other caring adults; and

(B) for minors who are not in a placement likely to achieve permanency, identifying relatives who may be willing and able to care for the minor and provide permanency for the minor.

Efforts to identify, locate, and engage relatives to assist in supporting and establishing lifelong connections for the minor are required, consistent with the best interests of the minor, even if the minor is placed with a relative, recognizing it may be in the minor's best interest to maintain connections with different relatives, and a relative's capacity to provide connection and support, may change over time.

(2) The Department shall provide a report to the court, as part of the reporting requirement under Section 2-10.1, not later than 45 days after a minor is placed in the Department's custody, and with each case plan submitted to the court thereafter, describing the Department's efforts, to identify, locate, and engage relatives in a manner consistent with the

minor's best interest. The initial and subsequent reports shall include:

(A) a list of contacts made and the outcome of each contact;

(B) for minors requiring placement in a home environment or a home likely to achieve permanency, the report shall specify which identified relatives have been evaluated as placement options, including assessment as a certified relative caregiver home under Section 3.4 of the Child Care Act of 1969, and the diligent efforts the Department is undertaking to remove barriers to placement, if applicable, with one or more relatives or certified relative caregivers. If the Department determines placement with an identified relative willing to serve as a caregiver for the minor is not in the minor's best interest, the Department shall include its rationale in the report; and

(C) consistent with the minor's best interest, the manner in which the relative or person may be engaged with the minor. Engagement may include, but is not limited to, in person visitation, virtual visitation, telephone contact, supervising visits between the minor and a parent or sibling, assisting with transportation, providing respite care and providing placement. If the Department determines an identified relative's engagement with the minor is not in the minor's best interest, the Department

shall include its rationale in the report.

(3) Ongoing family finding and relative engagement efforts shall continue until excused in whole or in part by the court. The court may order that further efforts to locate and engage relatives are futile based on efforts already made, or that efforts to identify, locate, or engage a specified person or persons is not in the minor's best interests. If a court finds that family finding and relative engagement efforts should cease, the court shall enter an order in writing. An order entered under this Section shall include specific factual findings supporting the court's decision. The Department may resume family finding and relative engagement efforts after an order excusing such efforts has been entered, if the court determines resuming such efforts are in the minor's best interest.

(4) Within 30 days of (i) an unknown parent's identity being determined or (ii) a parent's whereabouts becoming known for the first time, the Department shall complete family finding and relative engagement efforts in accordance with paragraph (2.5) of Section 2-10.

(b) Nothing in this Section shall be construed to create a legally enforceable right on behalf of any relative or person to placement, visitation, or engagement with the minor.

(705 ILCS 405/2-28)

Sec. 2-28. Court review.

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

provided in paragraph (5) and a hearing is held on the issue of the fitness of such parent, guardian, or legal custodian to care for the minor and the court enters an order that such parent, guardian, or legal custodian is fit to care for the minor.

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

(1) in a shelter placement beyond 30 days;

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

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

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

(1.6) Within 30 days after placing a child in its care in a qualified residential treatment program, as defined by the federal Social Security Act, the Department of Children and Family Services shall prepare a written report for filing with the court and send copies of the report to all parties. Within

20 days of the filing of the report, or as soon thereafter as the court's schedule allows but not more than 60 days from the date of placement, the court shall hold a hearing to consider the Department's report and determine whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and if the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan for the child. The court shall approve or disapprove the placement. If applicable, the requirements of Sections 2-27.1 and 2-27.2 must also be met. The Department's written report and the court's written determination shall be included in and made part of the case plan for the child. If the child remains placed in a qualified residential treatment program, the Department shall submit evidence at each status and permanency hearing:

(A) ~~(1)~~ demonstrating that on-going assessment of the strengths and needs of the child continues to support the determination that the child's needs cannot be met through placement in a foster family home, that the placement provides the most effective and appropriate level of care for the child in the least restrictive, appropriate environment, and that the placement is consistent with the short-term and long-term permanency goal for the child, as specified in the permanency plan for the child;

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

(C) ~~(3)~~ the efforts made by the agency to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home; and -

(D) beginning July 1, 2025, documenting the Department's efforts regarding ongoing family finding and relative engagement required under Section 2-27.3.

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

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

The public agency that is the custodian or guardian of the minor, or another agency responsible for the minor's care, shall ensure that all parties to the permanency hearings are provided a copy of the most recent service plan prepared within the prior 6 months at least 14 days in advance of the hearing. If not contained in the agency's service plan, the agency shall also include a report setting forth the following:

(A) ~~(i)~~ any special physical, psychological,

educational, medical, emotional, or other needs of the minor or the minor's family that are relevant to a permanency or placement determination, and ~~(ii)~~ for any minor age 16 or over, a written description of the programs and services that will enable the minor to prepare for independent living;

(B) beginning July 1, 2025, a written description of ongoing family finding and relative engagement efforts in accordance with the requirements under Section 2-27.3 the agency has undertaken since the most recent report to the court to plan for the emotional and legal permanency of the minor; ~~If not contained in the agency's service plan, the agency's report shall~~

(C) whether ~~specify if~~ a minor is placed in a licensed child care facility under a corrective plan by the Department due to concerns impacting the minor's safety and well-being. The report shall explain the steps the Department is taking to ensure the safety and well-being of the minor and that the minor's needs are met in the facility; ~~The agency's written report must~~

(D) detail regarding what progress or lack of progress the parent has made in correcting the conditions requiring the child to be in care; whether the child can be returned home without jeopardizing the child's health, safety, and welfare, ~~and, if not,~~ what permanency goal is recommended to be in the best interests of the child, and the reasons

for the recommendation. If a permanency goal under paragraph (A), (B), or (B-1) of subsection (2.3) have been deemed inappropriate and not in the minor's best interest, the report must include the following information: ~~why the other permanency goals are not appropriate.~~

(i) confirmation that the caseworker has discussed the permanency options and subsidies available for guardianship and adoption with the minor's caregivers, the minor's parents, as appropriate, and has discussed the available permanency options with the minor in an age-appropriate manner;

(ii) confirmation that the caseworker has discussed with the minor's caregivers, the minor's parents, as appropriate, and the minor as age-appropriate, the distinctions between guardianship and adoption, including, but not limited to, that guardianship does not require termination of the parent's rights or the consent of the parent;

(iii) a description of the stated preferences and concerns, if any, the minor, the parent as appropriate, and the caregiver expressed relating to the options of guardianship and adoption, and the reasons for the preferences;

(iv) if the minor is not currently in a placement that will provide permanency, identification of all persons presently willing and able to provide

permanency to the minor through either guardianship or adoption, and beginning July 1, 2025, if none are available, a description of the efforts made in accordance with Section 2-27.3; and

(v) state the recommended permanency goal, why that goal is recommended, and why the other potential goals were not recommended.

The caseworker must appear and testify at the permanency hearing. If a permanency hearing has not previously been scheduled by the court, the moving party shall move for the setting of a permanency hearing and the entry of an order within the time frames set forth in this subsection.

(2.3) At the permanency hearing, the court shall determine the permanency goal ~~future status~~ of the child. The court shall set one of the following permanency goals:

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

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

(B-1) The minor will be in short-term care with a continued goal to return home pending a status hearing. When the court finds that a parent has not made reasonable efforts or reasonable progress to date, the court shall

identify what actions the parent and the Department must take in order to justify a finding of reasonable efforts or reasonable progress and shall set a status hearing to be held not earlier than 9 months from the date of adjudication nor later than 11 months from the date of adjudication during which the parent's progress will again be reviewed.

If the court has determined that goals (A), (B), and (B-1) are not appropriate and not in the minor's best interest, the court may select one of the following goals: (C), (D), (E), (F), or (G) for the minor as appropriate and based on the best interests of the minor. The court shall determine the appropriate goal for the minor based on best interest factors and any considerations outlined in that goal.

(C) The guardianship of the minor shall be transferred to an individual or couple on a permanent basis. Prior to changing the goal to guardianship, the court shall consider the following:

(i) whether the agency has discussed adoption and guardianship with the caregiver and what preference, if any, the caregiver has as to the permanency goal;

(ii) whether the agency has discussed adoption and guardianship with the minor, as age-appropriate, and what preference, if any, the minor has as to the permanency goal;

(iii) whether the minor is of sufficient age to remember the minor's parents and if the child values this familial identity;

(iv) whether the minor is placed with a relative, and beginning July 1, 2025, whether the minor is placed in a relative home as defined in Section 4d of the Children and Family Services Act or in a certified relative caregiver home as defined in Section 2.36 of the Child Care Act of 1969; and

(v) whether the parent or parents have been informed about guardianship and adoption, and, if appropriate, what preferences, if any, the parent or parents have as to the permanency goal.

(D) The minor will be in substitute care pending court determination on termination of parental rights. Prior to changing the goal to substitute care pending court determination on termination of parental rights, the court shall consider the following:

(i) whether the agency has discussed adoption and guardianship with the caregiver and what preference, if any, the caregiver has as to the permanency goal;

(ii) whether the agency has discussed adoption and guardianship with the minor, as age-appropriate, and what preference, if any, the minor has as to the permanency goal;

(iii) whether the minor is of sufficient age to

remember the minor's parents and if the child values this familial identity;

(iv) whether the minor is placed with a relative, and beginning July 1, 2025, whether the minor is placed in a relative home as defined in Section 4d of the Children and Family Services Act, in a certified relative caregiver home as defined in Section 2.36 of the Child Care Act of 1969;

(v) whether the minor is already placed in a pre-adoptive home, and if not, whether such a home has been identified; and

(vi) whether the parent or parents have been informed about guardianship and adoption, and, if appropriate, what preferences, if any, the parent or parents have as to the permanency goal.

(E) ~~(D)~~ Adoption, provided that parental rights have been terminated or relinquished.

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

(F) Provided that permanency goals (A) through (E) have been deemed inappropriate and not in the minor's best

interests, the ~~The~~ minor over age 15 will be in substitute care pending independence. In selecting this permanency goal, the Department of Children and Family Services may provide services to enable reunification and to strengthen the minor's connections with family, fictive kin, and other responsible adults, provided the services are in the minor's best interest. The services shall be documented in the service plan.

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

In selecting any permanency goal, the court shall indicate in writing the reasons the goal was selected and why the preceding goals were deemed inappropriate and not in the child's best interest. Where the court has selected a permanency goal other than (A), (B), or (B-1), the Department of Children and Family Services shall not provide further reunification services, except as provided in paragraph (F) of this subsection (2.3) ~~(2)~~, but shall provide services consistent with the goal selected.

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

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

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

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

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

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

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

legal and emotional benefit of permanence;

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

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

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

(A) ~~(1)~~ Age of the child.

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

(C) ~~(3)~~ Current placement of the child and the intent of the family regarding subsidized guardianship and adoption.

(D) ~~(4)~~ Emotional, physical, and mental status or condition of the child.

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

(F) ~~(6)~~ Availability of services currently needed and

whether the services exist.

(G) ~~(7)~~ Status of siblings of the minor.

(H) If the minor is not currently in a placement likely to achieve permanency, whether there is an identified and willing potential permanent caregiver for the minor, and if so, that potential permanent caregiver's intent regarding guardianship and adoption.

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

The court shall make findings as to whether, in violation of Section 8.2 of the Abused and Neglected Child Reporting Act, any portion of the service plan compels a child or parent to engage in any activity or refrain from any activity that is not reasonably related to remedying a condition or conditions that gave rise or which could give rise to any finding of child abuse or neglect. The services contained in the service plan shall include services reasonably related to remedy the conditions that gave rise to removal of the child from the home of the child's parents, guardian, or legal custodian or that

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

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

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

Beginning July 1, 2025, the court shall review the Ongoing Family Finding and Relative Engagement Plan required under Section 2-27.3. If the court finds that the plan is not in the

minor's best interest, the court shall enter specific factual findings and order the Department to modify the plan consistent with the court's findings.

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

If, after receiving evidence, the court determines that the services contained in the plan are not reasonably calculated to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the evidence. The court also shall enter an order for the Department to develop and implement a new service plan or to implement changes to the current service plan consistent with the court's findings. The new service plan shall be filed with the court and served on all parties within 45 days of the date of the order. The court shall continue the matter until the new service plan is filed. Except as authorized by subsection (2.5) of this Section and as otherwise specifically authorized by law, the court is not empowered under this Section to order specific placements, specific services, or specific service providers to be included in the service plan.

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

Rights of wards of the court under this Act are

enforceable against any public agency by complaints for relief by mandamus filed in any proceedings brought under this Act.

(2.5) If, after reviewing the evidence, including evidence from the Department, the court determines that the minor's current or planned placement is not necessary or appropriate to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting its determination and enter specific findings based on the evidence. If the court finds that the minor's current or planned placement is not necessary or appropriate, the court may enter an order directing the Department to implement a recommendation by the minor's treating clinician or a clinician contracted by the Department to evaluate the minor or a recommendation made by the Department. If the Department places a minor in a placement under an order entered under this subsection (2.5), the Department has the authority to remove the minor from that placement when a change in circumstances necessitates the removal to protect the minor's health, safety, and best interest. If the Department determines removal is necessary, the Department shall notify the parties of the planned placement change in writing no later than 10 days prior to the implementation of its determination unless remaining in the placement poses an imminent risk of harm to the minor, in which case the Department shall notify the parties of the placement change in writing immediately following the implementation of its decision. The Department

shall notify others of the decision to change the minor's placement as required by Department rule.

(3) Following the permanency hearing, the court shall enter a written order that includes the determinations required under subsections ~~subsection~~ (2) and (2.3) of this Section and sets forth the following:

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

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

(i) (Blank).

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

(iii) Whether the minor's current or planned placement is necessary, and appropriate to the plan and goal, recognizing the right of minors to the least restrictive (most family-like) setting available and in close proximity to the parents' home consistent

with the health, safety, best interest, and special needs of the minor and, if the minor is placed out-of-state, whether the out-of-state placement continues to be appropriate and consistent with the health, safety, and best interest of the minor.

(iv) (Blank).

(v) (Blank).

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

When return home is not selected as the permanency goal:

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

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

Act exists.

When parental rights have been terminated for a minimum of 3 years and the child who is the subject of the permanency hearing is 13 years old or older and is not currently placed in a placement likely to achieve permanency, the Department of Children and Family Services shall make reasonable efforts to locate parents whose rights have been terminated, except when the Court determines that those efforts would be futile or inconsistent with the subject child's best interests. The Department of Children and Family Services shall assess the appropriateness of the parent whose rights have been terminated, and shall, as appropriate, foster and support connections between the parent whose rights have been terminated and the youth. The Department of Children and Family Services shall document its determinations and efforts to foster connections in the child's case plan.

Custody of the minor shall not be restored to any parent, guardian, or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering the minor's health or safety and it is in the best interest of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian,

or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the health, safety, and best interest of the minor and the fitness of such parent, guardian, or legal custodian to care for the minor and the court enters an order that such parent, guardian, or legal custodian is fit to care for the minor. If a motion is filed to modify or vacate a private guardianship order and return the child to a parent, guardian, or legal custodian, the court may order the Department of Children and Family Services to assess the minor's current and proposed living arrangements and to provide ongoing monitoring of the health, safety, and best interest of the minor during the pendency of the motion to assist the court in making that determination. In the event that the minor has attained 18 years of age and the guardian or custodian petitions the court for an order terminating the minor's guardianship or custody, guardianship or custody shall terminate automatically 30 days after the receipt of the petition unless the court orders otherwise. No legal custodian or guardian of the person may be removed without the legal custodian's or guardian's consent until given notice and an opportunity to be heard by the court.

When the court orders a child restored to the custody of the parent or parents, the court shall order the parent or parents to cooperate with the Department of Children and Family Services and comply with the terms of an after-care plan, or risk the loss of custody of the child and possible

termination of their parental rights. The court may also enter an order of protective supervision in accordance with Section 2-24.

If the minor is being restored to the custody of a parent, legal custodian, or guardian who lives outside of Illinois, and an Interstate Compact has been requested and refused, the court may order the Department of Children and Family Services to arrange for an assessment of the minor's proposed living arrangement and for ongoing monitoring of the health, safety, and best interest of the minor and compliance with any order of protective supervision entered in accordance with Section 2-24.

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

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

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

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

(Source: P.A. 102-193, eff. 7-30-21; 102-489, eff. 8-20-21; 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-154, eff. 6-30-23; 103-171, eff. 1-1-24; 103-605, eff. 7-1-24.)

(705 ILCS 405/2-28.1)

Sec. 2-28.1. Permanency hearings; before hearing officers.

(a) The chief judge of the circuit court may appoint hearing officers to conduct the permanency hearings set forth in subsections (2), (2.3), and (2.4) ~~subsection (2)~~ of Section 2-28, in accordance with the provisions of this Section. The hearing officers shall be attorneys with at least 3 years experience in child abuse and neglect or permanency planning and in counties with a population of 3,000,000 or more, any hearing officer appointed after September 1, 1997, must be an attorney admitted to practice for at least 7 years. Once trained by the court, hearing officers shall be authorized to

do the following:

- (1) Conduct a fair and impartial hearing.
- (2) Summon and compel the attendance of witnesses.
- (3) Administer the oath or affirmation and take testimony under oath or affirmation.
- (4) Require the production of evidence relevant to the permanency hearing to be conducted. That evidence may include, but need not be limited to case plans, social histories, medical and psychological evaluations, child placement histories, visitation records, and other documents and writings applicable to those items.
- (5) Rule on the admissibility of evidence using the standard applied at a dispositional hearing under Section 2-22 of this Act.
- (6) When necessary, cause notices to be issued requiring parties, the public agency that is custodian or guardian of the minor, or another agency responsible for the minor's care to appear either before the hearing officer or in court.
- (7) Analyze the evidence presented to the hearing officer and prepare written recommended orders, including findings of fact, based on the evidence.
- (8) Prior to the hearing, conduct any pre-hearings that may be necessary.
- (9) Conduct in camera interviews with children when requested by a child or the child's guardian ad litem.

In counties with a population of 3,000,000 or more, hearing officers shall also be authorized to do the following:

(i) Accept specific consents for adoption or surrenders of parental rights from a parent or parents.

(ii) Conduct hearings on the progress made toward the permanency goal set for the minor.

(iii) Perform other duties as assigned by the court.

(b) The hearing officer shall consider evidence and conduct the permanency hearings as set forth in subsections (2), (2.3), (2.4), and (3) ~~(2) and (3)~~ of Section 2-28 in accordance with the standards set forth therein. The hearing officer shall assure that a verbatim record of the proceedings is made and retained for a period of 12 months or until the next permanency hearing, whichever date is later, and shall direct to the clerk of the court all documents and evidence to be made part of the court file. The hearing officer shall inform the participants of their individual rights and responsibilities. The hearing officer shall identify the issues to be reviewed under subsections (2), (2.3), and (2.4) ~~subsection (2)~~ of Section 2-28, consider all relevant facts, and receive or request any additional information necessary to make recommendations to the court.

If a party fails to appear at the hearing, the hearing officer may proceed to the permanency hearing with the parties present at the hearing. The hearing officer shall specifically note for the court the absence of any parties. If all parties

are present at the permanency hearing, and the parties and the Department are in agreement that the service plan and permanency goal are appropriate or are in agreement that the permanency goal for the child has been achieved, the hearing officer shall prepare a recommended order, including findings of fact, to be submitted to the court, and all parties and the Department shall sign the recommended order at the time of the hearing. The recommended order will then be submitted to the court for its immediate consideration and the entry of an appropriate order.

The court may enter an order consistent with the recommended order without further hearing or notice to the parties, may refer the matter to the hearing officer for further proceedings, or may hold such additional hearings as the court deems necessary. All parties present at the hearing and the Department shall be tendered a copy of the court's order at the conclusion of the hearing.

(c) If one or more parties are not present at the permanency hearing, or any party or the Department of Children and Family Services objects to the hearing officer's recommended order, including any findings of fact, the hearing officer shall set the matter for a judicial determination within 30 days of the permanency hearing for the entry of the recommended order or for receipt of the parties' objections. Any objections shall be in writing and identify the specific findings or recommendations that are contested, the basis for

the objections, and the evidence or applicable law supporting the objection. The recommended order and its contents may not be disclosed to anyone other than the parties and the Department or other agency unless otherwise specifically ordered by a judge of the court.

Following the receipt of objections consistent with this subsection from any party or the Department of Children and Family Services to the hearing officer's recommended orders, the court shall make a judicial determination of those portions of the order to which objections were made, and shall enter an appropriate order. The court may refuse to review any objections that fail to meet the requirements of this subsection.

(d) The following are judicial functions and shall be performed only by a circuit judge or associate judge:

(1) Review of the recommended orders of the hearing officer and entry of orders the court deems appropriate.

(2) Conduct of judicial hearings on all pre-hearing motions and other matters that require a court order and entry of orders as the court deems appropriate.

(3) Conduct of judicial determinations on all matters in which the parties or the Department of Children and Family Services disagree with the hearing officer's recommended orders under subsection (3).

(4) Issuance of rules to show cause, conduct of contempt proceedings, and imposition of appropriate

sanctions or relief.

(Source: P.A. 89-17, eff. 5-31-95; 90-27, eff. 1-1-98; 90-28, eff. 1-1-98; 90-87, eff. 9-1-97; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98.)

(705 ILCS 405/5-745)

Sec. 5-745. Court review.

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

(2) If the Department of Children and Family Services is

appointed legal custodian or guardian of a minor under Section 5-740 of this Act, the Department of Children and Family Services shall file updated case plans with the court every 6 months. Every agency which has guardianship of a child shall file a supplemental petition for court review, or review by an administrative body appointed or approved by the court and further order within 18 months of the sentencing order and each 18 months thereafter. The petition shall state facts relative to the child's present condition of physical, mental and emotional health as well as facts relative to the minor's present custodial or foster care. The petition shall be set for hearing and the clerk shall mail 10 days notice of the hearing by certified mail, return receipt requested, to the person or agency having the physical custody of the child, the minor and other interested parties unless a written waiver of notice is filed with the petition.

If the minor is in the custody of the Illinois Department of Children and Family Services, pursuant to an order entered under this Article, the court shall conduct permanency hearings as set out in subsections (1), (2), (2.3), (2.4), and (3) of Section 2-28 of Article II of this Act.

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

(3) The minor or any person interested in the minor may apply to the court for a change in custody of the minor and the

appointment of a new custodian or guardian of the person or for the restoration of the minor to the custody of the minor's parents or former guardian or custodian. In the event that the minor has attained 18 years of age and the guardian or custodian petitions the court for an order terminating the minor's guardianship or custody, guardianship or legal custody shall terminate automatically 30 days after the receipt of the petition unless the court orders otherwise. No legal custodian or guardian of the person may be removed without the legal custodian's or guardian's consent until given notice and an opportunity to be heard by the court.

(4) If the minor is committed to the Department of Juvenile Justice under Section 5-750 of this Act, the Department shall notify the court in writing of the occurrence of any of the following:

(a) a critical incident involving a youth committed to the Department; as used in this paragraph (a), "critical incident" means any incident that involves a serious risk to the life, health, or well-being of the youth and includes, but is not limited to, an accident or suicide attempt resulting in serious bodily harm or hospitalization, psychiatric hospitalization, alleged or suspected abuse, or escape or attempted escape from custody, filed within 10 days of the occurrence;

(b) a youth who has been released by the Prisoner Review Board but remains in a Department facility solely

because the youth does not have an approved aftercare release host site, filed within 10 days of the occurrence;

(c) a youth, except a youth who has been adjudicated a habitual or violent juvenile offender under Section 5-815 or 5-820 of this Act or committed for first degree murder, who has been held in a Department facility for over one consecutive year; or

(d) if a report has been filed under paragraph (c) of this subsection, a supplemental report shall be filed every 6 months thereafter.

The notification required by this subsection (4) shall contain a brief description of the incident or situation and a summary of the youth's current physical, mental, and emotional health and the actions the Department took in response to the incident or to identify an aftercare release host site, as applicable. Upon receipt of the notification, the court may require the Department to make a full report under subsection (1) of this Section.

(5) With respect to any report required to be filed with the court under this Section, the Independent Juvenile Ombudsperson shall provide a copy to the minor's court appointed guardian ad litem, if the Department has received written notice of the appointment, and to the minor's attorney, if the Department has received written notice of representation from the attorney. If the Department has a record that a guardian has been appointed for the minor and a

record of the last known address of the minor's court appointed guardian, the Independent Juvenile Ombudsperson shall send a notice to the guardian that the report is available and will be provided by the Independent Juvenile Ombudsperson upon request. If the Department has no record regarding the appointment of a guardian for the minor, and the Department's records include the last known addresses of the minor's parents, the Independent Juvenile Ombudsperson shall send a notice to the parents that the report is available and will be provided by the Independent Juvenile Ombudsperson upon request.

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

Section 20. The Adoption Act is amended by changing Sections 4.1 and 15.1 as follows:

(750 ILCS 50/4.1) (from Ch. 40, par. 1506)

Sec. 4.1. Adoption between multiple jurisdictions. It is the public policy of this State to promote child welfare in adoption between multiple jurisdictions by implementing standards that foster permanency for children in an expeditious manner while considering the best interests of the child as paramount. Ensuring that standards for interjurisdictional adoption are clear and applied consistently, efficiently, and reasonably will promote the best interests of the child in finding a permanent home.

(a) The Department of Children and Family Services shall promulgate rules regarding the approval and regulation of agencies providing, in this State, adoption services, as defined in Section 2.24 of the Child Care Act of 1969, which shall include, but not be limited to, a requirement that any agency shall be licensed in this State as a child welfare agency as defined in Section 2.08 of the Child Care Act of 1969. Any out-of-state agency, if not licensed in this State as a child welfare agency, must obtain the approval of the Department in order to act as a sending agency, as defined in Section 1 of the Interstate Compact on Placement of Children Act, seeking to place a child into this State through a placement subject to the Interstate Compact on the Placement of Children. An out-of-state agency, if not licensed in this State as a child welfare agency, is prohibited from providing in this State adoption services, as defined by Section 2.24 of the Child Care Act of 1969; shall comply with Section 12C-70 of the Criminal Code of 2012; and shall provide all of the following to the Department:

(1) A copy of the agency's current license or other form of authorization from the approving authority in the agency's state. If no license or authorization is issued, the agency must provide a reference statement, from the approving authority, stating that the agency is authorized to place children in foster care or adoption or both in its jurisdiction.

(2) A description of the program, including home studies, placements, and supervisions, that the child welfare agency conducts within its geographical area, and, if applicable, adoptive placements and the finalization of adoptions. The child welfare agency must accept continued responsibility for placement planning and replacement if the placement fails.

(3) Notification to the Department of any significant child welfare agency changes after approval.

(4) Any other information the Department may require.

The rules shall also provide that any agency that places children for adoption in this State may not, in any policy or practice relating to the placement of children for adoption, discriminate against any child or prospective adoptive parent on the basis of race.

(a-5) (Blank).

(b) Interstate adoptions.

(1) All interstate adoption placements under this Act shall comply with the Child Care Act of 1969 and the Interstate Compact on the Placement of Children. The placement of children with relatives by the Department of Children and Family Services shall also comply with subsections (b) and (b-5) ~~subsection (b)~~ of Section 7 of the Children and Family Services Act. The Department may promulgate rules to implement interstate adoption placements, including those requirements set forth in this

Section.

(2) If an adoption is finalized prior to bringing or sending a child to this State, compliance with the Interstate Compact on the Placement of Children is not required.

(3) Approval requirements. The Department shall promulgate procedures for interstate adoption placements of children under this Act. No later than September 24, 2017 (30 days after the effective date of Public Act 100-344), the Department shall distribute a written list of all preadoption approval requirements to all Illinois licensed child welfare agencies performing adoption services, and all out-of-state agencies approved under this Section, and shall post the requirements on the Department's website. The Department may not require any further preadoption requirements other than those set forth in the procedures required under this paragraph. The procedures shall reflect the standard of review as stated in the Interstate Compact on the Placement of Children and approval shall be given by the Department if the placement appears not to be contrary to the best interests of the child.

(4) Time for review and decision. In all cases where the child to be placed is not a youth in care in Illinois or any other state, a provisional or final approval for placement shall be provided in writing from the Department

in accordance with the Interstate Compact on the Placement of Children. Approval or denial of the placement must be given by the Department as soon as practicable, but in no event more than 3 business days of the receipt of the completed referral packet by the Department's Interstate Compact Administrator. Receipt of the packet shall be evidenced by the packet's arrival at the address designated by the Department to receive such referrals. The written decision to approve or deny the placement shall be communicated in an expeditious manner, including, but not limited to, electronic means referenced in paragraph (b)(7) of this Section, and shall be provided to all Illinois licensed child welfare agencies involved in the placement, all out-of-state child placing agencies involved in the placement, and all attorneys representing the prospective adoptive parent or biological parent. If, during its initial review of the packet, the Department believes there are any incomplete or missing documents, or missing information, as required in paragraph (b)(3), the Department shall, as soon as practicable, but in no event more than 2 business days of receipt of the packet, communicate a list of any incomplete or missing documents and information to all Illinois licensed child welfare agencies involved in the placement, all out-of-state child placing agencies involved in the placement, and all attorneys representing the adoptive parent or biological

parent. This list shall be communicated in an expeditious manner, including, but not limited to, electronic means referenced in paragraph (b)(7) of this Section.

(5) Denial of approval. In all cases where the child to be placed is not a youth in the care of any state, if the Department denies approval of an interstate placement, the written decision referenced in paragraph (b)(4) of this Section shall set forth the reason or reasons why the placement was not approved and shall reference which requirements under paragraph (b)(3) of this Section were not met. The written decision shall be communicated in an expeditious manner, including, but not limited to, electronic means referenced in paragraph (b)(7) of this Section, to all Illinois licensed child welfare agencies involved in the placement, all out-of-state child placing agencies involved in the placement, and all attorneys representing the prospective adoptive parent or biological parent.

(6) Provisional approval. Nothing in paragraphs (b)(3) through (b)(5) of this Section shall preclude the Department from issuing provisional approval of the placement pending receipt of any missing or incomplete documents or information.

(7) Electronic communication. All communications concerning an interstate placement made between the Department and an Illinois licensed child welfare agency,

an out-of-state child placing agency, and attorneys representing the prospective adoptive parent or biological parent, including the written communications referenced in this Section, may be made through any type of electronic means, including, but not limited to, electronic mail.

(c) Intercountry adoptions. The adoption of a child, if the child is a habitual resident of a country other than the United States and the petitioner is a habitual resident of the United States, or, if the child is a habitual resident of the United States and the petitioner is a habitual resident of a country other than the United States, shall comply with the Intercountry Adoption Act of 2000, as amended, and the Immigration and Nationality Act, as amended. In the case of an intercountry adoption that requires oversight by the adoption services governed by the Intercountry Adoption Universal Accreditation Act of 2012, this State shall not impose any additional preadoption requirements.

(d) (Blank).

(e) Re-adoption after an intercountry adoption.

(1) Any time after a minor child has been adopted in a foreign country and has immigrated to the United States, the adoptive parent or parents of the child may petition the court for a judgment of adoption to re-adopt the child and confirm the foreign adoption decree.

(2) The petitioner must submit to the court one or more of the following to verify the foreign adoption:

(i) an immigrant visa for the child issued by United States Citizenship and Immigration Services of the U.S. Department of Homeland Security that was valid at the time of the child's immigration;

(ii) a decree, judgment, certificate of adoption, adoption registration, or equivalent court order, entered or issued by a court of competent jurisdiction or administrative body outside the United States, establishing the relationship of parent and child by adoption; or

(iii) such other evidence deemed satisfactory by the court.

(3) The child's immigrant visa shall be prima facie proof that the adoption was established in accordance with the laws of the foreign jurisdiction and met United States requirements for immigration.

(4) If the petitioner submits documentation that satisfies the requirements of paragraph (2), the court shall not appoint a guardian ad litem for the minor who is the subject of the proceeding, shall not require any further termination of parental rights of the child's biological parents, nor shall it require any home study, investigation, post-placement visit, or background check of the petitioner.

(5) The petition may include a request for change of the child's name and any other request for specific relief

that is in the best interests of the child. The relief may include a request for a revised birth date for the child if supported by evidence from a medical or dental professional attesting to the appropriate age of the child or other collateral evidence.

(6) Two adoptive parents who adopted a minor child together in a foreign country while married to one another may file a petition for adoption to re-adopt the child jointly, regardless of whether their marriage has been dissolved. If either parent whose marriage was dissolved has subsequently remarried or entered into a civil union with another person, the new spouse or civil union partner shall not join in the petition to re-adopt the child, unless the new spouse or civil union partner is seeking to adopt the child. If either adoptive parent does not join in the petition, he or she must be joined as a party defendant. The defendant parent's failure to participate in the re-adoption proceeding shall not affect the existing parental rights or obligations of the parent as they relate to the minor child, and the parent's name shall be placed on any subsequent birth record issued for the child as a result of the re-adoption proceeding.

(7) An adoptive parent who adopted a minor child in a foreign country as an unmarried person may file a petition for adoption to re-adopt the child as a sole petitioner, even if the adoptive parent has subsequently married or

entered into a civil union.

(8) If one of the adoptive parents who adopted a minor child dies prior to a re-adoption proceeding, the deceased parent's name shall be placed on any subsequent birth record issued for the child as a result of the re-adoption proceeding.

(Source: P.A. 103-501, eff. 1-1-24.)

(750 ILCS 50/15.1) (from Ch. 40, par. 1519.1)

Sec. 15.1. (a) Any person over the age of 18, who has cared for a child for a continuous period of one year or more as a foster parent licensed under the Child Care Act of 1969 to operate a foster family home, as a certified relative caregiver as defined in Section 2.37 of the Child Care Act of 1969, or as a relative caregiver as defined in Section 4d of the Children and Family Services Act, may apply to the child's guardian with the power to consent to adoption, for such guardian's consent.

(b) Such guardian shall give preference and first consideration to that application over all other applications for adoption of the child but the guardian's final decision shall be based on the welfare and best interest of the child. In arriving at this decision, the guardian shall consider all relevant factors including but not limited to:

- (1) the wishes of the child;
- (2) the interaction and interrelationship of the child

with the applicant to adopt the child;

(3) the child's need for stability and continuity of relationship with parent figures;

(4) the wishes of the child's parent as expressed in writing prior to that parent's execution of a consent or surrender for adoption;

(5) the child's adjustment to the child's ~~his~~ present home, school and community;

(6) the mental and physical health of all individuals involved;

(7) the family ties between the child and the applicant to adopt the child and the value of preserving family ties between the child and the child's relatives, including siblings;

(8) the background, age and living arrangements of the applicant to adopt the child;

(9) the criminal background check report presented to the court as part of the investigation required under Section 6 of this Act.

(c) The final determination of the propriety of the adoption shall be within the sole discretion of the court, which shall base its decision on the welfare and best interest of the child. In arriving at this decision, the court shall consider all relevant factors including but not limited to the factors in subsection (b).

(d) If the court specifically finds that the guardian has

abused the guardian's ~~his~~ discretion by withholding consent to an adoption in violation of the child's welfare and best interests, then the court may grant an adoption, after all of the other provisions of this Act have been complied with, with or without the consent of the guardian with power to consent to adoption. If the court specifically finds that the guardian has abused the guardian's ~~his~~ discretion by granting consent to an adoption in violation of the child's welfare and best interests, then the court may deny an adoption even though the guardian with power to consent to adoption has consented to it.

(Source: P.A. 90-608, eff. 6-30-98.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect July 1, 2025, except that this Section and the amendatory changes made by this Act to Sections 1-3, 1-5, 2-13, 2-21, 2-22, 2-28, 2-28.1, and 5-745 of the Juvenile Court Act of 1987 take effect upon becoming law.