



Rep. Sara Feigenholtz

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LRB100 05887 SLF 21318 a

1 AMENDMENT TO HOUSE BILL 1791

2 AMENDMENT NO. _____. Amend House Bill 1791 by replacing
3 everything after the enacting clause with the following:

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

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

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

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

24 However, in any case in which a minor is found by the
25 court to be dependent under Section 2-4 of this Act,
26 custody of the minor shall not be restored to any parent,

1 guardian or legal custodian whose acts or omissions or both
2 have been identified, pursuant to subsection (1) of Section
3 2-21, as forming the basis for the court's finding of
4 dependency, until such time as a hearing is held on the
5 issue of the fitness of such parent, guardian or legal
6 custodian to care for the minor without endangering the
7 minor's health or safety, and the court enters an order
8 that such parent, guardian or legal custodian is fit to
9 care for the minor.

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

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

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

4 Unless the order of disposition expressly so provides, it
5 does not operate to close proceedings on the pending petition,
6 but is subject to modification, not inconsistent with Section
7 2-28, until final closing and discharge of the proceedings
8 under Section 2-31.

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

1 plan. If, after receiving evidence, the court determines that
2 the services contained in the plan are not reasonably
3 calculated to facilitate achievement of the permanency goal,
4 the court shall put in writing the factual basis supporting the
5 determination and enter specific findings based on the
6 evidence. The court also shall enter an order for the
7 Department to develop and implement a new service plan or to
8 implement changes to the current service plan consistent with
9 the court's findings. The new service plan shall be filed with
10 the court and served on all parties within 45 days after the
11 date of the order. The court shall continue the matter until
12 the new service plan is filed. Except as authorized by
13 subsection (3.5) of this Section or authorized by law, the
14 court is not empowered under this Section to order specific
15 placements, specific services, or specific service providers
16 to be included in the service plan. ~~Unless otherwise~~
17 ~~specifically authorized by law, the court is not empowered~~
18 ~~under this subsection (3) or under subsection (2) to order~~
19 ~~specific placements, specific services, or specific service~~
20 ~~providers to be included in the plan.~~

21 (3.5) If, after reviewing the evidence, including evidence
22 from the Department, the court determines that the minor's
23 current or planned placement is not necessary or appropriate to
24 facilitate achievement of the permanency goal, the court shall
25 put in writing the factual basis supporting its determination
26 and enter specific findings based on the evidence. If the court

1 finds that the minor's current or planned placement is not
2 necessary or appropriate, the court may enter an order
3 directing the Department to implement a recommendation by the
4 minor's treating clinician or a clinician contracted by the
5 Department to evaluate the minor or a recommendation made by
6 the Department. If the Department places a minor in a placement
7 under an order entered under this subsection (3.5), the
8 Department has the authority to remove the minor from that
9 placement when a change in circumstances necessitates the
10 removal to protect the minor's health, safety, and best
11 interest. If the Department determines removal is necessary,
12 the Department shall notify the parties of the planned
13 placement change in writing no later than 10 days prior to the
14 implementation of its determination unless remaining in the
15 placement poses an imminent risk of harm to the minor, in which
16 case the Department shall notify the parties of the placement
17 change in writing immediately following the implementation of
18 its decision. The Department shall notify others of the
19 decision to change the minor's placement as required by
20 Department rule.

21 (4) In addition to any other order of disposition, the
22 court may order any minor adjudicated neglected with respect to
23 his or her own injurious behavior to make restitution, in
24 monetary or non-monetary form, under the terms and conditions
25 of Section 5-5-6 of the Unified Code of Corrections, except
26 that the "presentence hearing" referred to therein shall be the

1 dispositional hearing for purposes of this Section. The parent,
2 guardian or legal custodian of the minor may pay some or all of
3 such restitution on the minor's behalf.

4 (5) Any order for disposition where the minor is committed
5 or placed in accordance with Section 2-27 shall provide for the
6 parents or guardian of the estate of such minor to pay to the
7 legal custodian or guardian of the person of the minor such
8 sums as are determined by the custodian or guardian of the
9 person of the minor as necessary for the minor's needs. Such
10 payments may not exceed the maximum amounts provided for by
11 Section 9.1 of the Children and Family Services Act.

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

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

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

22 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

23 Sec. 2-28. Court review.

24 (1) The court may require any legal custodian or guardian
25 of the person appointed under this Act to report periodically

1 to the court or may cite him into court and require him or his
2 agency, to make a full and accurate report of his or its doings
3 in behalf of the minor. The custodian or guardian, within 10
4 days after such citation, shall make the report, either in
5 writing verified by affidavit or orally under oath in open
6 court, or otherwise as the court directs. Upon the hearing of
7 the report the court may remove the custodian or guardian and
8 appoint another in his stead or restore the minor to the
9 custody of his parents or former guardian or custodian.
10 However, custody of the minor shall not be restored to any
11 parent, guardian or legal custodian in any case in which the
12 minor is found to be neglected or abused under Section 2-3 or
13 dependent under Section 2-4 of this Act, unless the minor can
14 be cared for at home without endangering the minor's health or
15 safety and it is in the best interests of the minor, and if
16 such neglect, abuse, or dependency is found by the court under
17 paragraph (1) of Section 2-21 of this Act to have come about
18 due to the acts or omissions or both of such parent, guardian
19 or legal custodian, until such time as an investigation is made
20 as provided in paragraph (5) and a hearing is held on the issue
21 of the fitness of such parent, guardian or legal custodian to
22 care for the minor and the court enters an order that such
23 parent, guardian or legal custodian is fit to care for the
24 minor.

25 (2) The first permanency hearing shall be conducted by the
26 judge. Subsequent permanency hearings may be heard by a judge

1 or by hearing officers appointed or approved by the court in
2 the manner set forth in Section 2-28.1 of this Act. The initial
3 hearing shall be held (a) within 12 months from the date
4 temporary custody was taken, regardless of whether an
5 adjudication or dispositional hearing has been completed
6 within that time frame, (b) if the parental rights of both
7 parents have been terminated in accordance with the procedure
8 described in subsection (5) of Section 2-21, within 30 days of
9 the order for termination of parental rights and appointment of
10 a guardian with power to consent to adoption, or (c) in
11 accordance with subsection (2) of Section 2-13.1. Subsequent
12 permanency hearings shall be held every 6 months or more
13 frequently if necessary in the court's determination following
14 the initial permanency hearing, in accordance with the
15 standards set forth in this Section, until the court determines
16 that the plan and goal have been achieved. Once the plan and
17 goal have been achieved, if the minor remains in substitute
18 care, the case shall be reviewed at least every 6 months
19 thereafter, subject to the provisions of this Section, unless
20 the minor is placed in the guardianship of a suitable relative
21 or other person and the court determines that further
22 monitoring by the court does not further the health, safety or
23 best interest of the child and that this is a stable permanent
24 placement. The permanency hearings must occur within the time
25 frames set forth in this subsection and may not be delayed in
26 anticipation of a report from any source or due to the agency's

1 failure to timely file its written report (this written report
2 means the one required under the next paragraph and does not
3 mean the service plan also referred to in that paragraph).

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

1 this subsection.

2 At the permanency hearing, the court shall determine the
3 future status of the child. The court shall set one of the
4 following permanency goals:

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

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

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

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

25 (D) Adoption, provided that parental rights have been
26 terminated or relinquished.

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

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

6 (G) The minor will be in substitute care because he or
7 she cannot be provided for in a home environment due to
8 developmental disabilities or mental illness or because he
9 or she is a danger to self or others, provided that goals
10 (A) through (D) have been ruled out.

11 In selecting any permanency goal, the court shall indicate
12 in writing the reasons the goal was selected and why the
13 preceding goals were ruled out. Where the court has selected a
14 permanency goal other than (A), (B), or (B-1), the Department
15 of Children and Family Services shall not provide further
16 reunification services, but shall provide services consistent
17 with the goal selected.

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

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

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

25 (3) The court has found compelling reasons, based
26 on written documentation reviewed by the court, to

1 place the minor in continuing foster care. Compelling
2 reasons include:

3 (a) the child does not wish to be adopted or to
4 be placed in the guardianship of his or her
5 relative or foster care placement;

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

9 (c) the child who is the subject of the
10 permanency hearing has existing close and strong
11 bonds with a sibling, and achievement of another
12 permanency goal would substantially interfere with
13 the subject child's sibling relationship, taking
14 into consideration the nature and extent of the
15 relationship, and whether ongoing contact is in
16 the subject child's best interest, including
17 long-term emotional interest, as compared with the
18 legal and emotional benefit of permanence;

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

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

24 The court shall set a permanency goal that is in the best
25 interest of the child. In determining that goal, the court
26 shall consult with the minor in an age-appropriate manner

1 regarding the proposed permanency or transition plan for the
2 minor. The court's determination shall include the following
3 factors:

4 (1) Age of the child.

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

7 (3) Current placement of the child and the intent of
8 the family regarding adoption.

9 (4) Emotional, physical, and mental status or
10 condition of the child.

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

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

16 (7) Status of siblings of the minor.

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

26 The court shall make findings as to whether, in violation

1 of Section 8.2 of the Abused and Neglected Child Reporting Act,
2 any portion of the service plan compels a child or parent to
3 engage in any activity or refrain from any activity that is not
4 reasonably related to remedying a condition or conditions that
5 gave rise or which could give rise to any finding of child
6 abuse or neglect. The services contained in the service plan
7 shall include services reasonably related to remedy the
8 conditions that gave rise to removal of the child from the home
9 of his or her parents, guardian, or legal custodian or that the
10 court has found must be remedied prior to returning the child
11 home. Any tasks the court requires of the parents, guardian, or
12 legal custodian or child prior to returning the child home,
13 must be reasonably related to remedying a condition or
14 conditions that gave rise to or which could give rise to any
15 finding of child abuse or neglect.

16 If the permanency goal is to return home, the court shall
17 make findings that identify any problems that are causing
18 continued placement of the children away from the home and
19 identify what outcomes would be considered a resolution to
20 these problems. The court shall explain to the parents that
21 these findings are based on the information that the court has
22 at that time and may be revised, should additional evidence be
23 presented to the court.

24 The court shall review the Sibling Contact Support Plan
25 developed or modified under subsection (f) of Section 7.4 of
26 the Children and Family Services Act, if applicable. If the

1 Department has not convened a meeting to develop or modify a
2 Sibling Contact Support Plan, or if the court finds that the
3 existing Plan is not in the child's best interest, the court
4 may enter an order requiring the Department to develop, modify
5 or implement a Sibling Contact Support Plan, or order
6 mediation.

7 If the goal has been achieved, the court shall enter orders
8 that are necessary to conform the minor's legal custody and
9 status to those findings.

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

1 ~~under subsection (3) to order specific placements, specific~~
2 ~~services, or specific service providers to be included in the~~
3 ~~plan.~~

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

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

10 (2.5) If, after reviewing the evidence, including evidence
11 from the Department, the court determines that the minor's
12 current or planned placement is not necessary or appropriate to
13 facilitate achievement of the permanency goal, the court shall
14 put in writing the factual basis supporting its determination
15 and enter specific findings based on the evidence. If the court
16 finds that the minor's current or planned placement is not
17 necessary or appropriate, the court may enter an order
18 directing the Department to implement a recommendation by the
19 minor's treating clinician or a clinician contracted by the
20 Department to evaluate the minor or a recommendation made by
21 the Department. If the Department places a minor in a placement
22 under an order entered under this subsection (2.5), the
23 Department has the authority to remove the minor from that
24 placement when a change in circumstances necessitates the
25 removal to protect the minor's health, safety, and best
26 interest. If the Department determines removal is necessary,

1 the Department shall notify the parties of the planned
2 placement change in writing no later than 10 days prior to the
3 implementation of its determination unless remaining in the
4 placement poses an imminent risk of harm to the minor, in which
5 case the Department shall notify the parties of the placement
6 change in writing immediately following the implementation of
7 its decision. The Department shall notify others of the
8 decision to change the minor's placement as required by
9 Department rule.

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

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

16 (b) If the permanency goal of the minor cannot be
17 achieved immediately, the specific reasons for continuing
18 the minor in the care of the Department of Children and
19 Family Services or other agency for short term placement,
20 and the following determinations:

21 (i) (Blank).

22 (ii) Whether the services required by the court and
23 by any service plan prepared within the prior 6 months
24 have been provided and (A) if so, whether the services
25 were reasonably calculated to facilitate the
26 achievement of the permanency goal or (B) if not

1 provided, why the services were not provided.

2 (iii) Whether the minor's current or planned
3 placement is necessary, and appropriate to the plan and
4 goal, recognizing the right of minors to the least
5 restrictive (most family-like) setting available and
6 in close proximity to the parents' home consistent with
7 the health, safety, best interest and special needs of
8 the minor and, if the minor is placed out-of-State,
9 whether the out-of-State placement continues to be
10 appropriate and consistent with the health, safety,
11 and best interest of the minor.

12 (iv) (Blank).

13 (v) (Blank).

14 (4) The minor or any person interested in the minor may
15 apply to the court for a change in custody of the minor and the
16 appointment of a new custodian or guardian of the person or for
17 the restoration of the minor to the custody of his parents or
18 former guardian or custodian.

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

20 (a) The Department, the minor, or the current foster
21 parent or relative caregiver seeking private guardianship
22 may file a motion for private guardianship of the minor.
23 Appointment of a guardian under this Section requires
24 approval of the court.

25 (b) The State's Attorney may file a motion to terminate
26 parental rights of any parent who has failed to make

1 reasonable efforts to correct the conditions which led to
2 the removal of the child or reasonable progress toward the
3 return of the child, as defined in subdivision (D)(m) of
4 Section 1 of the Adoption Act or for whom any other
5 unfitness ground for terminating parental rights as
6 defined in subdivision (D) of Section 1 of the Adoption Act
7 exists.

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

24 Custody of the minor shall not be restored to any parent,
25 guardian or legal custodian in any case in which the minor is
26 found to be neglected or abused under Section 2-3 or dependent

1 under Section 2-4 of this Act, unless the minor can be cared
2 for at home without endangering his or her health or safety and
3 it is in the best interest of the minor, and if such neglect,
4 abuse, or dependency is found by the court under paragraph (1)
5 of Section 2-21 of this Act to have come about due to the acts
6 or omissions or both of such parent, guardian or legal
7 custodian, until such time as an investigation is made as
8 provided in paragraph (5) and a hearing is held on the issue of
9 the health, safety and best interest of the minor and the
10 fitness of such parent, guardian or legal custodian to care for
11 the minor and the court enters an order that such parent,
12 guardian or legal custodian is fit to care for the minor. In
13 the event that the minor has attained 18 years of age and the
14 guardian or custodian petitions the court for an order
15 terminating his guardianship or custody, guardianship or
16 custody shall terminate automatically 30 days after the receipt
17 of the petition unless the court orders otherwise. No legal
18 custodian or guardian of the person may be removed without his
19 consent until given notice and an opportunity to be heard by
20 the court.

21 When the court orders a child restored to the custody of
22 the parent or parents, the court shall order the parent or
23 parents to cooperate with the Department of Children and Family
24 Services and comply with the terms of an after-care plan, or
25 risk the loss of custody of the child and possible termination
26 of their parental rights. The court may also enter an order of

1 protective supervision in accordance with Section 2-24.

2 (5) Whenever a parent, guardian, or legal custodian files a
3 motion for restoration of custody of the minor, and the minor
4 was adjudicated neglected, abused, or dependent as a result of
5 physical abuse, the court shall cause to be made an
6 investigation as to whether the movant has ever been charged
7 with or convicted of any criminal offense which would indicate
8 the likelihood of any further physical abuse to the minor.
9 Evidence of such criminal convictions shall be taken into
10 account in determining whether the minor can be cared for at
11 home without endangering his or her health or safety and
12 fitness of the parent, guardian, or legal custodian.

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

16 (b) The information derived from the investigation and
17 any conclusions or recommendations derived from the
18 information shall be provided to the parent, guardian, or
19 legal custodian seeking restoration of custody prior to the
20 hearing on fitness and the movant shall have an opportunity
21 at the hearing to refute the information or contest its
22 significance.

23 (c) All information obtained from any investigation
24 shall be confidential as provided in Section 5-150 of this
25 Act.

26 (Source: P.A. 97-425, eff. 8-16-11; 97-1076, eff. 8-24-12;

1 98-756, eff. 7-16-14.)

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