

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 2-23 and 2-28 as follows:

6 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

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

23 However, in any case in which a minor is found by the

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

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

17 However, in any case in which a minor is found by the
18 court to be dependent under Section 2-4 of this Act,
19 custody of the minor shall not be restored to any parent,
20 guardian or legal custodian whose acts or omissions or both
21 have been identified, pursuant to subsection (1) of Section
22 2-21, as forming the basis for the court's finding of
23 dependency, until such time as a hearing is held on the
24 issue of the fitness of such parent, guardian or legal
25 custodian to care for the minor without endangering the
26 minor's health or safety, and the court enters an order

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

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

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

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

23 Unless the order of disposition expressly so provides, it
24 does not operate to close proceedings on the pending petition,
25 but is subject to modification, not inconsistent with Section
26 2-28, until final closing and discharge of the proceedings

1 under Section 2-31.

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

1 implement changes to the current service plan consistent with
2 the court's findings. The new service plan shall be filed with
3 the court and served on all parties within 45 days after the
4 date of the order. The court shall continue the matter until
5 the new service plan is filed. Except as authorized by
6 subsection (3.5) of this Section or authorized by law, the
7 court is not empowered under this Section to order specific
8 placements, specific services, or specific service providers
9 to be included in the service plan. Unless otherwise
10 specifically authorized by law, the court is not empowered
11 under this subsection (3) or under subsection (2) to order
12 specific placements, specific services, or specific service
13 providers to be included in the plan.

14 (3.5) If, after reviewing the evidence, including evidence
15 from the Department, the court determines that the minor's
16 current or planned placement is not necessary or appropriate to
17 facilitate achievement of the permanency goal, the court shall
18 put in writing the factual basis supporting its determination
19 and enter specific findings based on the evidence. If the court
20 finds that the minor's current or planned placement is not
21 necessary or appropriate, the court may enter an order
22 directing the Department to implement a recommendation by the
23 minor's treating clinician or a clinician contracted by the
24 Department to evaluate the minor or a recommendation made by
25 the Department. If the Department places a minor in a placement
26 under an order entered under this subsection (3.5), the

1 Department has the authority to remove the minor from that
2 placement when a change in circumstances necessitates the
3 removal to protect the minor's health, safety, and best
4 interest. If the Department determines removal is necessary,
5 the Department shall notify the parties of the planned
6 placement change in writing no later than 10 days prior to the
7 implementation of its determination unless remaining in the
8 placement poses an imminent risk of harm to the minor, in which
9 case the Department shall notify the parties of the placement
10 change in writing immediately following the implementation of
11 its decision. The Department shall notify others of the
12 decision to change the minor's placement as required by
13 Department rule.

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

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

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

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

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

13 (Source: P.A. 96-581, eff. 1-1-10; 96-600, eff. 8-21-09;
14 96-1000, eff. 7-2-10; 97-1076, eff. 8-24-12.)

15 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)
16 Sec. 2-28. Court review.

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

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

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

1 described in subsection (5) of Section 2-21, within 30 days of
2 the order for termination of parental rights and appointment of
3 a guardian with power to consent to adoption, or (c) in
4 accordance with subsection (2) of Section 2-13.1. Subsequent
5 permanency hearings shall be held every 6 months or more
6 frequently if necessary in the court's determination following
7 the initial permanency hearing, in accordance with the
8 standards set forth in this Section, until the court determines
9 that the plan and goal have been achieved. Once the plan and
10 goal have been achieved, if the minor remains in substitute
11 care, the case shall be reviewed at least every 6 months
12 thereafter, subject to the provisions of this Section, unless
13 the minor is placed in the guardianship of a suitable relative
14 or other person and the court determines that further
15 monitoring by the court does not further the health, safety or
16 best interest of the child and that this is a stable permanent
17 placement. The permanency hearings must occur within the time
18 frames set forth in this subsection and may not be delayed in
19 anticipation of a report from any source or due to the agency's
20 failure to timely file its written report (this written report
21 means the one required under the next paragraph and does not
22 mean the service plan also referred to in that paragraph).

23 The public agency that is the custodian or guardian of the
24 minor, or another agency responsible for the minor's care,
25 shall ensure that all parties to the permanency hearings are
26 provided a copy of the most recent service plan prepared within

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

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

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

26 (B) The minor will be in short-term care with a

1 continued goal to return home within a period not to exceed
2 one year, where the progress of the parent or parents is
3 substantial giving particular consideration to the age and
4 individual needs of the minor.

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

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

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

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

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

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

1 developmental disabilities or mental illness or because he
2 or she is a danger to self or others, provided that goals
3 (A) through (D) have been ruled out.

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

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

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

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

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

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

25 (b) the child exhibits an extreme level of need
26 such that the removal of the child from his or her

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

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

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

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

23 (1) Age of the child.

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

26 (3) Current placement of the child and the intent of

1 the family regarding adoption.

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

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

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

9 (7) Status of siblings of the minor.

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

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

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

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

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

26 If the goal has been achieved, the court shall enter orders

1 that are necessary to conform the minor's legal custody and
2 status to those findings.

3 If, after receiving evidence, the court determines that the
4 services contained in the plan are not reasonably calculated to
5 facilitate achievement of the permanency goal, the court shall
6 put in writing the factual basis supporting the determination
7 and enter specific findings based on the evidence. The court
8 also shall enter an order for the Department to develop and
9 implement a new service plan or to implement changes to the
10 current service plan consistent with the court's findings. The
11 new service plan shall be filed with the court and served on
12 all parties within 45 days of the date of the order. The court
13 shall continue the matter until the new service plan is filed.
14 Except as authorized by subsection (2.5) of this Section and as
15 otherwise specifically authorized by law, the court is not
16 empowered under this Section to order specific placements,
17 specific services, or specific service providers to be included
18 in the service plan. ~~Unless otherwise specifically authorized~~
19 ~~by law, the court is not empowered under this subsection (2) or~~
20 ~~under subsection (3) to order specific placements, specific~~
21 ~~services, or specific service providers to be included in the~~
22 ~~plan.~~

23 A guardian or custodian appointed by the court pursuant to
24 this Act shall file updated case plans with the court every 6
25 months.

26 Rights of wards of the court under this Act are enforceable

1 against any public agency by complaints for relief by mandamus
2 filed in any proceedings brought under this Act.

3 (2.5) If, after reviewing the evidence, including evidence
4 from the Department, the court determines that the minor's
5 current or planned placement is not necessary or appropriate to
6 facilitate achievement of the permanency goal, the court shall
7 put in writing the factual basis supporting its determination
8 and enter specific findings based on the evidence. If the court
9 finds that the minor's current or planned placement is not
10 necessary or appropriate, the court may enter an order
11 directing the Department to implement a recommendation by the
12 minor's treating clinician or a clinician contracted by the
13 Department to evaluate the minor or a recommendation made by
14 the Department. If the Department places a minor in a placement
15 under an order entered under this subsection (2.5), the
16 Department has the authority to remove the minor from that
17 placement when a change in circumstances necessitates the
18 removal to protect the minor's health, safety, and best
19 interest. If the Department determines removal is necessary,
20 the Department shall notify the parties of the planned
21 placement change in writing no later than 10 days prior to the
22 implementation of its determination unless remaining in the
23 placement poses an imminent risk of harm to the minor, in which
24 case the Department shall notify the parties of the placement
25 change in writing immediately following the implementation of
26 its decision. The Department shall notify others of the

1 decision to change the minor's placement as required by
2 Department rule.

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

6 (a) The future status of the minor, including the
7 permanency goal, and any order necessary to conform the
8 minor's legal custody and status to such determination; or

9 (b) If the permanency goal of the minor cannot be
10 achieved immediately, the specific reasons for continuing
11 the minor in the care of the Department of Children and
12 Family Services or other agency for short term placement,
13 and the following determinations:

14 (i) (Blank).

15 (ii) Whether the services required by the court and
16 by any service plan prepared within the prior 6 months
17 have been provided and (A) if so, whether the services
18 were reasonably calculated to facilitate the
19 achievement of the permanency goal or (B) if not
20 provided, why the services were not provided.

21 (iii) Whether the minor's current or planned
22 placement is necessary, and appropriate to the plan and
23 goal, recognizing the right of minors to the least
24 restrictive (most family-like) setting available and
25 in close proximity to the parents' home consistent with
26 the health, safety, best interest and special needs of

1 the minor and, if the minor is placed out-of-State,
2 whether the out-of-State placement continues to be
3 appropriate and consistent with the health, safety,
4 and best interest of the minor.

5 (iv) (Blank).

6 (v) (Blank).

7 (4) The minor or any person interested in the minor may
8 apply to the court for a change in custody of the minor and the
9 appointment of a new custodian or guardian of the person or for
10 the restoration of the minor to the custody of his parents or
11 former guardian or custodian.

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

13 (a) The Department, the minor, or the current foster
14 parent or relative caregiver seeking private guardianship
15 may file a motion for private guardianship of the minor.
16 Appointment of a guardian under this Section requires
17 approval of the court.

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

1 When parental rights have been terminated for a minimum
2 of 3 years and the child who is the subject of the
3 permanency hearing is 13 years old or older and is not
4 currently placed in a placement likely to achieve
5 permanency, the Department of Children and Family Services
6 shall make reasonable efforts to locate parents whose
7 rights have been terminated, except when the Court
8 determines that those efforts would be futile or
9 inconsistent with the subject child's best interests. The
10 Department of Children and Family Services shall assess the
11 appropriateness of the parent whose rights have been
12 terminated, and shall, as appropriate, foster and support
13 connections between the parent whose rights have been
14 terminated and the youth. The Department of Children and
15 Family Services shall document its determinations and
16 efforts to foster connections in the child's case plan.

17 Custody of the minor shall not be restored to any parent,
18 guardian or legal custodian in any case in which the minor is
19 found to be neglected or abused under Section 2-3 or dependent
20 under Section 2-4 of this Act, unless the minor can be cared
21 for at home without endangering his or her health or safety and
22 it is in the best interest of the minor, and if such neglect,
23 abuse, or dependency is found by the court under paragraph (1)
24 of Section 2-21 of this Act to have come about due to the acts
25 or omissions or both of such parent, guardian or legal
26 custodian, until such time as an investigation is made as

1 provided in paragraph (5) and a hearing is held on the issue of
2 the health, safety and best interest of the minor and the
3 fitness of such parent, guardian or legal custodian to care for
4 the minor and the court enters an order that such parent,
5 guardian or legal custodian is fit to care for the minor. In
6 the event that the minor has attained 18 years of age and the
7 guardian or custodian petitions the court for an order
8 terminating his guardianship or custody, guardianship or
9 custody shall terminate automatically 30 days after the receipt
10 of the petition unless the court orders otherwise. No legal
11 custodian or guardian of the person may be removed without his
12 consent until given notice and an opportunity to be heard by
13 the court.

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

21 (5) Whenever a parent, guardian, or legal custodian files a
22 motion for restoration of custody of the minor, and the minor
23 was adjudicated neglected, abused, or dependent as a result of
24 physical abuse, the court shall cause to be made an
25 investigation as to whether the movant has ever been charged
26 with or convicted of any criminal offense which would indicate

1 the likelihood of any further physical abuse to the minor.
2 Evidence of such criminal convictions shall be taken into
3 account in determining whether the minor can be cared for at
4 home without endangering his or her health or safety and
5 fitness of the parent, guardian, or legal custodian.

6 (a) Any agency of this State or any subdivision thereof
7 shall co-operate with the agent of the court in providing
8 any information sought in the investigation.

9 (b) The information derived from the investigation and
10 any conclusions or recommendations derived from the
11 information shall be provided to the parent, guardian, or
12 legal custodian seeking restoration of custody prior to the
13 hearing on fitness and the movant shall have an opportunity
14 at the hearing to refute the information or contest its
15 significance.

16 (c) All information obtained from any investigation
17 shall be confidential as provided in Section 5-150 of this
18 Act.

19 (Source: P.A. 97-425, eff. 8-16-11; 97-1076, eff. 8-24-12;
20 98-756, eff. 7-16-14.)

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