

# HB3169



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3169

by Rep. Nick Sauer

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Children and Family Services Act by defining "youth in care" as persons placed in the temporary custody or guardianship of the Department of Children and Family Services pursuant to the Juvenile Court Act of 1987. Amends various Acts by changing certain references to children who are wards of the Department of Children and Family Services or wards of the State to references to youth in care. Also changes terminology relating to children in the guardianship or custody of the Department of Children and Family Services. Makes other changes. Effective immediately.

LRB100 00350 KTG 10354 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning children.

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

4 Section 5. The Identity Protection Act is amended by  
5 changing Section 10 as follows:

6 (5 ILCS 179/10)

7 Sec. 10. Prohibited Activities.

8 (a) Beginning July 1, 2010, no person or State or local  
9 government agency may do any of the following:

10 (1) Publicly post or publicly display in any manner an  
11 individual's social security number.

12 (2) Print an individual's social security number on any  
13 card required for the individual to access products or  
14 services provided by the person or entity.

15 (3) Require an individual to transmit his or her social  
16 security number over the Internet, unless the connection is  
17 secure or the social security number is encrypted.

18 (4) Print an individual's social security number on any  
19 materials that are mailed to the individual, through the  
20 U.S. Postal Service, any private mail service, electronic  
21 mail, or any similar method of delivery, unless State or  
22 federal law requires the social security number to be on  
23 the document to be mailed. Notwithstanding any provision in

1           this Section to the contrary, social security numbers may  
2           be included in applications and forms sent by mail,  
3           including, but not limited to, any material mailed in  
4           connection with the administration of the Unemployment  
5           Insurance Act, any material mailed in connection with any  
6           tax administered by the Department of Revenue, and  
7           documents sent as part of an application or enrollment  
8           process or to establish, amend, or terminate an account,  
9           contract, or policy or to confirm the accuracy of the  
10          social security number. A social security number that may  
11          permissibly be mailed under this Section may not be  
12          printed, in whole or in part, on a postcard or other mailer  
13          that does not require an envelope or be visible on an  
14          envelope without the envelope having been opened.

15          (b) Except as otherwise provided in this Act, beginning  
16          July 1, 2010, no person or State or local government agency may  
17          do any of the following:

18                 (1) Collect, use, or disclose a social security number  
19                 from an individual, unless (i) required to do so under  
20                 State or federal law, rules, or regulations, or the  
21                 collection, use, or disclosure of the social security  
22                 number is otherwise necessary for the performance of that  
23                 agency's duties and responsibilities; (ii) the need and  
24                 purpose for the social security number is documented before  
25                 collection of the social security number; and (iii) the  
26                 social security number collected is relevant to the

1 documented need and purpose.

2 (2) Require an individual to use his or her social  
3 security number to access an Internet website.

4 (3) Use the social security number for any purpose  
5 other than the purpose for which it was collected.

6 (c) The prohibitions in subsection (b) do not apply in the  
7 following circumstances:

8 (1) The disclosure of social security numbers to  
9 agents, employees, contractors, or subcontractors of a  
10 governmental entity or disclosure by a governmental entity  
11 to another governmental entity or its agents, employees,  
12 contractors, or subcontractors if disclosure is necessary  
13 in order for the entity to perform its duties and  
14 responsibilities; and, if disclosing to a contractor or  
15 subcontractor, prior to such disclosure, the governmental  
16 entity must first receive from the contractor or  
17 subcontractor a copy of the contractor's or  
18 subcontractor's policy that sets forth how the  
19 requirements imposed under this Act on a governmental  
20 entity to protect an individual's social security number  
21 will be achieved.

22 (2) The disclosure of social security numbers pursuant  
23 to a court order, warrant, or subpoena.

24 (3) The collection, use, or disclosure of social  
25 security numbers in order to ensure the safety of: State  
26 and local government employees; persons committed to

1 correctional facilities, local jails, and other  
2 law-enforcement facilities or retention centers; wards of  
3 the State; youth in care as defined in Section 4d of the  
4 Children and Family Services Act, and all persons working  
5 in or visiting a State or local government agency facility.

6 (4) The collection, use, or disclosure of social  
7 security numbers for internal verification or  
8 administrative purposes.

9 (5) The disclosure of social security numbers by a  
10 State agency to any entity for the collection of delinquent  
11 child support or of any State debt or to a governmental  
12 agency to assist with an investigation or the prevention of  
13 fraud.

14 (6) The collection or use of social security numbers to  
15 investigate or prevent fraud, to conduct background  
16 checks, to collect a debt, to obtain a credit report from a  
17 consumer reporting agency under the federal Fair Credit  
18 Reporting Act, to undertake any permissible purpose that is  
19 enumerated under the federal Gramm-Leach-Bliley Act, or to  
20 locate a missing person, a lost relative, or a person who  
21 is due a benefit, such as a pension benefit or an unclaimed  
22 property benefit.

23 (d) If any State or local government agency has adopted  
24 standards for the collection, use, or disclosure of social  
25 security numbers that are stricter than the standards under  
26 this Act with respect to the protection of those social

1 security numbers, then, in the event of any conflict with the  
2 provisions of this Act, the stricter standards adopted by the  
3 State or local government agency shall control.

4 (Source: P.A. 96-874, eff. 6-1-10; 97-333, eff. 8-12-11.)

5 Section 10. The State Employee Indemnification Act is  
6 amended by changing Section 1 as follows:

7 (5 ILCS 350/1) (from Ch. 127, par. 1301)

8 Sec. 1. Definitions. For the purpose of this Act:

9 (a) The term "State" means the State of Illinois, the  
10 General Assembly, the court, or any State office, department,  
11 division, bureau, board, commission, or committee, the  
12 governing boards of the public institutions of higher education  
13 created by the State, the Illinois National Guard, the  
14 Comprehensive Health Insurance Board, any poison control  
15 center designated under the Poison Control System Act that  
16 receives State funding, or any other agency or instrumentality  
17 of the State. It does not mean any local public entity as that  
18 term is defined in Section 1-206 of the Local Governmental and  
19 Governmental Employees Tort Immunity Act or a pension fund.

20 (b) The term "employee" means: any present or former  
21 elected or appointed officer, trustee or employee of the State,  
22 or of a pension fund; any present or former commissioner or  
23 employee of the Executive Ethics Commission or of the  
24 Legislative Ethics Commission; any present or former

1 Executive, Legislative, or Auditor General's Inspector  
2 General; any present or former employee of an Office of an  
3 Executive, Legislative, or Auditor General's Inspector  
4 General; any present or former member of the Illinois National  
5 Guard while on active duty; individuals or organizations who  
6 contract with the Department of Corrections, the Department of  
7 Juvenile Justice, the Comprehensive Health Insurance Board, or  
8 the Department of Veterans' Affairs to provide services;  
9 individuals or organizations who contract with the Department  
10 of Human Services (as successor to the Department of Mental  
11 Health and Developmental Disabilities) to provide services  
12 including but not limited to treatment and other services for  
13 sexually violent persons; individuals or organizations who  
14 contract with the Department of Military Affairs for youth  
15 programs; individuals or organizations who contract to perform  
16 carnival and amusement ride safety inspections for the  
17 Department of Labor; individuals who contract with the Office  
18 of the State's Attorneys Appellate Prosecutor to provide legal  
19 services, but only when performing duties within the scope of  
20 the Office's prosecutorial activities; individual  
21 representatives of or designated organizations authorized to  
22 represent the Office of State Long-Term Ombudsman for the  
23 Department on Aging; individual representatives of or  
24 organizations designated by the Department on Aging in the  
25 performance of their duties as adult protective services  
26 agencies or regional administrative agencies under the Adult

1 Protective Services Act; individuals or organizations  
2 appointed as members of a review team or the Advisory Council  
3 under the Adult Protective Services Act; individuals or  
4 organizations who perform volunteer services for the State  
5 where such volunteer relationship is reduced to writing;  
6 individuals who serve on any public entity (whether created by  
7 law or administrative action) described in paragraph (a) of  
8 this Section; individuals or not for profit organizations who,  
9 either as volunteers, where such volunteer relationship is  
10 reduced to writing, or pursuant to contract, furnish  
11 professional advice or consultation to any agency or  
12 instrumentality of the State; individuals who serve as foster  
13 parents for the Department of Children and Family Services when  
14 caring for youth in care as defined in Section 4d of the  
15 Children and Family Services Act ~~a Department ward~~; individuals  
16 who serve as members of an independent team of experts under  
17 Brian's Law; and individuals who serve as arbitrators pursuant  
18 to Part 10A of Article II of the Code of Civil Procedure and  
19 the rules of the Supreme Court implementing Part 10A, each as  
20 now or hereafter amended; the term "employee" does not mean an  
21 independent contractor except as provided in this Section. The  
22 term includes an individual appointed as an inspector by the  
23 Director of State Police when performing duties within the  
24 scope of the activities of a Metropolitan Enforcement Group or  
25 a law enforcement organization established under the  
26 Intergovernmental Cooperation Act. An individual who renders



1 professional advice and consultation to the State through an  
2 organization which qualifies as an "employee" under the Act is  
3 also an employee. The term includes the estate or personal  
4 representative of an employee.

5 (c) The term "pension fund" means a retirement system or  
6 pension fund created under the Illinois Pension Code.

7 (Source: P.A. 98-49, eff. 7-1-13; 98-83, eff. 7-15-13; 98-732,  
8 eff. 7-16-14; 98-756, eff. 7-16-14.)

9 Section 15. The Civil Administrative Code of Illinois is  
10 amended by changing Section 5-535 as follows:

11 (20 ILCS 5/5-535) (was 20 ILCS 5/6.15)

12 Sec. 5-535. In the Department of Children and Family  
13 Services. A Children and Family Services Advisory Council of 21  
14 members shall be appointed by the Governor. The Department of  
15 Children and Family Services may involve the participation of  
16 additional persons with specialized expertise to assist the  
17 Council in specified tasks. The Council shall advise the  
18 Department with respect to services and programs for  
19 individuals under the Department of Children and Family  
20 Services' care, which may include, but is not limited to:

21 (1) reviewing the Department of Children and Family  
22 Services' monitoring process for child care facilities and  
23 child care institutions, as defined in Sections 2.05 and  
24 2.06 of the Child Care Act of 1969;

1           (2) reviewing monitoring standards to address the  
2           quality of life for youth in Department of Children and  
3           Family Services' licensed child care facilities;

4           (3) assisting and making recommendations to establish  
5           standards for monitoring the safety and well-being of youth  
6           placed in Department of Children and Family Services'  
7           licensed child care facilities and overseeing the  
8           implementation of its recommendations;

9           (4) identifying areas of improvement in the quality of  
10          investigations of allegations of child abuse or neglect in  
11          Department of Children and Family Services' licensed child  
12          care facilities and institutions and transitional living  
13          programs;

14          (5) reviewing indicated and unfounded reports selected  
15          at random or requested by the Council;

16          (6) reviewing a random sample of comprehensive call  
17          data reports on (i) calls made to the Department of  
18          Children and Family Services' statewide toll-free  
19          telephone number established under Section 9.1a of the  
20          Child Care Act of 1969 and (ii) calls made to the central  
21          register established under Section 7.7 of the Abused and  
22          Neglected Child Reporting Act through the State-wide,  
23          toll-free telephone number established under Section 7.6  
24          of the Abused and Neglected Child Reporting Act, including  
25          those where investigations were not initiated; and

26          (7) preparing and providing recommendations that

1 identify areas of needed improvement regarding the  
2 investigation of allegations of abuse and neglect to  
3 children in Department of Children and Family Services'  
4 licensed child care facilities and institutions and  
5 transitional living programs, as well as needed changes to  
6 existing laws, rules, and procedures of the Department of  
7 Children and Family Services, and overseeing  
8 implementation of its recommendations.

9 The Council's initial recommendations shall be filed with  
10 the General Assembly and made available to the public no later  
11 than March 1, 2017.

12 The Department of Children and Family Services shall  
13 provide, upon request, all records and information in the  
14 Department of Children and Family Services' possession  
15 relevant to the Advisory Council's review. All documents, in  
16 compliance with applicable privacy laws and redacted where  
17 appropriate, concerning reports and investigations of child  
18 abuse and neglect made available to members of the Advisory  
19 Council and all records generated as a result of the reports  
20 shall be confidential and shall not be disclosed, except as  
21 specifically authorized by applicable law. It is a Class A  
22 misdemeanor to permit, assist, or encourage the unauthorized  
23 release of any information contained in reports or records and  
24 these reports or records are not subject to the Freedom of  
25 Information Act.

26 In appointing the first Council, 8 members shall be named

1 to serve 2 years, and 8 members named to serve 4 years. The  
2 member first appointed under Public Act 83-1538 shall serve for  
3 a term of 4 years. All members appointed thereafter shall be  
4 appointed for terms of 4 years. Beginning July 1, 2015, the  
5 Advisory Council shall include as appointed members at least  
6 one youth from each of the Department of Children and Family  
7 Services' regional youth advisory boards established pursuant  
8 to Section 5 of the Department of Children and Family Services  
9 Statewide Youth Advisory Board Act and at least 2 adult former  
10 youth in care as defined in Section 4d of the Children and  
11 Family Services Act ~~wards of the Department of Children and~~  
12 ~~Family Services~~. At its first meeting the Council shall select  
13 a chairperson from among its members and appoint a committee to  
14 draft rules of procedure.

15 (Source: P.A. 99-346, eff. 1-1-16.)

16 Section 20. The Children and Family Services Act is amended  
17 by changing Sections 5, 5a, 6b, 7.5, 34.11, 35.1, and 39.3 and  
18 by adding Section 4d as follows:

19 (20 ILCS 505/4d new)

20 Sec. 4d. Definition. As used in this Act:

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

1 (20 ILCS 505/5) (from Ch. 23, par. 5005)

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

6 (a) For purposes of this Section:

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

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

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

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

26 (3) "Child welfare services" means public social

1 services which are directed toward the accomplishment of  
2 the following purposes:

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

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

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

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

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

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

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

8 (G) (blank);

9 (H) (blank); and

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

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

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

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

25 (iv) who are siblings, in facilities that  
26 provide separate living quarters for children 18

1           years of age and older and for children under 18  
2           years of age.

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

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

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



1 Act; and youth service programs receiving grant funds under  
2 Section 17a-4.

3 (e) (Blank).

4 (f) (Blank).

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

9 (1) adoption;

10 (2) foster care;

11 (3) family counseling;

12 (4) protective services;

13 (5) (blank);

14 (6) homemaker service;

15 (7) return of runaway children;

16 (8) (blank);

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

21 (10) interstate services.

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

1 the Department of Alcoholism and Substance Abuse, for the  
2 purpose of identifying children and adults who should be  
3 referred to an alcohol and drug abuse treatment program for  
4 professional evaluation.

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

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

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

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

- 25 (1) comprehensive family-based services;
- 26 (2) assessments;

1 (3) respite care; and

2 (4) in-home health services.

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

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

1 the person under Section 5-7 of the Juvenile Court Act or  
2 Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile Court Act of  
3 1987 for children who were youth in care ~~wards of the~~  
4 ~~Department~~ for 12 months immediately prior to the appointment  
5 of the guardian.

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

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

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

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

25 (l) The Department shall offer family preservation  
26 services, as defined in Section 8.2 of the Abused and Neglected

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

24 The Department shall notify the child and his family of the  
25 Department's responsibility to offer and provide family  
26 preservation services as identified in the service plan. The

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

22 The Department may, at its discretion except for those  
23 children also adjudicated neglected or dependent, accept for  
24 care and training any child who has been adjudicated addicted,  
25 as a truant minor in need of supervision or as a minor  
26 requiring authoritative intervention, under the Juvenile Court

1 Act or the Juvenile Court Act of 1987, but no such child shall  
2 be committed to the Department by any court without the  
3 approval of the Department. On and after the effective date of  
4 this amendatory Act of the 98th General Assembly and before  
5 January 1, 2017, a minor charged with a criminal offense under  
6 the Criminal Code of 1961 or the Criminal Code of 2012 or  
7 adjudicated delinquent shall not be placed in the custody of or  
8 committed to the Department by any court, except (i) a minor  
9 less than 16 years of age committed to the Department under  
10 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
11 for whom an independent basis of abuse, neglect, or dependency  
12 exists, which must be defined by departmental rule, or (iii) a  
13 minor for whom the court has granted a supplemental petition to  
14 reinstate wardship pursuant to subsection (2) of Section 2-33  
15 of the Juvenile Court Act of 1987. On and after January 1,  
16 2017, a minor charged with a criminal offense under the  
17 Criminal Code of 1961 or the Criminal Code of 2012 or  
18 adjudicated delinquent shall not be placed in the custody of or  
19 committed to the Department by any court, except (i) a minor  
20 less than 15 years of age committed to the Department under  
21 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor  
22 for whom an independent basis of abuse, neglect, or dependency  
23 exists, which must be defined by departmental rule, or (iii) a  
24 minor for whom the court has granted a supplemental petition to  
25 reinstate wardship pursuant to subsection (2) of Section 2-33  
26 of the Juvenile Court Act of 1987. An independent basis exists

1 when the allegations or adjudication of abuse, neglect, or  
2 dependency do not arise from the same facts, incident, or  
3 circumstances which give rise to a charge or adjudication of  
4 delinquency.

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



1 allocates for this purpose. The term "pervasive developmental  
2 disorder" under this paragraph means a neurological condition,  
3 including but not limited to, Asperger's Syndrome and autism,  
4 as defined in the most recent edition of the Diagnostic and  
5 Statistical Manual of Mental Disorders of the American  
6 Psychiatric Association.

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

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

24 When a child is placed in foster care, the Department shall  
25 ensure and document that reasonable efforts were made to  
26 prevent or eliminate the need to remove the child from the

1 child's home. The Department must make reasonable efforts to  
2 reunify the family when temporary placement of the child occurs  
3 unless otherwise required, pursuant to the Juvenile Court Act  
4 of 1987. At any time after the dispositional hearing where the  
5 Department believes that further reunification services would  
6 be ineffective, it may request a finding from the court that  
7 reasonable efforts are no longer appropriate. The Department is  
8 not required to provide further reunification services after  
9 such a finding.

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

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

- 20 (1) the likelihood of prompt reunification;
- 21 (2) the past history of the family;
- 22 (3) the barriers to reunification being addressed by  
23 the family;
- 24 (4) the level of cooperation of the family;
- 25 (5) the foster parents' willingness to work with the  
26 family to reunite;

1           (6) the willingness and ability of the foster family to  
2           provide an adoptive home or long-term placement;

3           (7) the age of the child;

4           (8) placement of siblings.

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

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

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

14          If the child is found in his or her residence without a parent,  
15          guardian, custodian or responsible caretaker, the Department  
16          may, instead of removing the child and assuming temporary  
17          custody, place an authorized representative of the Department  
18          in that residence until such time as a parent, guardian or  
19          custodian enters the home and expresses a willingness and  
20          apparent ability to ensure the child's health and safety and  
21          resume permanent charge of the child, or until a relative  
22          enters the home and is willing and able to ensure the child's  
23          health and safety and assume charge of the child until a  
24          parent, guardian or custodian enters the home and expresses  
25          such willingness and ability to ensure the child's safety and  
26          resume permanent charge. After a caretaker has remained in the

1 home for a period not to exceed 12 hours, the Department must  
2 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
3 5-415 of the Juvenile Court Act of 1987.

4 The Department shall have the authority, responsibilities  
5 and duties that a legal custodian of the child would have  
6 pursuant to subsection (9) of Section 1-3 of the Juvenile Court  
7 Act of 1987. Whenever a child is taken into temporary custody  
8 pursuant to an investigation under the Abused and Neglected  
9 Child Reporting Act, or pursuant to a referral and acceptance  
10 under the Juvenile Court Act of 1987 of a minor in limited  
11 custody, the Department, during the period of temporary custody  
12 and before the child is brought before a judicial officer as  
13 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile  
14 Court Act of 1987, shall have the authority, responsibilities  
15 and duties that a legal custodian of the child would have under  
16 subsection (9) of Section 1-3 of the Juvenile Court Act of  
17 1987.

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

21 A parent, guardian or custodian of a child in the temporary  
22 custody of the Department who would have custody of the child  
23 if he were not in the temporary custody of the Department may  
24 deliver to the Department a signed request that the Department  
25 surrender the temporary custody of the child. The Department  
26 may retain temporary custody of the child for 10 days after the

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

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

25 (n) The Department may place children under 18 years of age  
26 in licensed child care facilities when in the opinion of the

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

23 (n-1) The Department shall provide or authorize child  
24 welfare services, aimed at assisting minors to achieve  
25 sustainable self-sufficiency as independent adults, for any  
26 minor eligible for the reinstatement of wardship pursuant to

1 subsection (2) of Section 2-33 of the Juvenile Court Act of  
2 1987, whether or not such reinstatement is sought or allowed,  
3 provided that the minor consents to such services and has not  
4 yet attained the age of 21. The Department shall have  
5 responsibility for the development and delivery of services  
6 under this Section. An eligible youth may access services under  
7 this Section through the Department of Children and Family  
8 Services or by referral from the Department of Human Services.  
9 Youth participating in services under this Section shall  
10 cooperate with the assigned case manager in developing an  
11 agreement identifying the services to be provided and how the  
12 youth will increase skills to achieve self-sufficiency. A  
13 homeless shelter is not considered appropriate housing for any  
14 youth receiving child welfare services under this Section. The  
15 Department shall continue child welfare services under this  
16 Section to any eligible minor until the minor becomes 21 years  
17 of age, no longer consents to participate, or achieves  
18 self-sufficiency as identified in the minor's service plan. The  
19 Department of Children and Family Services shall create clear,  
20 readable notice of the rights of former foster youth to child  
21 welfare services under this Section and how such services may  
22 be obtained. The Department of Children and Family Services and  
23 the Department of Human Services shall disseminate this  
24 information statewide. The Department shall adopt regulations  
25 describing services intended to assist minors in achieving  
26 sustainable self-sufficiency as independent adults.

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

26           (p) There is hereby created the Department of Children and



1 Family Services Emergency Assistance Fund from which the  
2 Department may provide special financial assistance to  
3 families which are in economic crisis when such assistance is  
4 not available through other public or private sources and the  
5 assistance is deemed necessary to prevent dissolution of the  
6 family unit or to reunite families which have been separated  
7 due to child abuse and neglect. The Department shall establish  
8 administrative rules specifying the criteria for determining  
9 eligibility for and the amount and nature of assistance to be  
10 provided. The Department may also enter into written agreements  
11 with private and public social service agencies to provide  
12 emergency financial services to families referred by the  
13 Department. Special financial assistance payments shall be  
14 available to a family no more than once during each fiscal year  
15 and the total payments to a family may not exceed \$500 during a  
16 fiscal year.

17 (q) The Department may receive and use, in their entirety,  
18 for the benefit of children any gift, donation or bequest of  
19 money or other property which is received on behalf of such  
20 children, or any financial benefits to which such children are  
21 or may become entitled while under the jurisdiction or care of  
22 the Department.

23 The Department shall set up and administer no-cost,  
24 interest-bearing accounts in appropriate financial  
25 institutions for children for whom the Department is legally  
26 responsible and who have been determined eligible for Veterans'

1 Benefits, Social Security benefits, assistance allotments from  
2 the armed forces, court ordered payments, parental voluntary  
3 payments, Supplemental Security Income, Railroad Retirement  
4 payments, Black Lung benefits, or other miscellaneous  
5 payments. Interest earned by each account shall be credited to  
6 the account, unless disbursed in accordance with this  
7 subsection.

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

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

18 (2) Calculate on a monthly basis the amounts paid from  
19 State funds for the child's board and care, medical care  
20 not covered under Medicaid, and social services; and  
21 utilize funds from the child's account, as covered by  
22 regulation, to reimburse those costs. Monthly,  
23 disbursements from all children's accounts, up to 1/12 of  
24 \$13,000,000, shall be deposited by the Department into the  
25 General Revenue Fund and the balance over 1/12 of  
26 \$13,000,000 into the DCFS Children's Services Fund.

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

6           (r) The Department shall promulgate regulations  
7           encouraging all adoption agencies to voluntarily forward to the  
8           Department or its agent names and addresses of all persons who  
9           have applied for and have been approved for adoption of a  
10          hard-to-place child or child with a disability and the names of  
11          such children who have not been placed for adoption. A list of  
12          such names and addresses shall be maintained by the Department  
13          or its agent, and coded lists which maintain the  
14          confidentiality of the person seeking to adopt the child and of  
15          the child shall be made available, without charge, to every  
16          adoption agency in the State to assist the agencies in placing  
17          such children for adoption. The Department may delegate to an  
18          agent its duty to maintain and make available such lists. The  
19          Department shall ensure that such agent maintains the  
20          confidentiality of the person seeking to adopt the child and of  
21          the child.

22          (s) The Department of Children and Family Services may  
23          establish and implement a program to reimburse Department and  
24          private child welfare agency foster parents licensed by the  
25          Department of Children and Family Services for damages  
26          sustained by the foster parents as a result of the malicious or

1 negligent acts of foster children, as well as providing third  
2 party coverage for such foster parents with regard to actions  
3 of foster children to other individuals. Such coverage will be  
4 secondary to the foster parent liability insurance policy, if  
5 applicable. The program shall be funded through appropriations  
6 from the General Revenue Fund, specifically designated for such  
7 purposes.

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

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

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

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

26 (u) In addition to other information that must be provided,

1 whenever the Department places a child with a prospective  
2 adoptive parent or parents or in a licensed foster home, group  
3 home, child care institution, or in a relative home, the  
4 Department shall provide to the prospective adoptive parent or  
5 parents or other caretaker:

6 (1) available detailed information concerning the  
7 child's educational and health history, copies of  
8 immunization records (including insurance and medical card  
9 information), a history of the child's previous  
10 placements, if any, and reasons for placement changes  
11 excluding any information that identifies or reveals the  
12 location of any previous caretaker;

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

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

19 The caretaker shall be informed of any known social or  
20 behavioral information (including, but not limited to,  
21 criminal background, fire setting, perpetuation of sexual  
22 abuse, destructive behavior, and substance abuse) necessary to  
23 care for and safeguard the children to be placed or currently  
24 in the home. The Department may prepare a written summary of  
25 the information required by this paragraph, which may be  
26 provided to the foster or prospective adoptive parent in

1 advance of a placement. The foster or prospective adoptive  
2 parent may review the supporting documents in the child's file  
3 in the presence of casework staff. In the case of an emergency  
4 placement, casework staff shall at least provide known  
5 information verbally, if necessary, and must subsequently  
6 provide the information in writing as required by this  
7 subsection.

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

23 (u-5) Effective July 1, 1995, only foster care placements  
24 licensed as foster family homes pursuant to the Child Care Act  
25 of 1969 shall be eligible to receive foster care payments from  
26 the Department. Relative caregivers who, as of July 1, 1995,

1 were approved pursuant to approved relative placement rules  
2 previously promulgated by the Department at 89 Ill. Adm. Code  
3 335 and had submitted an application for licensure as a foster  
4 family home may continue to receive foster care payments only  
5 until the Department determines that they may be licensed as a  
6 foster family home or that their application for licensure is  
7 denied or until September 30, 1995, whichever occurs first.

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

1 shall abide by rules and regulations established by the  
2 Department of State Police relating to the access and  
3 dissemination of this information.

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

16 (v-2) Prior to final approval for placement of a child, the  
17 Department shall check its child abuse and neglect registry for  
18 information concerning prospective foster and adoptive  
19 parents, and any adult living in the home. If any prospective  
20 foster or adoptive parent or other adult living in the home has  
21 resided in another state in the preceding 5 years, the  
22 Department shall request a check of that other state's child  
23 abuse and neglect registry.

24 (w) Within 120 days of August 20, 1995 (the effective date  
25 of Public Act 89-392), the Department shall prepare and submit  
26 to the Governor and the General Assembly, a written plan for



1 the development of in-state licensed secure child care  
2 facilities that care for children who are in need of secure  
3 living arrangements for their health, safety, and well-being.  
4 For purposes of this subsection, secure care facility shall  
5 mean a facility that is designed and operated to ensure that  
6 all entrances and exits from the facility, a building or a  
7 distinct part of the building, are under the exclusive control  
8 of the staff of the facility, whether or not the child has the  
9 freedom of movement within the perimeter of the facility,  
10 building, or distinct part of the building. The plan shall  
11 include descriptions of the types of facilities that are needed  
12 in Illinois; the cost of developing these secure care  
13 facilities; the estimated number of placements; the potential  
14 cost savings resulting from the movement of children currently  
15 out-of-state who are projected to be returned to Illinois; the  
16 necessary geographic distribution of these facilities in  
17 Illinois; and a proposed timetable for development of such  
18 facilities.

19 (x) The Department shall conduct annual credit history  
20 checks to determine the financial history of children placed  
21 under its guardianship pursuant to the Juvenile Court Act of  
22 1987. The Department shall conduct such credit checks starting  
23 when a youth in care ~~ward~~ turns 12 years old and each year  
24 thereafter for the duration of the guardianship as terminated  
25 pursuant to the Juvenile Court Act of 1987. The Department  
26 shall determine if financial exploitation of the child's

1 personal information has occurred. If financial exploitation  
2 appears to have taken place or is presently ongoing, the  
3 Department shall notify the proper law enforcement agency, the  
4 proper State's Attorney, or the Attorney General.

5 (y) Beginning on the effective date of this amendatory Act  
6 of the 96th General Assembly, a child with a disability who  
7 receives residential and educational services from the  
8 Department shall be eligible to receive transition services in  
9 accordance with Article 14 of the School Code from the age of  
10 14.5 through age 21, inclusive, notwithstanding the child's  
11 residential services arrangement. For purposes of this  
12 subsection, "child with a disability" means a child with a  
13 disability as defined by the federal Individuals with  
14 Disabilities Education Improvement Act of 2004.

15 (z) The Department shall access criminal history record  
16 information as defined as "background information" in this  
17 subsection and criminal history record information as defined  
18 in the Illinois Uniform Conviction Information Act for each  
19 Department employee or Department applicant. Each Department  
20 employee or Department applicant shall submit his or her  
21 fingerprints to the Department of State Police in the form and  
22 manner prescribed by the Department of State Police. These  
23 fingerprints shall be checked against the fingerprint records  
24 now and hereafter filed in the Department of State Police and  
25 the Federal Bureau of Investigation criminal history records  
26 databases. The Department of State Police shall charge a fee

1 for conducting the criminal history record check, which shall  
2 be deposited into the State Police Services Fund and shall not  
3 exceed the actual cost of the record check. The Department of  
4 State Police shall furnish, pursuant to positive  
5 identification, all Illinois conviction information to the  
6 Department of Children and Family Services.

7 For purposes of this subsection:

8 "Background information" means all of the following:

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

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

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

26 "Department employee" means a full-time or temporary

1 employee coded or certified within the State of Illinois  
2 Personnel System.

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

12 (Source: P.A. 98-249, eff. 1-1-14; 98-570, eff. 8-27-13;  
13 98-756, eff. 7-16-14; 98-803, eff. 1-1-15; 99-143, eff.  
14 7-27-15.)

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

16 Sec. 5a. Reimbursable services for which the Department of  
17 Children and Family Services shall pay 100% of the reasonable  
18 cost pursuant to a written contract negotiated between the  
19 Department and the agency furnishing the services (which shall  
20 include but not be limited to the determination of reasonable  
21 cost, the services being purchased and the duration of the  
22 agreement) include, but are not limited to:

23 SERVICE ACTIVITIES

24 Adjunctive Therapy;

1 Child Care Service, including day care;  
2 Clinical Therapy;  
3 Custodial Service;  
4 Field Work Students;  
5 Food Service;  
6 Normal Education;  
7 In-Service Training;  
8 Intake or Evaluation, or both;  
9 Medical Services;  
10 Recreation;  
11 Social Work or Counselling, or both;  
12 Supportive Staff;  
13 Volunteers.

14 OBJECT EXPENSES

15 Professional Fees and Contract Service Payments;  
16 Supplies;  
17 Telephone and Telegram;  
18 Occupancy;  
19 Local Transportation;  
20 Equipment and Other Fixed Assets, including amortization  
21 of same;  
22 Miscellaneous.

23 ADMINISTRATIVE COSTS

24 Program Administration;

1 Supervision and Consultation;  
2 Inspection and Monitoring for purposes of issuing  
3 licenses;  
4 Determination of Children who are eligible  
5 for federal or other reimbursement;  
6 Postage and Shipping;  
7 Outside Printing, Artwork, etc.;  
8 Subscriptions and Reference Publications;  
9 Management and General Expense.

10 Reimbursement of administrative costs other than inspection  
11 and monitoring for purposes of issuing licenses may not exceed  
12 20% of the costs for other services.

13 The Department may offer services to any child or family  
14 with respect to whom a report of suspected child abuse or  
15 neglect has been called in to the hotline after completion of a  
16 family assessment as provided under subsection (a-5) of Section  
17 7.4 of the Abused and Neglected Child Reporting Act and the  
18 Department has determined that services are needed to address  
19 the safety of the child and other family members and the risk  
20 of subsequent maltreatment. Acceptance of such services shall  
21 be voluntary.

22 All Object Expenses, Service Activities and Administrative  
23 Costs are allowable.

24 If a survey instrument is used in the rate setting process:

25 (a) with respect to any day care centers, it shall be  
26 limited to those agencies which receive reimbursement from

1 the State;

2 (b) the cost survey instrument shall be promulgated by  
3 rule;

4 (c) any requirements of the respondents shall be  
5 promulgated by rule;

6 (d) all screens, limits or other tests of  
7 reasonableness, allowability and reimbursability shall be  
8 promulgated by rule;

9 (e) adjustments may be made by the Department to rates  
10 when it determines that reported wage and salary levels are  
11 insufficient to attract capable caregivers in sufficient  
12 numbers.

13 The Department of Children and Family Services may pay 100%  
14 of the reasonable costs of research and valuation focused  
15 exclusively on services to youth in care ~~wards of the~~  
16 ~~Department~~. Such research projects must be approved, in  
17 advance, by the Director of the Department.

18 In addition to reimbursements otherwise provided for in  
19 this Section, the Department of Human Services shall, in  
20 accordance with annual written agreements, make advance  
21 quarterly disbursements to local public agencies for child day  
22 care services with funds appropriated from the Local Effort Day  
23 Care Fund.

24 Neither the Department of Children and Family Services nor  
25 the Department of Human Services shall pay or approve  
26 reimbursement for day care in a facility which is operating

1 without a valid license or permit, except in the case of day  
2 care homes or day care centers which are exempt from the  
3 licensing requirements of the "Child Care Act of 1969".

4 (Source: P.A. 96-760, eff. 1-1-10.)

5 (20 ILCS 505/6b) (from Ch. 23, par. 5006b)

6 Sec. 6b. Case tracking system.

7 (1) The Department shall establish and operate a case  
8 tracking system which shall be designed to monitor and evaluate  
9 family preservation, family reunification and placement  
10 services.

11 (2) The Department shall establish and operate the case  
12 tracking system for the Department clients for whom the  
13 Department is providing or paying for such services. The  
14 Department shall work with the courts in the development of a  
15 cooperative case tracking system.

16 (3) The Department shall determine the basic elements and  
17 access and provide for records of the case tracking system to  
18 not be open to the general public.

19 (4) The Department shall use the case tracking system to  
20 determine whether any child reported to the Department under  
21 Section 3.5 of the Intergovernmental Missing Child Recovery Act  
22 of 1984 matches a youth in care ~~Department-ward~~ and whether  
23 that child had been abandoned within the previous 2 months.

24 (Source: P.A. 89-213, eff. 1-1-96.)



1 (20 ILCS 505/7.5)

2 Sec. 7.5. Notice of post-adoption reunion services.

3 (a) For purposes of this Section, "post-adoption reunion  
4 services" means services provided by the Department to  
5 facilitate contact between adoptees and their siblings when one  
6 or more is still in the Department's care or adopted elsewhere,  
7 with the notarized consent of the adoptive parents of a minor  
8 child, when such contact has been established to be necessary  
9 to the adoptee's best interests and when all involved parties,  
10 including the adoptive parent of a child under 21 years of age,  
11 have provided written consent for such contact.

12 (b) The Department shall provide to all adoptive parents of  
13 children receiving monthly adoption assistance under  
14 subsection (j) of Section 5 of this Act a notice that includes  
15 a description of the Department's post-adoption reunion  
16 services and an explanation of how to access those services.  
17 The notice to adoptive parents shall be provided at least once  
18 per year until such time as the adoption assistance payments  
19 cease.

20 The Department shall also provide to all youth in care  
21 ~~wards of the Department~~, within 30 days after their 18th  
22 birthday, the notice described in this Section.

23 (c) The Department shall adopt a rule regarding the  
24 provision of search and reunion services to youth in care ~~wards~~  
25 and former youth in care ~~wards~~.

26 (Source: P.A. 94-1010, eff. 10-1-06.)

1 (20 ILCS 505/34.11)

2 Sec. 34.11. Lou Jones Grandparent Child Care Program.

3 (a) The General Assembly finds and declares the following:

4 (1) An increasing number of children under the age of  
5 18, including many children who would otherwise be at risk  
6 of abuse or neglect, are in the care of a grandparent or  
7 other nonparent relative.

8 (2) The principal causes of this increase include  
9 parental substance abuse, chronic illness, child abuse,  
10 mental illness, military deployment, poverty,  
11 homelessness, deportation, and death, as well as concerted  
12 efforts by families and by the child welfare service system  
13 to keep children with relatives whenever possible.

14 (3) Grandparents and older relatives providing primary  
15 care for at-risk children may experience unique resultant  
16 problems, such as financial stress due to limited incomes,  
17 emotional difficulties dealing with the loss of the child's  
18 parents or the child's unique behaviors, and decreased  
19 physical stamina coupled with a much higher incidence of  
20 chronic illness.

21 (4) Many children being raised by nonparent relatives  
22 experience one or a combination of emotional, behavioral,  
23 psychological, academic, or medical problems, especially  
24 those born to a substance-abusing mother or at risk of  
25 child abuse, neglect, or abandonment.

1           (5) Grandparents and other relatives providing primary  
2           care for children lack appropriate information about the  
3           issues of kinship care, the special needs (both physical  
4           and psychological) of children born to a substance-abusing  
5           mother or at risk of child abuse, neglect, or abandonment,  
6           and the support resources currently available to them.

7           (6) An increasing number of grandparents and other  
8           relatives age 60 or older are adopting or becoming the  
9           subsidized guardians of children placed in their care by  
10          the Department. Some of these children will experience the  
11          death of their adoptive parent or guardian before reaching  
12          the age of 18. For most of these children, no legal plan  
13          has been made for the child's future care and custody in  
14          the event of the caregiver's death or incapacity.

15          (7) Grandparents and other relatives providing primary  
16          care for children lack appropriate information about  
17          future care and custody planning for children in their  
18          care. They also lack access to resources that may assist  
19          them in developing future legal care and custody plans for  
20          children in their legal custody.

21          (b) The Department may establish an informational and  
22          educational program for grandparents and other relatives who  
23          provide primary care for children who are at risk of child  
24          abuse, neglect, or abandonment or who were born to  
25          substance-abusing mothers. As a part of the program, the  
26          Department may develop, publish, and distribute an

1 informational brochure for grandparents and other relatives  
2 who provide primary care for children who are at risk of child  
3 abuse, neglect, or abandonment or who were born to  
4 substance-abusing mothers. The information provided under the  
5 program authorized by this Section may include, but is not  
6 limited to the following:

7 (1) The most prevalent causes of kinship care,  
8 especially the risk of (i) substance exposure, (ii) child  
9 abuse, neglect, or abandonment, (iii) chronic illness,  
10 (iv) mental illness, (v) military deployment, or (vi)  
11 death.

12 (2) The problems experienced by children being raised  
13 by nonparent caregivers.

14 (3) The problems experienced by grandparents and other  
15 nonparent relatives providing primary care for children  
16 who have special needs.

17 (4) The legal system as it relates to children and  
18 their nonparent primary caregivers.

19 (5) The benefits available to children and their  
20 nonparent primary caregivers.

21 (6) A list of support groups and resources located  
22 throughout the State.

23 The brochure may be distributed through hospitals, public  
24 health nurses, child protective services, medical professional  
25 offices, elementary and secondary schools, senior citizen  
26 centers, public libraries, community action agencies selected

1 by the Department, and the Department of Human Services.

2 The Kinship Navigator established under the Kinship  
3 Navigator Act shall coordinate the grandparent child care  
4 program under this Section with the programs and services  
5 established and administered by the Department of Human  
6 Services under the Kinship Navigator Act.

7 (c) In addition to other provisions of this Section, the  
8 Department shall establish a program of information, social  
9 work services, and legal services for any person age 60 or over  
10 and any other person who may be in need of a future legal care  
11 and custody plan who adopt, have adopted, take guardianship of,  
12 or have taken guardianship of children previously in the  
13 Department's custody. This program shall also assist families  
14 of deceased adoptive parents and guardians. As part of the  
15 program, the Department shall:

16 (1) Develop a protocol for identification of persons  
17 age 60 or over and others who may be in need of future care  
18 and custody plans, including ill caregivers, who are  
19 adoptive parents, prospective adoptive parents, guardians,  
20 or prospective guardians of children who are or have been  
21 in Department custody.

22 (2) Provide outreach to caregivers before and after  
23 adoption and guardianship, and to the families of deceased  
24 caregivers, regarding Illinois legal options for future  
25 care and custody of children.

26 (3) Provide training for Department and private agency

1 staff on methods of assisting caregivers before and after  
2 adoption and guardianship, and the families of older and  
3 ill caregivers, who wish to make future care and custody  
4 plans for children who have been youth in care ~~wards of the~~  
5 ~~Department~~ and who are or will be adopted by or are or will  
6 be placed in the guardianship of those caregivers ~~become~~  
7 ~~wards of those caregivers.~~

8 (4) Ensure that all caregivers age 60 or over who will  
9 adopt or will become guardians of former youth in care  
10 ~~children previously in Department custody~~ have  
11 specifically designated future caregivers for children in  
12 their care. The Department shall document this  
13 designation, and the Department shall also document  
14 acceptance of this responsibility by any future caregiver.  
15 Documentation of future care designation shall be included  
16 in each child's case file and adoption or guardianship  
17 subsidy files as applicable to the child.

18 (5) Ensure that any designated future caregiver and the  
19 family of a deceased caregiver have information on the  
20 financial needs of the child and future resources that may  
21 be available to support the child, including any adoption  
22 assistance and subsidized guardianship for which the child  
23 is or may be eligible.

24 (6) With respect to programs of social work and legal  
25 services:

26 (i) Provide contracted social work services to

1 older and ill caregivers, and the families of deceased  
2 caregivers, including those who will or have adopted or  
3 will take or have taken guardianship of children  
4 previously in Department custody. Social work services  
5 to caregivers will have the goal of securing a future  
6 care and custody plan for children in their care. Such  
7 services will include providing information to the  
8 caregivers and families on standby guardianship,  
9 guardianship, standby adoption, and adoption. The  
10 Department will assist the caregiver in developing a  
11 plan for the child if the caregiver becomes  
12 incapacitated or terminally ill, or dies while the  
13 child is a minor. The Department shall develop a form  
14 to document the information given to caregivers and to  
15 document plans for future custody, in addition to the  
16 documentation described in subsection (b) (4). This  
17 form shall be included in each child's case file and  
18 adoption or guardianship subsidy files as applicable  
19 to the child.

20 (ii) Through a program of contracted legal  
21 services, assist older and ill caregivers, and the  
22 families of deceased caregivers, with the goal of  
23 securing court-ordered future care and custody plans  
24 for children in their care. Court-ordered future care  
25 and custody plans may include: standby guardianship,  
26 successor guardianship, standby adoption, and

1           successor adoption. The program will also study ways in  
2           which to provide timely and cost-effective legal  
3           services to older and ill caregivers, and to families  
4           of deceased caregivers in order to ensure permanency  
5           for children in their care.

6           (7) Ensure that future caregivers designated by  
7           adoptive parents or guardians, and the families of deceased  
8           caregivers, understand their rights and potential  
9           responsibilities and shall be able to provide adequate  
10          support and education for children who may become their  
11          legal responsibility.

12          (8) Ensure that future caregivers designated by  
13          adoptive parents and guardians, and the families of  
14          deceased caregivers, understand the problems of children  
15          who have experienced multiple caregivers and who may have  
16          experienced abuse, neglect, or abandonment or may have been  
17          born to substance-abusing mothers.

18          (9) Ensure that future caregivers designated by  
19          adoptive parents and guardians, and the families of  
20          deceased caregivers, understand the problems experienced  
21          by older and ill caregivers of children, including children  
22          with special needs, such as financial stress due to limited  
23          income and increased financial responsibility, emotional  
24          difficulties associated with the loss of a child's parent  
25          or the child's unique behaviors, the special needs of a  
26          child who may come into their custody or whose parent or



1 guardian is already deceased, and decreased physical  
2 stamina and a higher rate of chronic illness and other  
3 health concerns.

4 (10) Provide additional services as needed to families  
5 in which a designated caregiver appointed by the court or a  
6 caregiver designated in a will or other legal document  
7 cannot or will not fulfill the responsibilities as adoptive  
8 parent, guardian, or legal custodian of the child.

9 (d) The Department shall consult with the Department on  
10 Aging and any other agency it deems appropriate as the  
11 Department develops the program required by subsection (c).

12 (e) Rulemaking authority to implement Public Act 95-1040,  
13 if any, is conditioned on the rules being adopted in accordance  
14 with all provisions of the Illinois Administrative Procedure  
15 Act and all rules and procedures of the Joint Committee on  
16 Administrative Rules; any purported rule not so adopted, for  
17 whatever reason, is unauthorized.

18 (Source: P.A. 95-1040, eff. 3-25-09; 96-276, eff. 8-11-09;  
19 96-1000, eff. 7-2-10.)

20 (20 ILCS 505/35.1) (from Ch. 23, par. 5035.1)

21 Sec. 35.1. The case and clinical records of patients in  
22 Department supervised facilities, youth in care ~~wards of the~~  
23 ~~Department~~, children receiving or applying for child welfare  
24 services, persons receiving or applying for other services of  
25 the Department, and Department reports of injury or abuse to

1 children shall not be open to the general public. Such case and  
2 clinical records and reports or the information contained  
3 therein shall be disclosed by the Director of the Department to  
4 juvenile authorities when necessary for the discharge of their  
5 official duties who request information concerning the minor  
6 and who certify in writing that the information will not be  
7 disclosed to any other party except as provided under law or  
8 order of court. For purposes of this Section, "juvenile  
9 authorities" means: (i) a judge of the circuit court and  
10 members of the staff of the court designated by the judge; (ii)  
11 parties to the proceedings under the Juvenile Court Act of 1987  
12 and their attorneys; (iii) probation officers and court  
13 appointed advocates for the juvenile authorized by the judge  
14 hearing the case; (iv) any individual, public or private agency  
15 having custody of the child pursuant to court order or pursuant  
16 to placement of the child by the Department; (v) any  
17 individual, public or private agency providing education,  
18 medical or mental health service to the child when the  
19 requested information is needed to determine the appropriate  
20 service or treatment for the minor; (vi) any potential  
21 placement provider when such release is authorized by the court  
22 for the limited purpose of determining the appropriateness of  
23 the potential placement; (vii) law enforcement officers and  
24 prosecutors; (viii) adult and juvenile prisoner review boards;  
25 (ix) authorized military personnel; (x) individuals authorized  
26 by court; (xi) the Illinois General Assembly or any committee

1 or commission thereof. This Section does not apply to the  
2 Department's fiscal records, other records of a purely  
3 administrative nature, or any forms, documents or other records  
4 required of facilities subject to licensure by the Department  
5 except as may otherwise be provided under the Child Care Act of  
6 1969. Notwithstanding any other provision of this Section, upon  
7 request, a guardian ad litem or attorney appointed to represent  
8 a child who is the subject of an action pursuant to Article II  
9 of the Juvenile Court Act of 1987 may obtain a copy of foster  
10 home licensing records, including all information related to  
11 licensing complaints and investigations, regarding a home in  
12 which the child is placed or regarding a home in which the  
13 Department plans to place the child. Any information contained  
14 in foster home licensing records that is protected from  
15 disclosure by federal or State law may be obtained only in  
16 compliance with that law. Nothing in this Section restricts the  
17 authority of a court to order release of licensing records for  
18 purposes of discovery or as otherwise authorized by law.

19 Nothing contained in this Act prevents the sharing or  
20 disclosure of information or records relating or pertaining to  
21 juveniles subject to the provisions of the Serious Habitual  
22 Offender Comprehensive Action Program when that information is  
23 used to assist in the early identification and treatment of  
24 habitual juvenile offenders.

25 Nothing contained in this Act prevents the sharing or  
26 disclosure of information or records relating or pertaining to

1 the death of a minor under the care of or receiving services  
2 from the Department and under the jurisdiction of the juvenile  
3 court with the juvenile court, the State's Attorney, and the  
4 minor's attorney.

5 Nothing contained in this Section prohibits or prevents any  
6 individual dealing with or providing services to a minor from  
7 sharing information with another individual dealing with or  
8 providing services to a minor for the purpose of coordinating  
9 efforts on behalf of the minor. The sharing of such information  
10 is only for the purpose stated herein and is to be consistent  
11 with the intent and purpose of the confidentiality provisions  
12 of the Juvenile Court Act of 1987. This provision does not  
13 abrogate any recognized privilege. Sharing information does  
14 not include copying of records, reports or case files unless  
15 authorized herein.

16 Nothing in this Section prohibits or prevents the  
17 re-disclosure of records, reports, or other information that  
18 reveals malfeasance or nonfeasance on the part of the  
19 Department, its employees, or its agents. Nothing in this  
20 Section prohibits or prevents the Department or a party in a  
21 proceeding under the Juvenile Court Act of 1987 from copying  
22 records, reports, or case files for the purpose of sharing  
23 those documents with other parties to the litigation.

24 (Source: P.A. 99-779, eff. 1-1-17.)

25 (20 ILCS 505/39.3)

1           Sec. 39.3. Suggestion boxes. The Department must place in  
2 each residential treatment center that accepts youth in care  
3 ~~wards of the Department~~ a locked suggestion box into which  
4 residents may place comments and concerns to be addressed by  
5 the Department. Only employees of the Department shall have  
6 access to the contents of the locked suggestion boxes. An  
7 employee of the Department must check the locked suggestion  
8 boxes at least once per week.

9           (Source: P.A. 99-342, eff. 8-11-15.)

10           Section 25. The Child Death Review Team Act is amended by  
11 changing Section 20 as follows:

12           (20 ILCS 515/20)

13           Sec. 20. Reviews of child deaths.

14           (a) Every child death shall be reviewed by the team in the  
15 subregion which has primary case management responsibility.  
16 The deceased child must be one of the following:

17           (1) A youth in care ~~ward of the Department~~.

18           (2) The subject of an open service case maintained by  
19 the Department.

20           (3) The subject of a pending child abuse or neglect  
21 investigation.

22           (4) A child who was the subject of an abuse or neglect  
23 investigation at any time during the 12 months preceding  
24 the child's death.

1           (5) Any other child whose death is reported to the  
2           State central register as a result of alleged child abuse  
3           or neglect which report is subsequently indicated.

4           A child death review team may, at its discretion, review  
5           other sudden, unexpected, or unexplained child deaths, and  
6           cases of serious or fatal injuries to a child identified under  
7           the Children's Advocacy Center Act.

8           (b) A child death review team's purpose in conducting  
9           reviews of child deaths is to do the following:

10           (1) Assist in determining the cause and manner of the  
11           child's death, when requested.

12           (2) Evaluate means by which the death might have been  
13           prevented.

14           (3) Report its findings to appropriate agencies and  
15           make recommendations that may help to reduce the number of  
16           child deaths caused by abuse or neglect.

17           (4) Promote continuing education for professionals  
18           involved in investigating, treating, and preventing child  
19           abuse and neglect as a means of preventing child deaths due  
20           to abuse or neglect.

21           (5) Make specific recommendations to the Director and  
22           the Inspector General of the Department concerning the  
23           prevention of child deaths due to abuse or neglect and the  
24           establishment of protocols for investigating child deaths.

25           (c) A child death review team shall review a child death as  
26           soon as practical and not later than 90 days following the

1 completion by the Department of the investigation of the death  
2 under the Abused and Neglected Child Reporting Act. When there  
3 has been no investigation by the Department, the child death  
4 review team shall review a child's death within 90 days after  
5 obtaining the information necessary to complete the review from  
6 the coroner, pathologist, medical examiner, or law enforcement  
7 agency, depending on the nature of the case. A child death  
8 review team shall meet at least once in each calendar quarter.

9 (d) The Director shall, within 90 days, review and reply to  
10 recommendations made by a team under item (5) of subsection  
11 (b). With respect to each recommendation made by a team, the  
12 Director shall submit his or her reply both to the chairperson  
13 of that team and to the chairperson of the Executive Council.  
14 The Director's reply to each recommendation must include a  
15 statement as to whether the Director intends to implement the  
16 recommendation.

17 The Director shall implement recommendations as feasible  
18 and appropriate and shall respond in writing to explain the  
19 implementation or nonimplementation of the recommendations.

20 (e) Within 90 days after the Director submits a reply with  
21 respect to a recommendation as required by subsection (d), the  
22 Director must submit an additional report that sets forth in  
23 detail the way, if any, in which the Director will implement  
24 the recommendation and the schedule for implementing the  
25 recommendation. The Director shall submit this report to the  
26 chairperson of the team that made the recommendation and to the

1 chairperson of the Executive Council.

2 (f) Within 180 days after the Director submits a report  
3 under subsection (e) concerning the implementation of a  
4 recommendation, the Director shall submit a further report to  
5 the chairperson of the team that made the recommendation and to  
6 the chairperson of the Executive Council. This report shall set  
7 forth the specific changes in the Department's policies and  
8 procedures that have been made in response to the  
9 recommendation.

10 (Source: P.A. 95-405, eff. 6-1-08; 95-527, eff. 6-1-08; 95-876,  
11 eff. 8-21-08; 96-328, eff. 8-11-09.)

12 Section 30. The Administration of Psychotropic Medications  
13 to Children Act is amended by changing Section 10 as follows:

14 (20 ILCS 535/10)

15 Sec. 10. Failure to comply with Department rules. The  
16 Department must establish and maintain rules designed to ensure  
17 compliance with any rules promulgated pursuant to Section 5 of  
18 this Act. Such rules shall include, but are not limited to, the  
19 following:

20 (a) Standards and procedures for notifying physicians,  
21 residential treatment facilities, and psychiatric hospitals  
22 when they have violated any rule enacted or maintained pursuant  
23 to Section 5 of this Act.

24 (b) Standards and procedures for issuing written warnings



1 to physicians, residential treatment facilities, and  
2 psychiatric hospitals when they have violated any rule enacted  
3 or maintained pursuant to Section 5 of this Act.

4 (c) Standards and procedures for notifying the Department  
5 of Financial and Professional Regulation when a physician has  
6 repeatedly violated any rule enacted or maintained pursuant to  
7 Section 5 of this Act after having received a written warning  
8 on one or more occasions. This subsection is not intended to  
9 limit the Department's authority to make a report to the  
10 Department of Financial and Professional Regulation when a  
11 physician has violated a rule and has not received a written  
12 warning when the Department determines it is in the minor's and  
13 society's interest to make the report.

14 (d) Standards and procedures for notifying the Department  
15 of Public Health when any facility licensed by that Department  
16 has repeatedly violated any rule enacted or maintained pursuant  
17 to Section 5 of this Act after having received a written  
18 warning on one or more occasions. This subsection is not  
19 intended to limit the Department's authority to make a report  
20 to the Department of Public Health when a facility has violated  
21 a rule and has not received a written warning when the  
22 Department determines it is in the minor's and society's  
23 interest to make the report.

24 (e) Standards and procedures for notifying the guardian ad  
25 litem appointed pursuant to Section 2-17 of the Juvenile Court  
26 Act of 1987, of a youth in care as defined in Section 4d of the

1 Children and Family Services Act ~~ward~~ who has been administered  
2 psychotropic medication in violation of any rule enacted or  
3 maintained pursuant to Section 5 of this Act, where the  
4 guardian ad litem has requested notification and provides the  
5 Department with documentation verifying that pursuant to the  
6 Mental Health and Developmental Disabilities Confidentiality  
7 Act, the court has entered an order granting the guardian ad  
8 litem authority to receive and review this information.

9 (f) Standards and procedures for notifying the  
10 Department's licensing division when a residential facility or  
11 group home licensed by the Department has repeatedly violated  
12 any rule enacted or maintained pursuant to Section 5 of this  
13 Act.

14 (Source: P.A. 97-245, eff. 8-4-11.)

15 Section 35. The Mental Health and Developmental  
16 Disabilities Administrative Act is amended by changing Section  
17 69 as follows:

18 (20 ILCS 1705/69)

19 Sec. 69. Joint planning by the Department of Human Services  
20 and the Department of Children and Family Services. The purpose  
21 of this Section is to mandate that joint planning occur between  
22 the Department of Children and Family Services and the  
23 Department of Human Services to ensure that the 2 agencies  
24 coordinate their activities and effectively work together to

1 provide youth in care as defined in Section 4d of the Children  
2 and Family Services Act who have ~~wards with~~ developmental  
3 disabilities ~~for whom the Department of Children and Family~~  
4 ~~Services is legally responsible~~ a smooth transition to adult  
5 living upon reaching the age of 21. The Department of Children  
6 and Family Services and the Department of Human Services shall  
7 execute an interagency agreement by January 1, 1998 that  
8 outlines the terms of the coordination process. The Departments  
9 shall consult with private providers of services to children in  
10 formulating the interagency agreement.

11 (Source: P.A. 90-512, eff. 8-22-97; 90-655, eff. 7-30-98.)

12 Section 40. The State Finance Act is amended by changing  
13 Sections 16 and 24.5 as follows:

14 (30 ILCS 105/16) (from Ch. 127, par. 152)

15 Sec. 16. The item "travel" when used in an appropriation  
16 act, shall include any expenditure directly incident to  
17 official travel by State officers, commission members and  
18 employees, ~~or by~~ wards or charges of the State, or youth in  
19 care as defined in Section 4d of the Children and Family  
20 Services Act, involving reimbursement to travelers, or direct  
21 payment to private agencies providing transportation or  
22 related services. Through June 30, 1994, the item "travel" may  
23 also include any expenditure to, or approved by, the Department  
24 of Central Management Services for video conferencing.

1 (Source: P.A. 87-817.)

2 (30 ILCS 105/24.5) (from Ch. 127, par. 160.5)

3 Sec. 24.5. "Awards and grants" includes payments for:  
4 Awards and indemnities, pensions and annuities (other than  
5 amounts payable for personal services as defined in Section  
6 14); shared revenue payments or grants to local governments or  
7 to quasi-public agencies; and gratuitous payments to, or  
8 charges incurred for the direct benefit of, natural persons who  
9 are not wards of the State or youth in care as defined in  
10 Section 4d of the Children and Family Services Act. Payments to  
11 any local government as reimbursement for costs incurred by it  
12 in performing an activity for which it is specifically by  
13 statute made an agent of the State shall be chargeable to and  
14 classified under the same item or account as though such costs  
15 were incurred directly by the State.

16 (Source: P.A. 82-325.)

17 Section 45. The Counties Code is amended by changing  
18 Section 3-3013 as follows:

19 (55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

20 Sec. 3-3013. Preliminary investigations; blood and urine  
21 analysis; summoning jury; reports. Every coroner, whenever, as  
22 soon as he knows or is informed that the dead body of any  
23 person is found, or lying within his county, whose death is

1 suspected of being:

2 (a) A sudden or violent death, whether apparently  
3 suicidal, homicidal or accidental, including but not  
4 limited to deaths apparently caused or contributed to by  
5 thermal, traumatic, chemical, electrical or radiational  
6 injury, or a complication of any of them, or by drowning or  
7 suffocation, or as a result of domestic violence as defined  
8 in the Illinois Domestic Violence Act of 1986;

9 (b) A maternal or fetal death due to abortion, or any  
10 death due to a sex crime or a crime against nature;

11 (c) A death where the circumstances are suspicious,  
12 obscure, mysterious or otherwise unexplained or where, in  
13 the written opinion of the attending physician, the cause  
14 of death is not determined;

15 (d) A death where addiction to alcohol or to any drug  
16 may have been a contributory cause; or

17 (e) A death where the decedent was not attended by a  
18 licensed physician;

19 shall go to the place where the dead body is, and take charge  
20 of the same and shall make a preliminary investigation into the  
21 circumstances of the death. In the case of death without  
22 attendance by a licensed physician the body may be moved with  
23 the coroner's consent from the place of death to a mortuary in  
24 the same county. Coroners in their discretion shall notify such  
25 physician as is designated in accordance with Section 3-3014 to  
26 attempt to ascertain the cause of death, either by autopsy or

1 otherwise.

2 In cases of accidental death involving a motor vehicle in  
3 which the decedent was (1) the operator or a suspected operator  
4 of a motor vehicle, or (2) a pedestrian 16 years of age or  
5 older, the coroner shall require that a blood specimen of at  
6 least 30 cc., and if medically possible a urine specimen of at  
7 least 30 cc. or as much as possible up to 30 cc., be withdrawn  
8 from the body of the decedent in a timely fashion after the  
9 accident causing his death, by such physician as has been  
10 designated in accordance with Section 3-3014, or by the coroner  
11 or deputy coroner or a qualified person designated by such  
12 physician, coroner, or deputy coroner. If the county does not  
13 maintain laboratory facilities for making such analysis, the  
14 blood and urine so drawn shall be sent to the Department of  
15 State Police or any other accredited or State-certified  
16 laboratory for analysis of the alcohol, carbon monoxide, and  
17 dangerous or narcotic drug content of such blood and urine  
18 specimens. Each specimen submitted shall be accompanied by  
19 pertinent information concerning the decedent upon a form  
20 prescribed by such laboratory. Any person drawing blood and  
21 urine and any person making any examination of the blood and  
22 urine under the terms of this Division shall be immune from all  
23 liability, civil or criminal, that might otherwise be incurred  
24 or imposed.

25 In all other cases coming within the jurisdiction of the  
26 coroner and referred to in subparagraphs (a) through (e) above,

1 blood, and whenever possible, urine samples shall be analyzed  
2 for the presence of alcohol and other drugs. When the coroner  
3 suspects that drugs may have been involved in the death, either  
4 directly or indirectly, a toxicological examination shall be  
5 performed which may include analyses of blood, urine, bile,  
6 gastric contents and other tissues. When the coroner suspects a  
7 death is due to toxic substances, other than drugs, the coroner  
8 shall consult with the toxicologist prior to collection of  
9 samples. Information submitted to the toxicologist shall  
10 include information as to height, weight, age, sex and race of  
11 the decedent as well as medical history, medications used by  
12 and the manner of death of decedent.

13 When the coroner or medical examiner finds that the cause  
14 of death is due to homicidal means, the coroner or medical  
15 examiner shall cause blood and buccal specimens (tissue may be  
16 submitted if no uncontaminated blood or buccal specimen can be  
17 obtained), whenever possible, to be withdrawn from the body of  
18 the decedent in a timely fashion. For proper preservation of  
19 the specimens, collected blood and buccal specimens shall be  
20 dried and tissue specimens shall be frozen if available  
21 equipment exists. As soon as possible, but no later than 30  
22 days after the collection of the specimens, the coroner or  
23 medical examiner shall release those specimens to the police  
24 agency responsible for investigating the death. As soon as  
25 possible, but no later than 30 days after the receipt from the  
26 coroner or medical examiner, the police agency shall submit the

1 specimens using the agency case number to a National DNA Index  
2 System (NDIS) participating laboratory within this State, such  
3 as the Illinois Department of State Police, Division of  
4 Forensic Services, for analysis and categorizing into genetic  
5 marker groupings. The results of the analysis and categorizing  
6 into genetic marker groupings shall be provided to the Illinois  
7 Department of State Police and shall be maintained by the  
8 Illinois Department of State Police in the State central  
9 repository in the same manner, and subject to the same  
10 conditions, as provided in Section 5-4-3 of the Unified Code of  
11 Corrections. The requirements of this paragraph are in addition  
12 to any other findings, specimens, or information that the  
13 coroner or medical examiner is required to provide during the  
14 conduct of a criminal investigation.

15 In all counties, in cases of apparent suicide, homicide, or  
16 accidental death or in other cases, within the discretion of  
17 the coroner, the coroner may summon 8 persons of lawful age  
18 from those persons drawn for petit jurors in the county. The  
19 summons shall command these persons to present themselves  
20 personally at such a place and time as the coroner shall  
21 determine, and may be in any form which the coroner shall  
22 determine and may incorporate any reasonable form of request  
23 for acknowledgement which the coroner deems practical and  
24 provides a reliable proof of service. The summons may be served  
25 by first class mail. From the 8 persons so summoned, the  
26 coroner shall select 6 to serve as the jury for the inquest.



1 Inquests may be continued from time to time, as the coroner may  
2 deem necessary. The 6 jurors selected in a given case may view  
3 the body of the deceased. If at any continuation of an inquest  
4 one or more of the original jurors shall be unable to continue  
5 to serve, the coroner shall fill the vacancy or vacancies. A  
6 juror serving pursuant to this paragraph shall receive  
7 compensation from the county at the same rate as the rate of  
8 compensation that is paid to petit or grand jurors in the  
9 county. The coroner shall furnish to each juror without fee at  
10 the time of his discharge a certificate of the number of days  
11 in attendance at an inquest, and, upon being presented with  
12 such certificate, the county treasurer shall pay to the juror  
13 the sum provided for his services.

14 In counties which have a jury commission, in cases of  
15 apparent suicide or homicide or of accidental death, the  
16 coroner may conduct an inquest. The jury commission shall  
17 provide at least 8 jurors to the coroner, from whom the coroner  
18 shall select any 6 to serve as the jury for the inquest.  
19 Inquests may be continued from time to time as the coroner may  
20 deem necessary. The 6 jurors originally chosen in a given case  
21 may view the body of the deceased. If at any continuation of an  
22 inquest one or more of the 6 jurors originally chosen shall be  
23 unable to continue to serve, the coroner shall fill the vacancy  
24 or vacancies. At the coroner's discretion, additional jurors to  
25 fill such vacancies shall be supplied by the jury commission. A  
26 juror serving pursuant to this paragraph in such county shall

1 receive compensation from the county at the same rate as the  
2 rate of compensation that is paid to petit or grand jurors in  
3 the county.

4 In every case in which a fire is determined to be a  
5 contributing factor in a death, the coroner shall report the  
6 death to the Office of the State Fire Marshal. The coroner  
7 shall provide a copy of the death certificate (i) within 30  
8 days after filing the permanent death certificate and (ii) in a  
9 manner that is agreed upon by the coroner and the State Fire  
10 Marshal.

11 In every case in which a drug overdose is determined to be  
12 the cause or a contributing factor in the death, the coroner or  
13 medical examiner shall report the death to the Department of  
14 Public Health. The Department of Public Health shall adopt  
15 rules regarding specific information that must be reported in  
16 the event of such a death. If possible, the coroner shall  
17 report the cause of the overdose. As used in this Section,  
18 "overdose" has the same meaning as it does in Section 414 of  
19 the Illinois Controlled Substances Act. The Department of  
20 Public Health shall issue a semiannual report to the General  
21 Assembly summarizing the reports received. The Department  
22 shall also provide on its website a monthly report of overdose  
23 death figures organized by location, age, and any other  
24 factors, the Department deems appropriate.

25 In addition, in every case in which domestic violence is  
26 determined to be a contributing factor in a death, the coroner

1 shall report the death to the Department of State Police.

2 All deaths in State institutions and all deaths of wards of  
3 the State or youth in care as defined in Section 4d of the  
4 Children and Family Services Act in private care facilities or  
5 in programs funded by the Department of Human Services under  
6 its powers relating to mental health and developmental  
7 disabilities or alcoholism and substance abuse or funded by the  
8 Department of Children and Family Services shall be reported to  
9 the coroner of the county in which the facility is located. If  
10 the coroner has reason to believe that an investigation is  
11 needed to determine whether the death was caused by  
12 maltreatment or negligent care of the ward of the State or  
13 youth in care as defined in Section 4d of the Children and  
14 Family Services Act, the coroner may conduct a preliminary  
15 investigation of the circumstances of such death as in cases of  
16 death under circumstances set forth in paragraphs (a) through  
17 (e) of this Section.

18 (Source: P.A. 99-354, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642,  
19 eff. 7-28-16.)

20 Section 50. The School Code is amended by changing Section  
21 14-8.02a as follows:

22 (105 ILCS 5/14-8.02a)

23 Sec. 14-8.02a. Impartial due process hearing; civil  
24 action.

1           (a) This Section shall apply to all impartial due process  
2 hearings requested on or after July 1, 2005. Impartial due  
3 process hearings requested before July 1, 2005 shall be  
4 governed by the rules described in Public Act 89-652.

5           (a-5) For purposes of this Section and Section 14-8.02b of  
6 this Code, days shall be computed in accordance with Section  
7 1.11 of the Statute on Statutes.

8           (b) The State Board of Education shall establish an  
9 impartial due process hearing system in accordance with this  
10 Section and may, with the advice and approval of the Advisory  
11 Council on Education of Children with Disabilities, promulgate  
12 rules and regulations consistent with this Section to establish  
13 the rules and procedures for due process hearings.

14           (c) (Blank).

15           (d) (Blank).

16           (e) (Blank).

17           (f) An impartial due process hearing shall be convened upon  
18 the request of a parent, student if at least 18 years of age or  
19 emancipated, or a school district. A school district shall make  
20 a request in writing to the State Board of Education and  
21 promptly mail a copy of the request to the parents or student  
22 (if at least 18 years of age or emancipated) at the parent's or  
23 student's last known address. A request made by the parent or  
24 student shall be made in writing to the superintendent of the  
25 school district where the student resides. The superintendent  
26 shall forward the request to the State Board of Education

1 within 5 days after receipt of the request. The request shall  
2 be filed no more than 2 years following the date the person or  
3 school district knew or should have known of the event or  
4 events forming the basis for the request. The request shall, at  
5 a minimum, contain all of the following:

6 (1) The name of the student, the address of the  
7 student's residence, and the name of the school the student  
8 is attending.

9 (2) In the case of homeless children (as defined under  
10 the federal McKinney-Vento Homeless Assistance Act (42  
11 U.S.C. 11434a(2)), available contact information for the  
12 student and the name of the school the student is  
13 attending.

14 (3) A description of the nature of the problem relating  
15 to the actual or proposed placement, identification,  
16 services, or evaluation of the student, including facts  
17 relating to the problem.

18 (4) A proposed resolution of the problem to the extent  
19 known and available to the party at the time.

20 (f-5) Within 3 days after receipt of the hearing request,  
21 the State Board of Education shall appoint a due process  
22 hearing officer using a rotating appointment system and shall  
23 notify the hearing officer of his or her appointment.

24 For a school district other than a school district located  
25 in a municipality having a population exceeding 500,000, a  
26 hearing officer who is a current resident of the school

1 district, special education cooperative, or other public  
2 entity involved in the hearing shall recuse himself or herself.  
3 A hearing officer who is a former employee of the school  
4 district, special education cooperative, or other public  
5 entity involved in the hearing shall immediately disclose the  
6 former employment to the parties and shall recuse himself or  
7 herself, unless the parties otherwise agree in writing. A  
8 hearing officer having a personal or professional interest that  
9 may conflict with his or her objectivity in the hearing shall  
10 disclose the conflict to the parties and shall recuse himself  
11 or herself unless the parties otherwise agree in writing. For  
12 purposes of this subsection an assigned hearing officer shall  
13 be considered to have a conflict of interest if, at any time  
14 prior to the issuance of his or her written decision, he or she  
15 knows or should know that he or she may receive remuneration  
16 from a party to the hearing within 3 years following the  
17 conclusion of the due process hearing.

18 A party to a due process hearing shall be permitted one  
19 substitution of hearing officer as a matter of right, in  
20 accordance with procedures established by the rules adopted by  
21 the State Board of Education under this Section. The State  
22 Board of Education shall randomly select and appoint another  
23 hearing officer within 3 days after receiving notice that the  
24 appointed hearing officer is ineligible to serve or upon  
25 receiving a proper request for substitution of hearing officer.  
26 If a party withdraws its request for a due process hearing

1 after a hearing officer has been appointed, that hearing  
2 officer shall retain jurisdiction over a subsequent hearing  
3 that involves the same parties and is requested within one year  
4 from the date of withdrawal of the previous request, unless  
5 that hearing officer is unavailable.

6 Any party may raise facts that constitute a conflict of  
7 interest for the hearing officer at any time before or during  
8 the hearing and may move for recusal.

9 (g) Impartial due process hearings shall be conducted  
10 pursuant to this Section and any rules and regulations  
11 promulgated by the State Board of Education consistent with  
12 this Section and other governing laws and regulations. The  
13 hearing shall address only those issues properly raised in the  
14 hearing request under subsection (f) of this Section or, if  
15 applicable, in the amended hearing request under subsection  
16 (g-15) of this Section. The hearing shall be closed to the  
17 public unless the parents request that the hearing be open to  
18 the public. The parents involved in the hearing shall have the  
19 right to have the student who is the subject of the hearing  
20 present. The hearing shall be held at a time and place which  
21 are reasonably convenient to the parties involved. Upon the  
22 request of a party, the hearing officer shall hold the hearing  
23 at a location neutral to the parties if the hearing officer  
24 determines that there is no cost for securing the use of the  
25 neutral location. Once appointed, the impartial due process  
26 hearing officer shall not communicate with the State Board of

1 Education or its employees concerning the hearing, except that,  
2 where circumstances require, communications for administrative  
3 purposes that do not deal with substantive or procedural  
4 matters or issues on the merits are authorized, provided that  
5 the hearing officer promptly notifies all parties of the  
6 substance of the communication as a matter of record.

7 (g-5) Unless the school district has previously provided  
8 prior written notice to the parent or student (if at least 18  
9 years of age or emancipated) regarding the subject matter of  
10 the hearing request, the school district shall, within 10 days  
11 after receiving a hearing request initiated by a parent or  
12 student (if at least 18 years of age or emancipated), provide a  
13 written response to the request that shall include all of the  
14 following:

15 (1) An explanation of why the school district proposed  
16 or refused to take the action or actions described in the  
17 hearing request.

18 (2) A description of other options the IEP team  
19 considered and the reasons why those options were rejected.

20 (3) A description of each evaluation procedure,  
21 assessment, record, report, or other evidence the school  
22 district used as the basis for the proposed or refused  
23 action or actions.

24 (4) A description of the factors that are or were  
25 relevant to the school district's proposed or refused  
26 action or actions.



1 (g-10) When the hearing request has been initiated by a  
2 school district, within 10 days after receiving the request,  
3 the parent or student (if at least 18 years of age or  
4 emancipated) shall provide the school district with a response  
5 that specifically addresses the issues raised in the school  
6 district's hearing request. The parent's or student's response  
7 shall be provided in writing, unless he or she is illiterate or  
8 has a disability that prevents him or her from providing a  
9 written response. The parent's or student's response may be  
10 provided in his or her native language, if other than English.  
11 In the event that illiteracy or another disabling condition  
12 prevents the parent or student from providing a written  
13 response, the school district shall assist the parent or  
14 student in providing the written response.

15 (g-15) Within 15 days after receiving notice of the hearing  
16 request, the non-requesting party may challenge the  
17 sufficiency of the request by submitting its challenge in  
18 writing to the hearing officer. Within 5 days after receiving  
19 the challenge to the sufficiency of the request, the hearing  
20 officer shall issue a determination of the challenge in writing  
21 to the parties. In the event that the hearing officer upholds  
22 the challenge, the party who requested the hearing may, with  
23 the consent of the non-requesting party or hearing officer,  
24 file an amended request. Amendments are permissible for the  
25 purpose of raising issues beyond those in the initial hearing  
26 request. In addition, the party who requested the hearing may

1 amend the request once as a matter of right by filing the  
2 amended request within 5 days after filing the initial request.  
3 An amended request, other than an amended request as a matter  
4 of right, shall be filed by the date determined by the hearing  
5 officer, but in no event any later than 5 days prior to the  
6 date of the hearing. If an amended request, other than an  
7 amended request as a matter of right, raises issues that were  
8 not part of the initial request, the applicable timeline for a  
9 hearing, including the timeline under subsection (g-20) of this  
10 Section, shall recommence.

11 (g-20) Within 15 days after receiving a request for a  
12 hearing from a parent or student (if at least 18 years of age  
13 or emancipated) or, in the event that the school district  
14 requests a hearing, within 15 days after initiating the  
15 request, the school district shall convene a resolution meeting  
16 with the parent and relevant members of the IEP team who have  
17 specific knowledge of the facts contained in the request for  
18 the purpose of resolving the problem that resulted in the  
19 request. The resolution meeting shall include a representative  
20 of the school district who has decision-making authority on  
21 behalf of the school district. Unless the parent is accompanied  
22 by an attorney at the resolution meeting, the school district  
23 may not include an attorney representing the school district.

24 The resolution meeting may not be waived unless agreed to  
25 in writing by the school district and the parent or student (if  
26 at least 18 years of age or emancipated) or the parent or

1 student (if at least 18 years of age or emancipated) and the  
2 school district agree in writing to utilize mediation in place  
3 of the resolution meeting. If either party fails to cooperate  
4 in the scheduling or convening of the resolution meeting, the  
5 hearing officer may order an extension of the timeline for  
6 completion of the resolution meeting or, upon the motion of a  
7 party and at least 7 days after ordering the non-cooperating  
8 party to cooperate, order the dismissal of the hearing request  
9 or the granting of all relief set forth in the request, as  
10 appropriate.

11 In the event that the school district and the parent or  
12 student (if at least 18 years of age or emancipated) agree to a  
13 resolution of the problem that resulted in the hearing request,  
14 the terms of the resolution shall be committed to writing and  
15 signed by the parent or student (if at least 18 years of age or  
16 emancipated) and the representative of the school district with  
17 decision-making authority. The agreement shall be legally  
18 binding and shall be enforceable in any State or federal court  
19 of competent jurisdiction. In the event that the parties  
20 utilize the resolution meeting process, the process shall  
21 continue until no later than the 30th day following the receipt  
22 of the hearing request by the non-requesting party (or as  
23 properly extended by order of the hearing officer) to resolve  
24 the issues underlying the request, at which time the timeline  
25 for completion of the impartial due process hearing shall  
26 commence. The State Board of Education may, by rule, establish

1 additional procedures for the conduct of resolution meetings.

2 (g-25) If mutually agreed to in writing, the parties to a  
3 hearing request may request State-sponsored mediation as a  
4 substitute for the resolution process described in subsection  
5 (g-20) of this Section or may utilize mediation at the close of  
6 the resolution process if all issues underlying the hearing  
7 request have not been resolved through the resolution process.

8 (g-30) If mutually agreed to in writing, the parties to a  
9 hearing request may waive the resolution process described in  
10 subsection (g-20) of this Section. Upon signing a written  
11 agreement to waive the resolution process, the parties shall be  
12 required to forward the written waiver to the hearing officer  
13 appointed to the case within 2 business days following the  
14 signing of the waiver by the parties. The timeline for the  
15 impartial due process hearing shall commence on the date of the  
16 signing of the waiver by the parties.

17 (g-35) The timeline for completing the impartial due  
18 process hearing, as set forth in subsection (h) of this  
19 Section, shall be initiated upon the occurrence of any one of  
20 the following events:

21 (1) The unsuccessful completion of the resolution  
22 process as described in subsection (g-20) of this Section.

23 (2) The mutual agreement of the parties to waive the  
24 resolution process as described in subsection (g-25) or  
25 (g-30) of this Section.

26 (g-40) The hearing officer shall convene a prehearing

1 conference no later than 14 days before the scheduled date for  
2 the due process hearing for the general purpose of aiding in  
3 the fair, orderly, and expeditious conduct of the hearing. The  
4 hearing officer shall provide the parties with written notice  
5 of the prehearing conference at least 7 days in advance of the  
6 conference. The written notice shall require the parties to  
7 notify the hearing officer by a date certain whether they  
8 intend to participate in the prehearing conference. The hearing  
9 officer may conduct the prehearing conference in person or by  
10 telephone. Each party shall at the prehearing conference (1)  
11 disclose whether it is represented by legal counsel or intends  
12 to retain legal counsel; (2) clarify matters it believes to be  
13 in dispute in the case and the specific relief being sought;  
14 (3) disclose whether there are any additional evaluations for  
15 the student that it intends to introduce into the hearing  
16 record that have not been previously disclosed to the other  
17 parties; (4) disclose a list of all documents it intends to  
18 introduce into the hearing record, including the date and a  
19 brief description of each document; and (5) disclose the names  
20 of all witnesses it intends to call to testify at the hearing.  
21 The hearing officer shall specify the order of presentation to  
22 be used at the hearing. If the prehearing conference is held by  
23 telephone, the parties shall transmit the information required  
24 in this paragraph in such a manner that it is available to all  
25 parties at the time of the prehearing conference. The State  
26 Board of Education may, by rule, establish additional

1 procedures for the conduct of prehearing conferences.

2 (g-45) The impartial due process hearing officer shall not  
3 initiate or participate in any ex parte communications with the  
4 parties, except to arrange the date, time, and location of the  
5 prehearing conference, due process hearing, or other status  
6 conferences convened at the discretion of the hearing officer  
7 and to receive confirmation of whether a party intends to  
8 participate in the prehearing conference.

9 (g-50) The parties shall disclose and provide to each other  
10 any evidence which they intend to submit into the hearing  
11 record no later than 5 days before the hearing. Any party to a  
12 hearing has the right to prohibit the introduction of any  
13 evidence at the hearing that has not been disclosed to that  
14 party at least 5 days before the hearing. The party requesting  
15 a hearing shall not be permitted at the hearing to raise issues  
16 that were not raised in the party's initial or amended request,  
17 unless otherwise permitted in this Section.

18 (g-55) All reasonable efforts must be made by the parties  
19 to present their respective cases at the hearing within a  
20 cumulative period of 7 days. When scheduling hearing dates, the  
21 hearing officer shall schedule the final day of the hearing no  
22 more than 30 calendar days after the first day of the hearing  
23 unless good cause is shown. This subsection (g-55) shall not be  
24 applied in a manner that (i) denies any party to the hearing a  
25 fair and reasonable allocation of time and opportunity to  
26 present its case in its entirety or (ii) deprives any party to

1 the hearing of the safeguards accorded under the federal  
2 Individuals with Disabilities Education Improvement Act of  
3 2004 (Public Law 108-446), regulations promulgated under the  
4 Individuals with Disabilities Education Improvement Act of  
5 2004, or any other applicable law. The school district shall  
6 present evidence that the special education needs of the child  
7 have been appropriately identified and that the special  
8 education program and related services proposed to meet the  
9 needs of the child are adequate, appropriate, and available.  
10 Any party to the hearing shall have the right to (1) be  
11 represented by counsel and be accompanied and advised by  
12 individuals with special knowledge or training with respect to  
13 the problems of children with disabilities, at the party's own  
14 expense; (2) present evidence and confront and cross-examine  
15 witnesses; (3) move for the exclusion of witnesses from the  
16 hearing until they are called to testify, provided, however,  
17 that this provision may not be invoked to exclude the  
18 individual designated by a party to assist that party or its  
19 representative in the presentation of the case; (4) obtain a  
20 written or electronic verbatim record of the proceedings within  
21 30 days of receipt of a written request from the parents by the  
22 school district; and (5) obtain a written decision, including  
23 findings of fact and conclusions of law, within 10 days after  
24 the conclusion of the hearing. If at issue, the school district  
25 shall present evidence that it has properly identified and  
26 evaluated the nature and severity of the student's suspected or

1 identified disability and that, if the student has been or  
2 should have been determined eligible for special education and  
3 related services, that it is providing or has offered a free  
4 appropriate public education to the student in the least  
5 restrictive environment, consistent with procedural safeguards  
6 and in accordance with an individualized educational program.  
7 At any time prior to the conclusion of the hearing, the  
8 impartial due process hearing officer shall have the authority  
9 to require additional information and order independent  
10 evaluations for the student at the expense of the school  
11 district. The State Board of Education and the school district  
12 shall share equally the costs of providing a written or  
13 electronic verbatim record of the proceedings. Any party may  
14 request that the due process hearing officer issue a subpoena  
15 to compel the testimony of witnesses or the production of  
16 documents relevant to the resolution of the hearing. Whenever a  
17 person refuses to comply with any subpoena issued under this  
18 Section, the circuit court of the county in which that hearing  
19 is pending, on application of the impartial hearing officer or  
20 the party requesting the issuance of the subpoena, may compel  
21 compliance through the contempt powers of the court in the same  
22 manner as if the requirements of a subpoena issued by the court  
23 had been disobeyed.

24 (h) The impartial hearing officer shall issue a written  
25 decision, including findings of fact and conclusions of law,  
26 within 10 days after the conclusion of the hearing and send by



1 certified mail a copy of the decision to the parents or student  
2 (if the student requests the hearing), the school district, the  
3 director of special education, legal representatives of the  
4 parties, and the State Board of Education. Unless the hearing  
5 officer has granted specific extensions of time at the request  
6 of a party, a final decision, including the clarification of a  
7 decision requested under this subsection, shall be reached and  
8 mailed to the parties named above not later than 45 days after  
9 the initiation of the timeline for conducting the hearing, as  
10 described in subsection (g-35) of this Section. The decision  
11 shall specify the educational and related services that shall  
12 be provided to the student in accordance with the student's  
13 needs and the timeline for which the school district shall  
14 submit evidence to the State Board of Education to demonstrate  
15 compliance with the hearing officer's decision in the event  
16 that the decision orders the school district to undertake  
17 corrective action. The hearing officer shall retain  
18 jurisdiction for the sole purpose of considering a request for  
19 clarification of the final decision submitted in writing by a  
20 party to the impartial hearing officer within 5 days after  
21 receipt of the decision. A copy of the request for  
22 clarification shall specify the portions of the decision for  
23 which clarification is sought and shall be mailed to all  
24 parties of record and to the State Board of Education. The  
25 request shall operate to stay implementation of those portions  
26 of the decision for which clarification is sought, pending

1 action on the request by the hearing officer, unless the  
2 parties otherwise agree. The hearing officer shall issue a  
3 clarification of the specified portion of the decision or issue  
4 a partial or full denial of the request in writing within 10  
5 days of receipt of the request and mail copies to all parties  
6 to whom the decision was mailed. This subsection does not  
7 permit a party to request, or authorize a hearing officer to  
8 entertain, reconsideration of the decision itself. The statute  
9 of limitations for seeking review of the decision shall be  
10 tolled from the date the request is submitted until the date  
11 the hearing officer acts upon the request. The hearing  
12 officer's decision shall be binding upon the school district  
13 and the parents unless a civil action is commenced.

14 (i) Any party to an impartial due process hearing aggrieved  
15 by the final written decision of the impartial due process  
16 hearing officer shall have the right to commence a civil action  
17 with respect to the issues presented in the impartial due  
18 process hearing. That civil action shall be brought in any  
19 court of competent jurisdiction within 120 days after a copy of  
20 the decision of the impartial due process hearing officer is  
21 mailed to the party as provided in subsection (h). The civil  
22 action authorized by this subsection shall not be exclusive of  
23 any rights or causes of action otherwise available. The  
24 commencement of a civil action under this subsection shall  
25 operate as a supersedeas. In any action brought under this  
26 subsection the Court shall receive the records of the impartial

1 due process hearing, shall hear additional evidence at the  
2 request of a party, and, basing its decision on the  
3 preponderance of the evidence, shall grant such relief as the  
4 court determines is appropriate. In any instance where a school  
5 district willfully disregards applicable regulations or  
6 statutes regarding a child covered by this Article, and which  
7 disregard has been detrimental to the child, the school  
8 district shall be liable for any reasonable attorney's fees  
9 incurred by the parent in connection with proceedings under  
10 this Section.

11 (j) During the pendency of any administrative or judicial  
12 proceeding conducted pursuant to this Section, including  
13 mediation (if the school district or other public entity  
14 voluntarily agrees to participate in mediation), unless the  
15 school district and the parents or student (if at least 18  
16 years of age or emancipated) otherwise agree, the student shall  
17 remain in his or her present educational placement and continue  
18 in his or her present eligibility status and special education  
19 and related services, if any. If mediation fails to resolve the  
20 dispute between the parties, the parent (or student if 18 years  
21 of age or older or emancipated) shall have 10 days after the  
22 mediation concludes to file a request for a due process hearing  
23 in order to continue to invoke the "stay-put" provisions of  
24 this subsection (j). If applying for initial admission to the  
25 school district, the student shall, with the consent of the  
26 parents (if the student is not at least 18 years of age or

1 emancipated), be placed in the school district program until  
2 all such proceedings have been completed. The costs for any  
3 special education and related services or placement incurred  
4 following 60 school days after the initial request for  
5 evaluation shall be borne by the school district if the  
6 services or placement is in accordance with the final  
7 determination as to the special education and related services  
8 or placement that must be provided to the child, provided that  
9 during that 60 day period there have been no delays caused by  
10 the child's parent.

11 (k) Whenever the parents of a child of the type described  
12 in Section 14-1.02 are not known, are unavailable, or the child  
13 is a youth in care as defined in Section 4d of the Children and  
14 Family Services Act ~~ward of the State~~, a person shall be  
15 assigned to serve as surrogate parent for the child in matters  
16 relating to the identification, evaluation, and educational  
17 placement of the child and the provision of a free appropriate  
18 public education to the child. Persons shall be assigned as  
19 surrogate parents by the State Superintendent of Education. The  
20 State Board of Education shall promulgate rules and regulations  
21 establishing qualifications of those persons and their  
22 responsibilities and the procedures to be followed in making  
23 assignments of persons as surrogate parents. Surrogate parents  
24 shall not be employees of the school district, an agency  
25 created by joint agreement under Section 10-22.31, an agency  
26 involved in the education or care of the student, or the State

1 Board of Education. Services of any person assigned as  
2 surrogate parent shall terminate if the parent becomes  
3 available unless otherwise requested by the parents. The  
4 assignment of a person as surrogate parent at no time  
5 supersedes, terminates, or suspends the parents' legal  
6 authority relative to the child. Any person participating in  
7 good faith as surrogate parent on behalf of the child before  
8 school officials or a hearing officer shall have immunity from  
9 civil or criminal liability that otherwise might result by  
10 reason of that participation, except in cases of willful and  
11 wanton misconduct.

12 (l) At all stages of the hearing the hearing officer shall  
13 require that interpreters be made available by the school  
14 district for persons who are deaf or for persons whose normally  
15 spoken language is other than English.

16 (m) If any provision of this Section or its application to  
17 any person or circumstance is held invalid, the invalidity of  
18 that provision or application does not affect other provisions  
19 or applications of the Section that can be given effect without  
20 the invalid application or provision, and to this end the  
21 provisions of this Section are severable, unless otherwise  
22 provided by this Section.

23 (Source: P.A. 98-383, eff. 8-16-13.)

24 Section 55. The Child Care Act of 1969 is amended by  
25 changing Sections 2.31 and 7.3 and by adding Section 2.01b as

1 follows:

2 (225 ILCS 10/2.01b new)

3 Sec. 2.01b. Youth in care. "Youth in care" has the meaning  
4 ascribed to that term in Section 4d of the Children and Family  
5 Services Act.

6 (225 ILCS 10/2.31)

7 Sec. 2.31. Secondary placement. "Secondary placement"  
8 means a placement, including but not limited to the placement  
9 of a youth in care ~~ward of the Department~~, that occurs after a  
10 placement disruption or adoption dissolution. "Secondary  
11 placement" does not mean secondary placements arising due to  
12 the death of the adoptive parent of the child.

13 (Source: P.A. 99-49, eff. 7-15-15.)

14 (225 ILCS 10/7.3)

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

16 (a) Before placing a child who is a youth in care ~~ward of~~  
17 ~~the Department~~ in a foster family home, a private child welfare  
18 agency must ascertain (i) whether any other children who are  
19 youth in care ~~wards of the Department~~ have been placed in that  
20 home and (ii) whether every such child who has been placed in  
21 that home continues to reside in that home, unless the child  
22 has been transferred to another placement or is no longer a  
23 youth in care ~~ward of the Department~~. The agency must keep a

1 record of every other child welfare agency that has placed such  
2 a child in that foster family home; the record must include the  
3 name and telephone number of a contact person at each such  
4 agency.

5 (b) At least once every 30 days, a private child welfare  
6 agency that places youth in care ~~wards of the Department~~ in  
7 foster family homes must make a site visit to every such home  
8 where it has placed a youth in care ~~ward~~. The purpose of the  
9 site visit is to verify that the child continues to reside in  
10 that home and to verify the child's safety and well-being. The  
11 agency must document the verification in its records. If a  
12 private child welfare agency fails to comply with the  
13 requirements of this subsection, the Department must suspend  
14 all payments to the agency until the agency complies.

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

19 (d) If a child placed in a foster family home is missing,  
20 the foster parent must promptly report that fact to the  
21 Department or to the child welfare agency that placed the child  
22 in the home. If the foster parent fails to make such a report,  
23 the Department shall put the home on hold for the placement of  
24 other children and initiate corrective action that may include  
25 revocation of the foster parent's license to operate the foster  
26 family home. A foster parent who knowingly and willfully fails

1 to report a missing foster child under this subsection is  
2 guilty of a Class A misdemeanor.

3 (e) If a private child welfare agency determines that a  
4 youth in care ~~ward of the Department~~ whom it has placed in a  
5 foster family home no longer resides in that home, the agency  
6 must promptly report that fact to the Department. If the agency  
7 fails to make such a report, the Department shall put the  
8 agency on hold for the placement of other children and initiate  
9 corrective action that may include revocation of the agency's  
10 license.

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

15 (g) The Department must strive to account for the status  
16 and whereabouts of every one of its youth in care ~~wards~~ who it  
17 determines is not residing in the authorized placement in which  
18 he or she was placed.

19 (Source: P.A. 93-343, eff. 7-24-03.)

20 Section 60. The Early Intervention Services System Act is  
21 amended by changing Section 12 as follows:

22 (325 ILCS 20/12) (from Ch. 23, par. 4162)

23 Sec. 12. Procedural safeguards. The lead agency shall adopt  
24 procedural safeguards that meet federal requirements and



1 ensure effective implementation of the safeguards for families  
2 by each public agency involved in the provision of early  
3 intervention services under this Act.

4 The procedural safeguards shall provide, at a minimum, the  
5 following:

6 (a) The timely administrative resolution of State  
7 complaints, due process hearings, and mediations as  
8 defined by administrative rule.

9 (b) The right to confidentiality of personally  
10 identifiable information.

11 (c) The opportunity for parents and a guardian to  
12 examine and receive copies of records relating to  
13 evaluations and assessments, screening, eligibility  
14 determinations, and the development and implementation of  
15 the Individualized Family Service Plan provision of early  
16 intervention services, individual complaints involving the  
17 child, or any part of the child's early intervention  
18 record.

19 (d) Procedures to protect the rights of the eligible  
20 infant or toddler whenever the parents or guardians of the  
21 child are not known or unavailable or the child is a youth  
22 in care as defined in Section 4d of the Children and Family  
23 Services Act ~~ward of the State~~, including the assignment of  
24 an individual (who shall not be an employee of the State  
25 agency or local agency providing services) to act as a  
26 surrogate for the parents or guardian. The regional intake

1           entity must make reasonable efforts to ensure the  
2           assignment of a surrogate parent not more than 30 days  
3           after a public agency determines that the child needs a  
4           surrogate parent.

5           (e) Timely written prior notice to the parents or  
6           guardian of the eligible infant or toddler whenever the  
7           State agency or public or private service provider proposes  
8           to initiate or change or refuses to initiate or change the  
9           identification, evaluation, placement, or the provision of  
10          appropriate early intervention services to the eligible  
11          infant or toddler.

12          (f) Written prior notice to fully inform the parents or  
13          guardians, in their native language or mode of  
14          communication used by the parent, unless clearly not  
15          feasible to do so, in a comprehensible manner, of these  
16          procedural safeguards.

17          (g) During the pendency of any State complaint  
18          procedure, due process hearing, or mediation involving a  
19          complaint, unless the State agency and the parents or  
20          guardian otherwise agree, the child shall continue to  
21          receive the appropriate early intervention services  
22          currently being provided, or in the case of an application  
23          for initial services, the child shall receive the services  
24          not in dispute.

25          (Source: P.A. 98-41, eff. 6-28-13; 98-802, eff. 8-1-14.)

1 Section 65. The High Risk Youth Career Development Act is  
2 amended by changing Section 1 as follows:

3 (325 ILCS 25/1) (from Ch. 23, par. 6551)

4 Sec. 1. The Department of Human Services (acting as  
5 successor to the Illinois Department of Public Aid under the  
6 Department of Human Services Act), in cooperation with the  
7 Department of Commerce and Economic Opportunity, the Illinois  
8 State Board of Education, the Department of Children and Family  
9 Services, the Department of Employment Services and other  
10 appropriate State and local agencies, may establish and  
11 administer, on an experimental basis and subject to  
12 appropriation, community-based programs providing  
13 comprehensive, long-term intervention strategies to increase  
14 future employability and career development among high risk  
15 youth. The Department of Human Services, and the other  
16 cooperating agencies, shall establish provisions for community  
17 involvement in the design, development, implementation and  
18 administration of these programs. The programs may provide the  
19 following services: teaching of basic literacy and remedial  
20 reading and writing; vocational training programs which are  
21 realistic in terms of producing lifelong skills necessary for  
22 career development; and supportive services including  
23 transportation and child care during the training period and  
24 for up to one year after placement in a job. The programs shall  
25 be targeted to high risk youth residing in the geographic areas

1 served by the respective programs. "High risk" means that a  
2 person is at least 16 years of age but not yet 21 years of age  
3 and possesses one or more of the following characteristics:

4 (1) has a ~~Has~~ low income;

5 (2) is ~~is~~ a member of a minority;

6 (3) is ~~is~~ illiterate;

7 (4) is ~~is~~ a school dropout ~~drop-out~~;

8 (5) is ~~is~~ homeless;

9 (6) is ~~is~~ a person with a disability;

10 (7) is ~~is~~ a parent; or

11 (8) is ~~is~~ a youth in care as defined in Section 4d of the  
12 Children and Family Services Act ~~ward of the State.~~

13 The Department of Human Services and other cooperating  
14 State agencies shall promulgate rules and regulations,  
15 pursuant to the Illinois Administrative Procedure Act, for the  
16 implementation of this Act, including procedures and standards  
17 for determining whether a person possesses any of the  
18 characteristics specified in this Section.

19 (Source: P.A. 99-143, eff. 7-27-15.)

20 Section 70. The Safeguard Our Children Act is amended by  
21 changing Section 10 as follows:

22 (325 ILCS 58/10)

23 Sec. 10. Duty to report. Any child or person in the care of  
24 the Department who is placed in a residential facility under

1 contract with the Department pursuant to the Children and  
2 Family Services Act shall be reported as missing to the local  
3 law enforcement agency within whose jurisdiction the facility  
4 is located, if:

5 (1) there is no contact between an employee of the  
6 residential facility and the child or person within a  
7 period of 12 hours; and

8 (2) the child or person is absent from the residential  
9 facility without prior approval.

10 The operator of the residential facility shall inform the  
11 child's or person's caseworker that the child or person has  
12 been reported as missing to the appropriate local law  
13 enforcement agency. The operator of the residential facility  
14 shall also report the child or person as missing to the  
15 National Center for Missing and Exploited Children and shall  
16 make a subsequent telephone notification to the sheriff of the  
17 county in which the residential facility is located.

18 The operator of the residential facility making the missing  
19 person ~~persons~~ report to the local law enforcement agency  
20 within whose jurisdiction the facility is located shall report  
21 that the missing person is a youth in care as defined in  
22 Section 4d of the Children and Family Services Act ~~ward of the~~  
23 ~~Department~~ and shall inform the law enforcement agency taking  
24 the report to include the following statement within the  
25 missing persons report, in the field of the Law Enforcement  
26 Agencies Data System (LEADS) known as "Miscellaneous":

1            "This individual is a youth in the care ~~ward~~ of the  
2            Illinois Department of Children and Family Services (DCFS)  
3            and, regardless of age, shall be released only to the  
4            custody of DCFS. Contact the 24-hour hotline:  
5            866.503.0184."

6            (Source: P.A. 99-351, eff. 1-1-16.)

7            Section 75. The Mental Health and Developmental  
8            Disabilities Code is amended by changing Section 3-503 as  
9            follows:

10            (405 ILCS 5/3-503) (from Ch. 91 1/2, par. 3-503)

11            Sec. 3-503. Admission on application of parent or guardian.

12            (a) Any minor may be admitted to a mental health facility  
13            for inpatient treatment upon application to the facility  
14            director, if the facility director finds that the minor has a  
15            mental illness or emotional disturbance of such severity that  
16            hospitalization is necessary and that the minor is likely to  
17            benefit from inpatient treatment. Except in cases of admission  
18            under Section 3-504, prior to admission, a psychiatrist,  
19            clinical social worker, clinical professional counselor, or  
20            clinical psychologist who has personally examined the minor  
21            shall state in writing that the minor meets the standard for  
22            admission. The statement shall set forth in detail the reasons  
23            for that conclusion and shall indicate what alternatives to  
24            hospitalization have been explored.

1 (b) The application may be executed by a parent or guardian  
2 or, in the absence of a parent or guardian, by a person in loco  
3 parentis. Application may be made for a minor who is a youth in  
4 care as defined in Section 4d of the Children and Family  
5 Services Act ~~ward of the State~~ by the Department of Children  
6 and Family Services or by the Department of Corrections.

7 (Source: P.A. 95-804, eff. 8-12-08.)

8 Section 80. The Juvenile Court Act of 1987 is amended by  
9 changing Sections 2-10, 3-12, 3-21, 3-24, 4-9, 4-18, 4-21,  
10 5-615, and 5-715 as follows:

11 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

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

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

20 (2) If the court finds that there is probable cause to  
21 believe that the minor is abused, neglected or dependent, the  
22 court shall state in writing the factual basis supporting its  
23 finding and the minor, his or her parent, guardian, custodian  
24 and other persons able to give relevant testimony shall be

1 examined before the court. The Department of Children and  
2 Family Services shall give testimony concerning indicated  
3 reports of abuse and neglect, of which they are aware of  
4 through the central registry, involving the minor's parent,  
5 guardian or custodian. After such testimony, the court may,  
6 consistent with the health, safety and best interests of the  
7 minor, enter an order that the minor shall be released upon the  
8 request of parent, guardian or custodian if the parent,  
9 guardian or custodian appears to take custody. If it is  
10 determined that a parent's, guardian's, or custodian's  
11 compliance with critical services mitigates the necessity for  
12 removal of the minor from his or her home, the court may enter  
13 an Order of Protection setting forth reasonable conditions of  
14 behavior that a parent, guardian, or custodian must observe for  
15 a specified period of time, not to exceed 12 months, without a  
16 violation; provided, however, that the 12-month period shall  
17 begin anew after any violation. "Custodian" includes the  
18 Department of Children and Family Services, if it has been  
19 given custody of the child, or any other agency of the State  
20 which has been given custody or wardship of the child.  
21 ~~Custodian shall include any agency of the State which has been~~  
22 ~~given custody or wardship of the child.~~ If it is consistent  
23 with the health, safety and best interests of the minor, the  
24 court may also prescribe shelter care and order that the minor  
25 be kept in a suitable place designated by the court or in a  
26 shelter care facility designated by the Department of Children



1 and Family Services or a licensed child welfare agency;  
2 however, on and after January 1, 2015 (the effective date of  
3 Public Act 98-803) and before January 1, 2017, a minor charged  
4 with a criminal offense under the Criminal Code of 1961 or the  
5 Criminal Code of 2012 or adjudicated delinquent shall not be  
6 placed in the custody of or committed to the Department of  
7 Children and Family Services by any court, except a minor less  
8 than 16 years of age and committed to the Department of  
9 Children and Family Services under Section 5-710 of this Act or  
10 a minor for whom an independent basis of abuse, neglect, or  
11 dependency exists; and on and after January 1, 2017, a minor  
12 charged with a criminal offense under the Criminal Code of 1961  
13 or the Criminal Code of 2012 or adjudicated delinquent shall  
14 not be placed in the custody of or committed to the Department  
15 of Children and Family Services by any court, except a minor  
16 less than 15 years of age and committed to the Department of  
17 Children and Family Services under Section 5-710 of this Act or  
18 a minor for whom an independent basis of abuse, neglect, or  
19 dependency exists. An independent basis exists when the  
20 allegations or adjudication of abuse, neglect, or dependency do  
21 not arise from the same facts, incident, or circumstances which  
22 give rise to a charge or adjudication of delinquency.

23 In placing the minor, the Department or other agency shall,  
24 to the extent compatible with the court's order, comply with  
25 Section 7 of the Children and Family Services Act. In  
26 determining the health, safety and best interests of the minor

1 to prescribe shelter care, the court must find that it is a  
2 matter of immediate and urgent necessity for the safety and  
3 protection of the minor or of the person or property of another  
4 that the minor be placed in a shelter care facility or that he  
5 or she is likely to flee the jurisdiction of the court, and  
6 must further find that reasonable efforts have been made or  
7 that, consistent with the health, safety and best interests of  
8 the minor, no efforts reasonably can be made to prevent or  
9 eliminate the necessity of removal of the minor from his or her  
10 home. The court shall require documentation from the Department  
11 of Children and Family Services as to the reasonable efforts  
12 that were made to prevent or eliminate the necessity of removal  
13 of the minor from his or her home or the reasons why no efforts  
14 reasonably could be made to prevent or eliminate the necessity  
15 of removal. When a minor is placed in the home of a relative,  
16 the Department of Children and Family Services shall complete a  
17 preliminary background review of the members of the minor's  
18 custodian's household in accordance with Section 4.3 of the  
19 Child Care Act of 1969 within 90 days of that placement. If the  
20 minor is ordered placed in a shelter care facility of the  
21 Department of Children and Family Services or a licensed child  
22 welfare agency, the court shall, upon request of the  
23 appropriate Department or other agency, appoint the Department  
24 of Children and Family Services Guardianship Administrator or  
25 other appropriate agency executive temporary custodian of the  
26 minor and the court may enter such other orders related to the

1 temporary custody as it deems fit and proper, including the  
2 provision of services to the minor or his family to ameliorate  
3 the causes contributing to the finding of probable cause or to  
4 the finding of the existence of immediate and urgent necessity.

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

15 Where the Department of Children and Family Services  
16 Guardianship Administrator is appointed as the executive  
17 temporary custodian, and when the child has siblings in care,  
18 the Department of Children and Family Services shall file with  
19 the court and serve on the parties a sibling placement and  
20 contact plan within 10 days, excluding weekends and holidays,  
21 after the appointment. The sibling placement and contact plan  
22 shall set forth whether the siblings are placed together, and  
23 if they are not placed together, what, if any, efforts are  
24 being made to place them together. If the Department has  
25 determined that it is not in a child's best interest to be  
26 placed with a sibling, the Department shall document in the

1 sibling placement and contact plan the basis for its  
2 determination. For siblings placed separately, the sibling  
3 placement and contact plan shall set the time and place for  
4 visits, the frequency of the visits, the length of visits, who  
5 shall be present for the visits, and where appropriate, the  
6 child's opportunities to have contact with their siblings in  
7 addition to in person contact. If the Department determines it  
8 is not in the best interest of a sibling to have contact with a  
9 sibling, the Department shall document in the sibling placement  
10 and contact plan the basis for its determination. The sibling  
11 placement and contact plan shall specify a date for development  
12 of the Sibling Contact Support Plan, under subsection (f) of  
13 Section 7.4 of the Children and Family Services Act, and shall  
14 remain in effect until the Sibling Contact Support Plan is  
15 developed.

16 For good cause, the court may waive the requirement to file  
17 the parent-child visiting plan or the sibling placement and  
18 contact plan, or extend the time for filing either plan. Any  
19 party may, by motion, request the court to review the  
20 parent-child visiting plan to determine whether it is  
21 reasonably calculated to expeditiously facilitate the  
22 achievement of the permanency goal. A party may, by motion,  
23 request the court to review the parent-child visiting plan or  
24 the sibling placement and contact plan to determine whether it  
25 is consistent with the minor's best interest. The court may  
26 refer the parties to mediation where available. The frequency,

1 duration, and locations of visitation shall be measured by the  
2 needs of the child and family, and not by the convenience of  
3 Department personnel. Child development principles shall be  
4 considered by the court in its analysis of how frequent  
5 visitation should be, how long it should last, where it should  
6 take place, and who should be present. If upon motion of the  
7 party to review either plan and after receiving evidence, the  
8 court determines that the parent-child visiting plan is not  
9 reasonably calculated to expeditiously facilitate the  
10 achievement of the permanency goal or that the restrictions  
11 placed on parent-child contact or sibling placement or contact  
12 are contrary to the child's best interests, the court shall put  
13 in writing the factual basis supporting the determination and  
14 enter specific findings based on the evidence. The court shall  
15 enter an order for the Department to implement changes to the  
16 parent-child visiting plan or sibling placement or contact  
17 plan, consistent with the court's findings. At any stage of  
18 proceeding, any party may by motion request the court to enter  
19 any orders necessary to implement the parent-child visiting  
20 plan, sibling placement or contact plan or subsequently  
21 developed Sibling Contact Support Plan. Nothing under this  
22 subsection (2) shall restrict the court from granting  
23 discretionary authority to the Department to increase  
24 opportunities for additional parent-child contacts or sibling  
25 contacts, without further court orders. Nothing in this  
26 subsection (2) shall restrict the Department from immediately

1 restricting or terminating parent-child contact or sibling  
2 contacts, without either amending the parent-child visiting  
3 plan or the sibling contact plan or obtaining a court order,  
4 where the Department or its assigns reasonably believe that  
5 continuation of the contact, as set out in the plan, would be  
6 contrary to the child's health, safety, and welfare. The  
7 Department shall file with the court and serve on the parties  
8 any amendments to the plan within 10 days, excluding weekends  
9 and holidays, of the change of the visitation.

10 Acceptance of services shall not be considered an admission  
11 of any allegation in a petition made pursuant to this Act, nor  
12 may a referral of services be considered as evidence in any  
13 proceeding pursuant to this Act, except where the issue is  
14 whether the Department has made reasonable efforts to reunite  
15 the family. In making its findings that it is consistent with  
16 the health, safety and best interests of the minor to prescribe  
17 shelter care, the court shall state in writing (i) the factual  
18 basis supporting its findings concerning the immediate and  
19 urgent necessity for the protection of the minor or of the  
20 person or property of another and (ii) the factual basis  
21 supporting its findings that reasonable efforts were made to  
22 prevent or eliminate the removal of the minor from his or her  
23 home or that no efforts reasonably could be made to prevent or  
24 eliminate the removal of the minor from his or her home. The  
25 parents, guardian, custodian, temporary custodian and minor  
26 shall each be furnished a copy of such written findings. The

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

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

11 If the child is placed in the temporary custody of the  
12 Department of Children and Family Services for his or her  
13 protection, the court shall admonish the parents, guardian,  
14 custodian or responsible relative that the parents must  
15 cooperate with the Department of Children and Family Services,  
16 comply with the terms of the service plans, and correct the  
17 conditions which require the child to be in care, or risk  
18 termination of their parental rights. The court shall ensure,  
19 by inquiring in open court of each parent, guardian, custodian  
20 or responsible relative, that the parent, guardian, custodian  
21 or responsible relative has had the opportunity to provide the  
22 Department with all known names, addresses, and telephone  
23 numbers of each of the minor's living maternal and paternal  
24 adult relatives, including, but not limited to, grandparents,  
25 aunts, uncles, and siblings. The court shall advise the  
26 parents, guardian, custodian or responsible relative to inform

1 the Department if additional information regarding the minor's  
2 adult relatives becomes available.

3 (3) If prior to the shelter care hearing for a minor  
4 described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is  
5 unable to serve notice on the party respondent, the shelter  
6 care hearing may proceed ex parte. A shelter care order from an  
7 ex parte hearing shall be endorsed with the date and hour of  
8 issuance and shall be filed with the clerk's office and entered  
9 of record. The order shall expire after 10 days from the time  
10 it is issued unless before its expiration it is renewed, at a  
11 hearing upon appearance of the party respondent, or upon an  
12 affidavit of the moving party as to all diligent efforts to  
13 notify the party respondent by notice as herein prescribed. The  
14 notice prescribed shall be in writing and shall be personally  
15 delivered to the minor or the minor's attorney and to the last  
16 known address of the other person or persons entitled to  
17 notice. The notice shall also state the nature of the  
18 allegations, the nature of the order sought by the State,  
19 including whether temporary custody is sought, and the  
20 consequences of failure to appear and shall contain a notice  
21 that the parties will not be entitled to further written  
22 notices or publication notices of proceedings in this case,  
23 including the filing of an amended petition or a motion to  
24 terminate parental rights, except as required by Supreme Court  
25 Rule 11; and shall explain the right of the parties and the  
26 procedures to vacate or modify a shelter care order as provided



1 in this Section. The notice for a shelter care hearing shall be  
2 substantially as follows:

3 NOTICE TO PARENTS AND CHILDREN  
4 OF SHELTER CARE HEARING

5 On ..... at ....., before the Honorable  
6 ....., (address:) ....., the State  
7 of Illinois will present evidence (1) that (name of child  
8 or children) ..... are abused, neglected  
9 or dependent for the following reasons:

10 ..... and (2)  
11 whether there is "immediate and urgent necessity" to remove  
12 the child or children from the responsible relative.

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

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

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

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

25 3. To present evidence concerning:  
26 a. Whether or not the child or children were

1 abused, neglected or dependent.

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

7 c. The best interests of the child.

8 4. To cross examine the State's witnesses.

9 The Notice for rehearings shall be substantially as  
10 follows:

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

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

23 1. That you were not present at the shelter care  
24 hearing.

25 2. That you did not get adequate notice (explaining

1           how the notice was inadequate).

2           3. Your signature.

3           4. Signature must be notarized.

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

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

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

11           1. To have a guardian ad litem appointed.

12           2. To be declared competent as a witness and to  
13 present testimony concerning:

14           a. Whether they are abused, neglected or  
15 dependent.

16           b. Whether there is "immediate and urgent  
17 necessity" to be removed from home.

18           c. Their best interests.

19           3. To cross examine witnesses for other parties.

20           4. To obtain an explanation of any proceedings and  
21 orders of the court.

22           (4) If the parent, guardian, legal custodian, responsible  
23 relative, minor age 8 or over, or counsel of the minor did not  
24 have actual notice of or was not present at the shelter care  
25 hearing, he or she may file an affidavit setting forth these  
26 facts, and the clerk shall set the matter for rehearing not

1 later than 48 hours, excluding Sundays and legal holidays,  
2 after the filing of the affidavit. At the rehearing, the court  
3 shall proceed in the same manner as upon the original hearing.

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

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

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

18 (8) If neither the parent, guardian or custodian appears  
19 within 24 hours to take custody of a minor released upon  
20 request pursuant to subsection (2) of this Section, then the  
21 clerk of the court shall set the matter for rehearing not later  
22 than 7 days after the original order and shall issue a summons  
23 directed to the parent, guardian or custodian to appear. At the  
24 same time the probation department shall prepare a report on  
25 the minor. If a parent, guardian or custodian does not appear  
26 at such rehearing, the judge may enter an order prescribing

1 that the minor be kept in a suitable place designated by the  
2 Department of Children and Family Services or a licensed child  
3 welfare agency.

4 (9) Notwithstanding any other provision of this Section any  
5 interested party, including the State, the temporary  
6 custodian, an agency providing services to the minor or family  
7 under a service plan pursuant to Section 8.2 of the Abused and  
8 Neglected Child Reporting Act, foster parent, or any of their  
9 representatives, on notice to all parties entitled to notice,  
10 may file a motion that it is in the best interests of the minor  
11 to modify or vacate a temporary custody order on any of the  
12 following grounds:

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

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

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

23 (d) Services provided by the Department of Children and  
24 Family Services or a child welfare agency or other service  
25 provider have been successful in eliminating the need for  
26 temporary custody and the child can be cared for at home

1 without endangering the child's health or safety.

2 In ruling on the motion, the court shall determine whether  
3 it is consistent with the health, safety and best interests of  
4 the minor to modify or vacate a temporary custody order.

5 The clerk shall set the matter for hearing not later than  
6 14 days after such motion is filed. In the event that the court  
7 modifies or vacates a temporary custody order but does not  
8 vacate its finding of probable cause, the court may order that  
9 appropriate services be continued or initiated in behalf of the  
10 minor and his or her family.

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

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

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

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

26 (11) The changes made to this Section by Public Act 98-61

1 apply to a minor who has been arrested or taken into custody on  
2 or after January 1, 2014 (the effective date of Public Act  
3 98-61).

4 (Source: P.A. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14; 98-803,  
5 eff. 1-1-15; 99-625, eff. 1-1-17; 99-642, eff. 7-28-16.)

6 (705 ILCS 405/3-12) (from Ch. 37, par. 803-12)

7 Sec. 3-12. Shelter care hearing. At the appearance of the  
8 minor before the court at the shelter care hearing, all  
9 witnesses present shall be examined before the court in  
10 relation to any matter connected with the allegations made in  
11 the petition.

12 (1) If the court finds that there is not probable cause to  
13 believe that the minor is a person requiring authoritative  
14 intervention, it shall release the minor and dismiss the  
15 petition.

16 (2) If the court finds that there is probable cause to  
17 believe that the minor is a person requiring authoritative  
18 intervention, the minor, his or her parent, guardian, custodian  
19 and other persons able to give relevant testimony shall be  
20 examined before the court. After such testimony, the court may  
21 enter an order that the minor shall be released upon the  
22 request of a parent, guardian or custodian if the parent,  
23 guardian or custodian appears to take custody. "Custodian"  
24 includes the Department of Children and Family Services, if it  
25 has been given custody of the child, or any other agency of the

1 State which has been given custody or wardship of the child.

2 ~~Custodian shall include any agency of the State which has been~~

3 ~~given custody or wardship of the child.~~ The Court shall require

4 documentation by representatives of the Department of Children

5 and Family Services or the probation department as to the

6 reasonable efforts that were made to prevent or eliminate the

7 necessity of removal of the minor from his or her home, and

8 shall consider the testimony of any person as to those

9 reasonable efforts. If the court finds that it is a matter of

10 immediate and urgent necessity for the protection of the minor

11 or of the person or property of another that the minor be

12 placed in a shelter care facility, or that he or she is likely

13 to flee the jurisdiction of the court, and further finds that

14 reasonable efforts have been made or good cause has been shown

15 why reasonable efforts cannot prevent or eliminate the

16 necessity of removal of the minor from his or her home, the

17 court may prescribe shelter care and order that the minor be

18 kept in a suitable place designated by the court or in a

19 shelter care facility designated by the Department of Children

20 and Family Services or a licensed child welfare agency;

21 otherwise it shall release the minor from custody. If the court

22 prescribes shelter care, then in placing the minor, the

23 Department or other agency shall, to the extent compatible with

24 the court's order, comply with Section 7 of the Children and

25 Family Services Act. If the minor is ordered placed in a

26 shelter care facility of the Department of Children and Family



1 Services or a licensed child welfare agency, the court shall,  
2 upon request of the Department or other agency, appoint the  
3 Department of Children and Family Services Guardianship  
4 Administrator or other appropriate agency executive temporary  
5 custodian of the minor and the court may enter such other  
6 orders related to the temporary custody as it deems fit and  
7 proper, including the provision of services to the minor or his  
8 family to ameliorate the causes contributing to the finding of  
9 probable cause or to the finding of the existence of immediate  
10 and urgent necessity. Acceptance of services shall not be  
11 considered an admission of any allegation in a petition made  
12 pursuant to this Act, nor may a referral of services be  
13 considered as evidence in any proceeding pursuant to this Act,  
14 except where the issue is whether the Department has made  
15 reasonable efforts to reunite the family. In making its  
16 findings that reasonable efforts have been made or that good  
17 cause has been shown why reasonable efforts cannot prevent or  
18 eliminate the necessity of removal of the minor from his or her  
19 home, the court shall state in writing its findings concerning  
20 the nature of the services that were offered or the efforts  
21 that were made to prevent removal of the child and the apparent  
22 reasons that such services or efforts could not prevent the  
23 need for removal. The parents, guardian, custodian, temporary  
24 custodian and minor shall each be furnished a copy of such  
25 written findings. The temporary custodian shall maintain a copy  
26 of the court order and written findings in the case record for

1 the child.

2 The order together with the court's findings of fact and  
3 support thereof shall be entered of record in the court.

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

10 (3) If prior to the shelter care hearing for a minor  
11 described in Sections 2-3, 2-4, 3-3, and 4-3 the petitioner is  
12 unable to serve notice on the party respondent, the shelter  
13 care hearing may proceed ex parte. A shelter care order from an  
14 ex parte hearing shall be endorsed with the date and hour of  
15 issuance and shall be filed with the clerk's office and entered  
16 of record. The order shall expire after 10 days from the time  
17 it is issued unless before its expiration it is renewed, at a  
18 hearing upon appearance of the party respondent, or upon an  
19 affidavit of the moving party as to all diligent efforts to  
20 notify the party respondent by notice as herein prescribed. The  
21 notice prescribed shall be in writing and shall be personally  
22 delivered to the minor or the minor's attorney and to the last  
23 known address of the other person or persons entitled to  
24 notice. The notice shall also state the nature of the  
25 allegations, the nature of the order sought by the State,  
26 including whether temporary custody is sought, and the

1 consequences of failure to appear; and shall explain the right  
2 of the parties and the procedures to vacate or modify a shelter  
3 care order as provided in this Section. The notice for a  
4 shelter care hearing shall be substantially as follows:

5 NOTICE TO PARENTS AND CHILDREN OF SHELTER CARE HEARING

6 On ..... at ....., before the Honorable  
7 ....., (address:) ....., the State of  
8 Illinois will present evidence (1) that (name of child or  
9 children) ..... are abused, neglected or  
10 dependent for the following reasons:

11 .....  
12 and (2) that there is "immediate and urgent necessity" to  
13 remove the child or children from the responsible relative.

14 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN  
15 PLACEMENT of the child or children in foster care until a trial  
16 can be held. A trial may not be held for up to 90 days.

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

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

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

23 3. To present evidence concerning:  
24 a. Whether or not the child or children were  
25 abused, neglected or dependent.

26 b. Whether or not there is "immediate and urgent

1           necessity" to remove the child from home (including:  
 2           their ability to care for the child, conditions in the  
 3           home, alternative means of protecting the child other  
 4           than removal).

5                   c. The best interests of the child.

6                   4. To cross examine the State's witnesses.

7           The Notice for rehearings shall be substantially as  
 8 follows:

9                           NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

10                                   TO REHEARING ON TEMPORARY CUSTODY

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

19                   1. That you were not present at the shelter care  
 20 hearing.

21                   2. That you did not get adequate notice (explaining how  
 22 the notice was inadequate).

23                   3. Your signature.

24                   4. Signature must be notarized.

25           The rehearing should be scheduled within one day of your  
 26 filing this affidavit.

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

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

6           1. To have a guardian ad litem appointed.

7           2. To be declared competent as a witness and to present  
8 testimony concerning:

9           a. Whether they are abused, neglected or  
10 dependent.

11           b. Whether there is "immediate and urgent  
12 necessity" to be removed from home.

13           c. Their best interests.

14           3. To cross examine witnesses for other parties.

15           4. To obtain an explanation of any proceedings and  
16 orders of the court.

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

25           (5) Only when there is reasonable cause to believe that the  
26 minor taken into custody is a person described in subsection

1 (3) of Section 5-105 may the minor be kept or detained in a  
2 detention home or county or municipal jail. This Section shall  
3 in no way be construed to limit subsection (6).

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

10 (7) If the minor is not brought before a judicial officer  
11 within the time period specified in Section 3-11, the minor  
12 must immediately be released from custody.

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

25 (9) Notwithstanding any other provision of this Section,  
26 any interested party, including the State, the temporary

1     custodian, an agency providing services to the minor or family  
2     under a service plan pursuant to Section 8.2 of the Abused and  
3     Neglected Child Reporting Act, foster parent, or any of their  
4     representatives, on notice to all parties entitled to notice,  
5     may file a motion to modify or vacate a temporary custody order  
6     on any of the following grounds:

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

9             (b) There is a material change in the circumstances of  
10            the natural family from which the minor was removed; or

11            (c) A person, including a parent, relative or legal  
12            guardian, is capable of assuming temporary custody of the  
13            minor; or

14            (d) Services provided by the Department of Children and  
15            Family Services or a child welfare agency or other service  
16            provider have been successful in eliminating the need for  
17            temporary custody.

18            The clerk shall set the matter for hearing not later than  
19            14 days after such motion is filed. In the event that the court  
20            modifies or vacates a temporary custody order but does not  
21            vacate its finding of probable cause, the court may order that  
22            appropriate services be continued or initiated in behalf of the  
23            minor and his or her family.

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

1 98-61).

2 (Source: P.A. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14; 99-642,  
3 eff. 7-28-16.)

4 (705 ILCS 405/3-21) (from Ch. 37, par. 803-21)

5 Sec. 3-21. Continuance under supervision.

6 (1) The court may enter an order of continuance under  
7 supervision (a) upon an admission or stipulation by the  
8 appropriate respondent or minor respondent of the facts  
9 supporting the petition and before proceeding to findings and  
10 adjudication, or after hearing the evidence at the adjudicatory  
11 hearing but before noting in the minutes of proceedings a  
12 finding of whether or not the minor is a person requiring  
13 authoritative intervention; and (b) in the absence of objection  
14 made in open court by the minor, his parent, guardian,  
15 custodian, responsible relative, defense attorney or the  
16 State's Attorney.

17 (2) If the minor, his parent, guardian, custodian,  
18 responsible relative, defense attorney or State's Attorney,  
19 objects in open court to any such continuance and insists upon  
20 proceeding to findings and adjudication, the court shall so  
21 proceed.

22 (3) Nothing in this Section limits the power of the court  
23 to order a continuance of the hearing for the production of  
24 additional evidence or for any other proper reason.

25 (4) When a hearing where a minor is alleged to be a minor



1 requiring authoritative intervention is continued pursuant to  
2 this Section, the court may permit the minor to remain in his  
3 home subject to such conditions concerning his conduct and  
4 supervision as the court may require by order.

5 (5) If a petition is filed charging a violation of a  
6 condition of the continuance under supervision, the court shall  
7 conduct a hearing. If the court finds that such condition of  
8 supervision has not been fulfilled the court may proceed to  
9 findings and adjudication and disposition. The filing of a  
10 petition for violation of a condition of the continuance under  
11 supervision shall toll the period of continuance under  
12 supervision until the final determination of the charge, and  
13 the term of the continuance under supervision shall not run  
14 until the hearing and disposition of the petition for  
15 violation; provided where the petition alleges conduct that  
16 does not constitute a criminal offense, the hearing must be  
17 held within 15 days of the filing of the petition unless a  
18 delay in such hearing has been occasioned by the minor, in  
19 which case the delay shall continue the tolling of the period  
20 of continuance under supervision for the period of such delay.

21 (6) The court must impose upon a minor under an order of  
22 continuance under supervision or an order of disposition under  
23 this Article III, as a condition of the order, a fee of \$25 for  
24 each month or partial month of supervision with a probation  
25 officer. If the court determines the inability of the minor, or  
26 the parent, guardian, or legal custodian of the minor to pay

1 the fee, the court may impose a lesser fee. The court may not  
2 impose the fee on a minor who is placed in the guardianship or  
3 custody of the Department of Children and Family Services ~~made~~  
4 ~~a ward of the State~~ under this Act. The fee may be imposed only  
5 upon a minor who is actively supervised by the probation and  
6 court services department. The fee must be collected by the  
7 clerk of the circuit court. The clerk of the circuit court must  
8 pay all monies collected from this fee to the county treasurer  
9 for deposit into the probation and court services fund under  
10 Section 15.1 of the Probation and Probation Officers Act.

11 (Source: P.A. 92-329, eff. 8-9-01.)

12 (705 ILCS 405/3-24) (from Ch. 37, par. 803-24)

13 Sec. 3-24. Kinds of dispositional orders.

14 (1) The following kinds of orders of disposition may be  
15 made in respect to wards of the court: A minor found to be  
16 requiring authoritative intervention under Section 3-3 may be  
17 (a) committed to the Department of Children and Family  
18 Services, subject to Section 5 of the Children and Family  
19 Services Act; (b) placed under supervision and released to his  
20 or her parents, guardian or legal custodian; (c) placed in  
21 accordance with Section 3-28 with or without also being placed  
22 under supervision. Conditions of supervision may be modified or  
23 terminated by the court if it deems that the best interests of  
24 the minor and the public will be served thereby; (d) ordered  
25 partially or completely emancipated in accordance with the

1 provisions of the Emancipation of Minors Act; or (e) subject to  
2 having his or her driver's license or driving privilege  
3 suspended for such time as determined by the Court but only  
4 until he or she attains 18 years of age.

5 (2) Any order of disposition may provide for protective  
6 supervision under Section 3-25 and may include an order of  
7 protection under Section 3-26.

8 (3) Unless the order of disposition expressly so provides,  
9 it does not operate to close proceedings on the pending  
10 petition, but is subject to modification until final closing  
11 and discharge of the proceedings under Section 3-32.

12 (4) In addition to any other order of disposition, the  
13 court may order any person found to be a minor requiring  
14 authoritative intervention under Section 3-3 to make  
15 restitution, in monetary or non-monetary form, under the terms  
16 and conditions of Section 5-5-6 of the Unified Code of  
17 Corrections, except that the "presentence hearing" referred to  
18 therein shall be the dispositional hearing for purposes of this  
19 Section. The parent, guardian or legal custodian of the minor  
20 may pay some or all of such restitution on the minor's behalf.

21 (5) Any order for disposition where the minor is committed  
22 or placed in accordance with Section 3-28 shall provide for the  
23 parents or guardian of the estate of such minor to pay to the  
24 legal custodian or guardian of the person of the minor such  
25 sums as are determined by the custodian or guardian of the  
26 person of the minor as necessary for the minor's needs. Such

1 payments may not exceed the maximum amounts provided for by  
2 Section 9.1 of the Children and Family Services Act.

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

8 (7) The court must impose upon a minor under an order of  
9 continuance under supervision or an order of disposition under  
10 this Article III, as a condition of the order, a fee of \$25 for  
11 each month or partial month of supervision with a probation  
12 officer. If the court determines the inability of the minor, or  
13 the parent, guardian, or legal custodian of the minor to pay  
14 the fee, the court may impose a lesser fee. The court may not  
15 impose the fee on a minor who is placed in the guardianship or  
16 custody of the Department of Children and Family Services ~~made~~  
17 ~~a ward of the State~~ under this Act. The fee may be imposed only  
18 upon a minor who is actively supervised by the probation and  
19 court services department. The fee must be collected by the  
20 clerk of the circuit court. The clerk of the circuit court must  
21 pay all monies collected from this fee to the county treasurer  
22 for deposit into the probation and court services fund under  
23 Section 15.1 of the Probation and Probation Officers Act.

24 (Source: P.A. 95-331, eff. 8-21-07.)

25 (705 ILCS 405/4-9) (from Ch. 37, par. 804-9)

1           Sec. 4-9. Shelter care hearing. At the appearance of the  
2 minor before the court at the shelter care hearing, all  
3 witnesses present shall be examined before the court in  
4 relation to any matter connected with the allegations made in  
5 the petition.

6           (1) If the court finds that there is not probable cause to  
7 believe that the minor is addicted, it shall release the minor  
8 and dismiss the petition.

9           (2) If the court finds that there is probable cause to  
10 believe that the minor is addicted, the minor, his or her  
11 parent, guardian, custodian and other persons able to give  
12 relevant testimony shall be examined before the court. After  
13 such testimony, the court may enter an order that the minor  
14 shall be released upon the request of a parent, guardian or  
15 custodian if the parent, guardian or custodian appears to take  
16 custody and agrees to abide by a court order which requires the  
17 minor and his or her parent, guardian, or legal custodian to  
18 complete an evaluation by an entity licensed by the Department  
19 of Human Services, as the successor to the Department of  
20 Alcoholism and Substance Abuse, and complete any treatment  
21 recommendations indicated by the assessment. "Custodian"  
22 includes the Department of Children and Family Services, if it  
23 has been given custody of the child, or any other agency of the  
24 State which has been given custody or wardship of the child.  
25 ~~Custodian shall include any agency of the State which has been~~  
26 ~~given custody or wardship of the child.~~

1           The Court shall require documentation by representatives  
2 of the Department of Children and Family Services or the  
3 probation department as to the reasonable efforts that were  
4 made to prevent or eliminate the necessity of removal of the  
5 minor from his or her home, and shall consider the testimony of  
6 any person as to those reasonable efforts. If the court finds  
7 that it is a matter of immediate and urgent necessity for the  
8 protection of the minor or of the person or property of another  
9 that the minor be ~~or~~ placed in a shelter care facility or that  
10 he or she is likely to flee the jurisdiction of the court, and  
11 further, finds that reasonable efforts have been made or good  
12 cause has been shown why reasonable efforts cannot prevent or  
13 eliminate the necessity of removal of the minor from his or her  
14 home, the court may prescribe shelter care and order that the  
15 minor be kept in a suitable place designated by the court or in  
16 a shelter care facility designated by the Department of  
17 Children and Family Services or a licensed child welfare  
18 agency, or in a facility or program licensed by the Department  
19 of Human Services for shelter and treatment services; otherwise  
20 it shall release the minor from custody. If the court  
21 prescribes shelter care, then in placing the minor, the  
22 Department or other agency shall, to the extent compatible with  
23 the court's order, comply with Section 7 of the Children and  
24 Family Services Act. If the minor is ordered placed in a  
25 shelter care facility of the Department of Children and Family  
26 Services or a licensed child welfare agency, or in a facility

1 or program licensed by the Department of Human Services for  
2 shelter and treatment services, the court shall, upon request  
3 of the appropriate Department or other agency, appoint the  
4 Department of Children and Family Services Guardianship  
5 Administrator or other appropriate agency executive temporary  
6 custodian of the minor and the court may enter such other  
7 orders related to the temporary custody as it deems fit and  
8 proper, including the provision of services to the minor or his  
9 family to ameliorate the causes contributing to the finding of  
10 probable cause or to the finding of the existence of immediate  
11 and urgent necessity. Acceptance of services shall not be  
12 considered an admission of any allegation in a petition made  
13 pursuant to this Act, nor may a referral of services be  
14 considered as evidence in any proceeding pursuant to this Act,  
15 except where the issue is whether the Department has made  
16 reasonable efforts to reunite the family. In making its  
17 findings that reasonable efforts have been made or that good  
18 cause has been shown why reasonable efforts cannot prevent or  
19 eliminate the necessity of removal of the minor from his or her  
20 home, the court shall state in writing its findings concerning  
21 the nature of the services that were offered or the efforts  
22 that were made to prevent removal of the child and the apparent  
23 reasons that such services or efforts could not prevent the  
24 need for removal. The parents, guardian, custodian, temporary  
25 custodian and minor shall each be furnished a copy of such  
26 written findings. The temporary custodian shall maintain a copy

1 of the court order and written findings in the case record for  
2 the child. The order together with the court's findings of fact  
3 in support thereof shall be entered of record in the court.

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

10 (3) If neither the parent, guardian, legal custodian,  
11 responsible relative nor counsel of the minor has had actual  
12 notice of or is present at the shelter care hearing, he or she  
13 may file his or her affidavit setting forth these facts, and  
14 the clerk shall set the matter for rehearing not later than 24  
15 hours, excluding Sundays and legal holidays, after the filing  
16 of the affidavit. At the rehearing, the court shall proceed in  
17 the same manner as upon the original hearing.

18 (4) If the minor is not brought before a judicial officer  
19 within the time period as specified in Section 4-8, the minor  
20 must immediately be released from custody.

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

26 (6) No minor under 16 years of age may be confined in a



1 jail or place ordinarily used for the confinement of prisoners  
2 in a police station. Minors under 18 years of age must be kept  
3 separate from confined adults and may not at any time be kept  
4 in the same cell, room or yard with adults confined pursuant to  
5 the criminal law.

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

18 (8) Any interested party, including the State, the  
19 temporary custodian, an agency providing services to the minor  
20 or family under a service plan pursuant to Section 8.2 of the  
21 Abused and Neglected Child Reporting Act, foster parent, or any  
22 of their representatives, may file a motion to modify or vacate  
23 a temporary custody order on any of the following grounds:

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

26 (b) There is a material change in the circumstances of

1 the natural family from which the minor was removed; or

2 (c) A person, including a parent, relative or legal  
3 guardian, is capable of assuming temporary custody of the  
4 minor; or

5 (d) Services provided by the Department of Children and  
6 Family Services or a child welfare agency or other service  
7 provider have been successful in eliminating the need for  
8 temporary custody.

9 The clerk shall set the matter for hearing not later than  
10 14 days after such motion is filed. In the event that the court  
11 modifies or vacates a temporary custody order but does not  
12 vacate its finding of probable cause, the court may order that  
13 appropriate services be continued or initiated in behalf of the  
14 minor and his or her family.

15 (9) The changes made to this Section by Public Act 98-61  
16 apply to a minor who has been arrested or taken into custody on  
17 or after January 1, 2014 (the effective date of Public Act  
18 98-61).

19 (Source: P.A. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14; revised  
20 10-6-16.)

21 (705 ILCS 405/4-18) (from Ch. 37, par. 804-18)

22 Sec. 4-18. Continuance under supervision.

23 (1) The court may enter an order of continuance under  
24 supervision (a) upon an admission or stipulation by the  
25 appropriate respondent or minor respondent of the facts

1 supporting the petition and before proceeding to findings and  
2 adjudication, or after hearing the evidence at the adjudicatory  
3 hearing but before noting in the minutes of the proceeding a  
4 finding of whether or not the minor is an addict, and (b) in  
5 the absence of objection made in open court by the minor, his  
6 parent, guardian, custodian, responsible relative, defense  
7 attorney or the State's Attorney.

8 (2) If the minor, his parent, guardian, custodian,  
9 responsible relative, defense attorney or State's Attorney,  
10 objects in open court to any such continuance and insists upon  
11 proceeding to findings and adjudication, the court shall so  
12 proceed.

13 (3) Nothing in this Section limits the power of the court  
14 to order a continuance of the hearing for the production of  
15 additional evidence or for any other proper reason.

16 (4) When a hearing is continued pursuant to this Section,  
17 the court may permit the minor to remain in his home subject to  
18 such conditions concerning his conduct and supervision as the  
19 court may require by order.

20 (5) If a petition is filed charging a violation of a  
21 condition of the continuance under supervision, the court shall  
22 conduct a hearing. If the court finds that such condition of  
23 supervision has not been fulfilled the court may proceed to  
24 findings and adjudication and disposition. The filing of a  
25 petition for violation of a condition of the continuance under  
26 supervision shall toll the period of continuance under

1 supervision until the final determination of the charge, and  
2 the term of the continuance under supervision shall not run  
3 until the hearing and disposition of the petition for  
4 violation; provided where the petition alleges conduct that  
5 does not constitute a criminal offense, the hearing must be  
6 held within 15 days of the filing of the petition unless a  
7 delay in such hearing has been occasioned by the minor, in  
8 which case the delay shall continue the tolling of the period  
9 of continuance under supervision for the period of such delay.

10 (6) The court must impose upon a minor under an order of  
11 continuance under supervision or an order of disposition under  
12 this Article IV, as a condition of the order, a fee of \$25 for  
13 each month or partial month of supervision with a probation  
14 officer. If the court determines the inability of the minor, or  
15 the parent, guardian, or legal custodian of the minor to pay  
16 the fee, the court may impose a lesser fee. The court may not  
17 impose the fee on a minor who is placed in the guardianship or  
18 custody of the Department of Children and Family Services ~~made~~  
19 ~~a ward of the State~~ under this Act. The fee may be imposed only  
20 upon a minor who is actively supervised by the probation and  
21 court services department. The fee must be collected by the  
22 clerk of the circuit court. The clerk of the circuit court must  
23 pay all monies collected from this fee to the county treasurer  
24 for deposit into the probation and court services fund under  
25 Section 15.1 of the Probation and Probation Officers Act.

26 (Source: P.A. 92-329, eff. 8-9-01.)

1 (705 ILCS 405/4-21) (from Ch. 37, par. 804-21)

2 Sec. 4-21. Kinds of dispositional orders.

3 (1) A minor found to be addicted under Section 4-3 may be  
4 (a) committed to the Department of Children and Family  
5 Services, subject to Section 5 of the Children and Family  
6 Services Act; (b) placed under supervision and released to his  
7 or her parents, guardian or legal custodian; (c) placed in  
8 accordance with Section 4-25 with or without also being placed  
9 under supervision. Conditions of supervision may be modified or  
10 terminated by the court if it deems that the best interests of  
11 the minor and the public will be served thereby; (d) required  
12 to attend an approved alcohol or drug abuse treatment or  
13 counseling program on an inpatient or outpatient basis instead  
14 of or in addition to the disposition otherwise provided for in  
15 this paragraph; (e) ordered partially or completely  
16 emancipated in accordance with the provisions of the  
17 Emancipation of Minors Act; or (f) subject to having his or her  
18 driver's license or driving privilege suspended for such time  
19 as determined by the Court but only until he or she attains 18  
20 years of age. No disposition under this subsection shall  
21 provide for the minor's placement in a secure facility.

22 (2) Any order of disposition may provide for protective  
23 supervision under Section 4-22 and may include an order of  
24 protection under Section 4-23.

25 (3) Unless the order of disposition expressly so provides,

1 it does not operate to close proceedings on the pending  
2 petition, but is subject to modification until final closing  
3 and discharge of the proceedings under Section 4-29.

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

14 (5) Any order for disposition where the minor is placed in  
15 accordance with Section 4-25 shall provide for the parents or  
16 guardian of the estate of such minor to pay to the legal  
17 custodian or guardian of the person of the minor such sums as  
18 are determined by the custodian or guardian of the person of  
19 the minor as necessary for the minor's needs. Such payments may  
20 not exceed the maximum amounts provided for by Section 9.1 of  
21 the Children and Family Services Act.

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

1           (7) The court must impose upon a minor under an order of  
2 continuance under supervision or an order of disposition under  
3 this Article IV, as a condition of the order, a fee of \$25 for  
4 each month or partial month of supervision with a probation  
5 officer. If the court determines the inability of the minor, or  
6 the parent, guardian, or legal custodian of the minor to pay  
7 the fee, the court may impose a lesser fee. The court may not  
8 impose the fee on a minor who is placed in the guardianship or  
9 custody of the Department of Children and Family Services ~~made~~  
10 ~~a ward of the State~~ under this Act. The fee may be imposed only  
11 upon a minor who is actively supervised by the probation and  
12 court services department. The fee must be collected by the  
13 clerk of the circuit court. The clerk of the circuit court must  
14 pay all monies collected from this fee to the county treasurer  
15 for deposit into the probation and court services fund under  
16 Section 15.1 of the Probation and Probation Officers Act.

17           (Source: P.A. 95-331, eff. 8-21-07.)

18           (705 ILCS 405/5-615)

19           Sec. 5-615. Continuance under supervision.

20           (1) The court may enter an order of continuance under  
21 supervision for an offense other than first degree murder, a  
22 Class X felony or a forcible felony:

23                   (a) upon an admission or stipulation by the appropriate  
24 respondent or minor respondent of the facts supporting the  
25 petition and before the court makes a finding of

1 delinquency, and in the absence of objection made in open  
2 court by the minor, his or her parent, guardian, or legal  
3 custodian, the minor's attorney or the State's Attorney; or

4 (b) upon a finding of delinquency and after considering  
5 the circumstances of the offense and the history,  
6 character, and condition of the minor, if the court is of  
7 the opinion that:

8 (i) the minor is not likely to commit further  
9 crimes;

10 (ii) the minor and the public would be best served  
11 if the minor were not to receive a criminal record; and

12 (iii) in the best interests of justice an order of  
13 continuance under supervision is more appropriate than  
14 a sentence otherwise permitted under this Act.

15 (2) (Blank).

16 (3) Nothing in this Section limits the power of the court  
17 to order a continuance of the hearing for the production of  
18 additional evidence or for any other proper reason.

19 (4) When a hearing where a minor is alleged to be a  
20 delinquent is continued pursuant to this Section, the period of  
21 continuance under supervision may not exceed 24 months. The  
22 court may terminate a continuance under supervision at any time  
23 if warranted by the conduct of the minor and the ends of  
24 justice or vacate the finding of delinquency or both.

25 (5) When a hearing where a minor is alleged to be  
26 delinquent is continued pursuant to this Section, the court



1 may, as conditions of the continuance under supervision,  
2 require the minor to do any of the following:

3 (a) not violate any criminal statute of any  
4 jurisdiction;

5 (b) make a report to and appear in person before any  
6 person or agency as directed by the court;

7 (c) work or pursue a course of study or vocational  
8 training;

9 (d) undergo medical or psychotherapeutic treatment  
10 rendered by a therapist licensed under the provisions of  
11 the Medical Practice Act of 1987, the Clinical Psychologist  
12 Licensing Act, or the Clinical Social Work and Social Work  
13 Practice Act, or an entity licensed by the Department of  
14 Human Services as a successor to the Department of  
15 Alcoholism and Substance Abuse, for the provision of drug  
16 addiction and alcoholism treatment;

17 (e) attend or reside in a facility established for the  
18 instruction or residence of persons on probation;

19 (f) support his or her dependents, if any;

20 (g) pay costs;

21 (h) refrain from possessing a firearm or other  
22 dangerous weapon, or an automobile;

23 (i) permit the probation officer to visit him or her at  
24 his or her home or elsewhere;

25 (j) reside with his or her parents or in a foster home;

26 (k) attend school;

1           (k-5) with the consent of the superintendent of the  
2 facility, attend an educational program at a facility other  
3 than the school in which the offense was committed if he or  
4 she committed a crime of violence as defined in Section 2  
5 of the Crime Victims Compensation Act in a school, on the  
6 real property comprising a school, or within 1,000 feet of  
7 the real property comprising a school;

8           (l) attend a non-residential program for youth;

9           (m) contribute to his or her own support at home or in  
10 a foster home;

11           (n) perform some reasonable public or community  
12 service;

13           (o) make restitution to the victim, in the same manner  
14 and under the same conditions as provided in subsection (4)  
15 of Section 5-710, except that the "sentencing hearing"  
16 referred to in that Section shall be the adjudicatory  
17 hearing for purposes of this Section;

18           (p) comply with curfew requirements as designated by  
19 the court;

20           (q) refrain from entering into a designated geographic  
21 area except upon terms as the court finds appropriate. The  
22 terms may include consideration of the purpose of the  
23 entry, the time of day, other persons accompanying the  
24 minor, and advance approval by a probation officer;

25           (r) refrain from having any contact, directly or  
26 indirectly, with certain specified persons or particular

1 types of persons, including but not limited to members of  
2 street gangs and drug users or dealers;

3 (r-5) undergo a medical or other procedure to have a  
4 tattoo symbolizing allegiance to a street gang removed from  
5 his or her body;

6 (s) refrain from having in his or her body the presence  
7 of any illicit drug prohibited by the Cannabis Control Act,  
8 the Illinois Controlled Substances Act, or the  
9 Methamphetamine Control and Community Protection Act,  
10 unless prescribed by a physician, and submit samples of his  
11 or her blood or urine or both for tests to determine the  
12 presence of any illicit drug; or

13 (t) comply with any other conditions as may be ordered  
14 by the court.

15 (6) A minor whose case is continued under supervision under  
16 subsection (5) shall be given a certificate setting forth the  
17 conditions imposed by the court. Those conditions may be  
18 reduced, enlarged, or modified by the court on motion of the  
19 probation officer or on its own motion, or that of the State's  
20 Attorney, or, at the request of the minor after notice and  
21 hearing.

22 (7) If a petition is filed charging a violation of a  
23 condition of the continuance under supervision, the court shall  
24 conduct a hearing. If the court finds that a condition of  
25 supervision has not been fulfilled, the court may proceed to  
26 findings, adjudication, and disposition or adjudication and

1 disposition. The filing of a petition for violation of a  
2 condition of the continuance under supervision shall toll the  
3 period of continuance under supervision until the final  
4 determination of the charge, and the term of the continuance  
5 under supervision shall not run until the hearing and  
6 disposition of the petition for violation; provided where the  
7 petition alleges conduct that does not constitute a criminal  
8 offense, the hearing must be held within 30 days of the filing  
9 of the petition unless a delay shall continue the tolling of  
10 the period of continuance under supervision for the period of  
11 the delay.

12 (8) When a hearing in which a minor is alleged to be a  
13 delinquent for reasons that include a violation of Section  
14 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
15 2012 is continued under this Section, the court shall, as a  
16 condition of the continuance under supervision, require the  
17 minor to perform community service for not less than 30 and not  
18 more than 120 hours, if community service is available in the  
19 jurisdiction. The community service shall include, but need not  
20 be limited to, the cleanup and repair of the damage that was  
21 caused by the alleged violation or similar damage to property  
22 located in the municipality or county in which the alleged  
23 violation occurred. The condition may be in addition to any  
24 other condition.

25 (8.5) When a hearing in which a minor is alleged to be a  
26 delinquent for reasons that include a violation of Section 3.02

1 or Section 3.03 of the Humane Care for Animals Act or paragraph  
2 (d) of subsection (1) of Section 21-1 of the Criminal Code of  
3 1961 or paragraph (4) of subsection (a) of Section 21-1 or the  
4 Criminal Code of 2012 is continued under this Section, the  
5 court shall, as a condition of the continuance under  
6 supervision, require the minor to undergo medical or  
7 psychiatric treatment rendered by a psychiatrist or  
8 psychological treatment rendered by a clinical psychologist.  
9 The condition may be in addition to any other condition.

10 (9) When a hearing in which a minor is alleged to be a  
11 delinquent is continued under this Section, the court, before  
12 continuing the case, shall make a finding whether the offense  
13 alleged to have been committed either: (i) was related to or in  
14 furtherance of the activities of an organized gang or was  
15 motivated by the minor's membership in or allegiance to an  
16 organized gang, or (ii) is a violation of paragraph (13) of  
17 subsection (a) of Section 12-2 or paragraph (2) of subsection  
18 (c) of Section 12-2 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012, a violation of any Section of Article 24  
20 of the Criminal Code of 1961 or the Criminal Code of 2012, or a  
21 violation of any statute that involved the unlawful use of a  
22 firearm. If the court determines the question in the  
23 affirmative the court shall, as a condition of the continuance  
24 under supervision and as part of or in addition to any other  
25 condition of the supervision, require the minor to perform  
26 community service for not less than 30 hours, provided that

1 community service is available in the jurisdiction and is  
2 funded and approved by the county board of the county where the  
3 offense was committed. The community service shall include, but  
4 need not be limited to, the cleanup and repair of any damage  
5 caused by an alleged violation of Section 21-1.3 of the  
6 Criminal Code of 1961 or the Criminal Code of 2012 and similar  
7 damage to property located in the municipality or county in  
8 which the alleged violation occurred. When possible and  
9 reasonable, the community service shall be performed in the  
10 minor's neighborhood. For the purposes of this Section,  
11 "organized gang" has the meaning ascribed to it in Section 10  
12 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

13 (10) The court shall impose upon a minor placed on  
14 supervision, as a condition of the supervision, a fee of \$50  
15 for each month of supervision ordered by the court, unless  
16 after determining the inability of the minor placed on  
17 supervision to pay the fee, the court assesses a lesser amount.  
18 The court may not impose the fee on a minor who is placed in the  
19 guardianship or custody of the Department of Children and  
20 Family Services ~~made a ward of the State~~ under this Act while  
21 the minor is in placement. The fee shall be imposed only upon a  
22 minor who is actively supervised by the probation and court  
23 services department. A court may order the parent, guardian, or  
24 legal custodian of the minor to pay some or all of the fee on  
25 the minor's behalf.

26 (11) If a minor is placed on supervision for a violation of

1 subsection (a-7) of Section 1 of the Prevention of Tobacco Use  
2 by Minors Act, the court may, in its discretion, and upon  
3 recommendation by the State's Attorney, order that minor and  
4 his or her parents or legal guardian to attend a smoker's  
5 education or youth diversion program as defined in that Act if  
6 that program is available in the jurisdiction where the  
7 offender resides. Attendance at a smoker's education or youth  
8 diversion program shall be time-credited against any community  
9 service time imposed for any first violation of subsection  
10 (a-7) of Section 1 of that Act. In addition to any other  
11 penalty that the court may impose for a violation of subsection  
12 (a-7) of Section 1 of that Act, the court, upon request by the  
13 State's Attorney, may in its discretion require the offender to  
14 remit a fee for his or her attendance at a smoker's education  
15 or youth diversion program.

16 For purposes of this Section, "smoker's education program"  
17 or "youth diversion program" includes, but is not limited to, a  
18 seminar designed to educate a person on the physical and  
19 psychological effects of smoking tobacco products and the  
20 health consequences of smoking tobacco products that can be  
21 conducted with a locality's youth diversion program.

22 In addition to any other penalty that the court may impose  
23 under this subsection (11):

24 (a) If a minor violates subsection (a-7) of Section 1  
25 of the Prevention of Tobacco Use by Minors Act, the court  
26 may impose a sentence of 15 hours of community service or a

1 fine of \$25 for a first violation.

2 (b) A second violation by a minor of subsection (a-7)  
3 of Section 1 of that Act that occurs within 12 months after  
4 the first violation is punishable by a fine of \$50 and 25  
5 hours of community service.

6 (c) A third or subsequent violation by a minor of  
7 subsection (a-7) of Section 1 of that Act that occurs  
8 within 12 months after the first violation is punishable by  
9 a \$100 fine and 30 hours of community service.

10 (d) Any second or subsequent violation not within the  
11 12-month time period after the first violation is  
12 punishable as provided for a first violation.

13 (Source: P.A. 97-1150, eff. 1-25-13; 98-62, eff. 1-1-14.)

14 (705 ILCS 405/5-715)

15 Sec. 5-715. Probation.

16 (1) The period of probation or conditional discharge shall  
17 not exceed 5 years or until the minor has attained the age of  
18 21 years, whichever is less, except as provided in this Section  
19 for a minor who is found to be guilty for an offense which is  
20 first degree murder. The juvenile court may terminate probation  
21 or conditional discharge and discharge the minor at any time if  
22 warranted by the conduct of the minor and the ends of justice;  
23 provided, however, that the period of probation for a minor who  
24 is found to be guilty for an offense which is first degree  
25 murder shall be at least 5 years.



1           (1.5) The period of probation for a minor who is found  
2 guilty of aggravated criminal sexual assault, criminal sexual  
3 assault, or aggravated battery with a firearm shall be at least  
4 36 months. The period of probation for a minor who is found to  
5 be guilty of any other Class X felony shall be at least 24  
6 months. The period of probation for a Class 1 or Class 2  
7 forcible felony shall be at least 18 months. Regardless of the  
8 length of probation ordered by the court, for all offenses  
9 under this paragraph (1.5), the court shall schedule hearings  
10 to determine whether it is in the best interest of the minor  
11 and public safety to terminate probation after the minimum  
12 period of probation has been served. In such a hearing, there  
13 shall be a rebuttable presumption that it is in the best  
14 interest of the minor and public safety to terminate probation.

15           (2) The court may as a condition of probation or of  
16 conditional discharge require that the minor:

17           (a) not violate any criminal statute of any  
18 jurisdiction;

19           (b) make a report to and appear in person before any  
20 person or agency as directed by the court;

21           (c) work or pursue a course of study or vocational  
22 training;

23           (d) undergo medical or psychiatric treatment, rendered  
24 by a psychiatrist or psychological treatment rendered by a  
25 clinical psychologist or social work services rendered by a  
26 clinical social worker, or treatment for drug addiction or

1 alcoholism;

2 (e) attend or reside in a facility established for the  
3 instruction or residence of persons on probation;

4 (f) support his or her dependents, if any;

5 (g) refrain from possessing a firearm or other  
6 dangerous weapon, or an automobile;

7 (h) permit the probation officer to visit him or her at  
8 his or her home or elsewhere;

9 (i) reside with his or her parents or in a foster home;

10 (j) attend school;

11 (j-5) with the consent of the superintendent of the  
12 facility, attend an educational program at a facility other  
13 than the school in which the offense was committed if he or  
14 she committed a crime of violence as defined in Section 2  
15 of the Crime Victims Compensation Act in a school, on the  
16 real property comprising a school, or within 1,000 feet of  
17 the real property comprising a school;

18 (k) attend a non-residential program for youth;

19 (l) make restitution under the terms of subsection (4)  
20 of Section 5-710;

21 (m) contribute to his or her own support at home or in  
22 a foster home;

23 (n) perform some reasonable public or community  
24 service;

25 (o) participate with community corrections programs  
26 including unified delinquency intervention services

1 administered by the Department of Human Services subject to  
2 Section 5 of the Children and Family Services Act;

3 (p) pay costs;

4 (q) serve a term of home confinement. In addition to  
5 any other applicable condition of probation or conditional  
6 discharge, the conditions of home confinement shall be that  
7 the minor:

8 (i) remain within the interior premises of the  
9 place designated for his or her confinement during the  
10 hours designated by the court;

11 (ii) admit any person or agent designated by the  
12 court into the minor's place of confinement at any time  
13 for purposes of verifying the minor's compliance with  
14 the conditions of his or her confinement; and

15 (iii) use an approved electronic monitoring device  
16 if ordered by the court subject to Article 8A of  
17 Chapter V of the Unified Code of Corrections;

18 (r) refrain from entering into a designated geographic  
19 area except upon terms as the court finds appropriate. The  
20 terms may include consideration of the purpose of the  
21 entry, the time of day, other persons accompanying the  
22 minor, and advance approval by a probation officer, if the  
23 minor has been placed on probation, or advance approval by  
24 the court, if the minor has been placed on conditional  
25 discharge;

26 (s) refrain from having any contact, directly or

1 indirectly, with certain specified persons or particular  
2 types of persons, including but not limited to members of  
3 street gangs and drug users or dealers;

4 (s-5) undergo a medical or other procedure to have a  
5 tattoo symbolizing allegiance to a street gang removed from  
6 his or her body;

7 (t) refrain from having in his or her body the presence  
8 of any illicit drug prohibited by the Cannabis Control Act,  
9 the Illinois Controlled Substances Act, or the  
10 Methamphetamine Control and Community Protection Act,  
11 unless prescribed by a physician, and shall submit samples  
12 of his or her blood or urine or both for tests to determine  
13 the presence of any illicit drug; or

14 (u) comply with other conditions as may be ordered by  
15 the court.

16 (3) The court may as a condition of probation or of  
17 conditional discharge require that a minor found guilty on any  
18 alcohol, cannabis, methamphetamine, or controlled substance  
19 violation, refrain from acquiring a driver's license during the  
20 period of probation or conditional discharge. If the minor is  
21 in possession of a permit or license, the court may require  
22 that the minor refrain from driving or operating any motor  
23 vehicle during the period of probation or conditional  
24 discharge, except as may be necessary in the course of the  
25 minor's lawful employment.

26 (3.5) The court shall, as a condition of probation or of

1 conditional discharge, require that a minor found to be guilty  
2 and placed on probation for reasons that include a violation of  
3 Section 3.02 or Section 3.03 of the Humane Care for Animals Act  
4 or paragraph (4) of subsection (a) of Section 21-1 of the  
5 Criminal Code of 2012 undergo medical or psychiatric treatment  
6 rendered by a psychiatrist or psychological treatment rendered  
7 by a clinical psychologist. The condition may be in addition to  
8 any other condition.

9 (3.10) The court shall order that a minor placed on  
10 probation or conditional discharge for a sex offense as defined  
11 in the Sex Offender Management Board Act undergo and  
12 successfully complete sex offender treatment. The treatment  
13 shall be in conformance with the standards developed under the  
14 Sex Offender Management Board Act and conducted by a treatment  
15 provider approved by the Board. The treatment shall be at the  
16 expense of the person evaluated based upon that person's  
17 ability to pay for the treatment.

18 (4) A minor on probation or conditional discharge shall be  
19 given a certificate setting forth the conditions upon which he  
20 or she is being released.

21 (5) The court shall impose upon a minor placed on probation  
22 or conditional discharge, as a condition of the probation or  
23 conditional discharge, a fee of \$50 for each month of probation  
24 or conditional discharge supervision ordered by the court,  
25 unless after determining the inability of the minor placed on  
26 probation or conditional discharge to pay the fee, the court

1 assesses a lesser amount. The court may not impose the fee on a  
2 minor who is placed in the guardianship or custody of the  
3 Department of Children and Family Services ~~made a ward of the~~  
4 ~~State~~ under this Act while the minor is in placement. The fee  
5 shall be imposed only upon a minor who is actively supervised  
6 by the probation and court services department. The court may  
7 order the parent, guardian, or legal custodian of the minor to  
8 pay some or all of the fee on the minor's behalf.

9 (5.5) Jurisdiction over an offender may be transferred from  
10 the sentencing court to the court of another circuit with the  
11 concurrence of both courts. Further transfers or retransfers of  
12 jurisdiction are also authorized in the same manner. The court  
13 to which jurisdiction has been transferred shall have the same  
14 powers as the sentencing court. The probation department within  
15 the circuit to which jurisdiction has been transferred, or  
16 which has agreed to provide supervision, may impose probation  
17 fees upon receiving the transferred offender, as provided in  
18 subsection (i) of Section 5-6-3 of the Unified Code of  
19 Corrections. For all transfer cases, as defined in Section 9b  
20 of the Probation and Probation Officers Act, the probation  
21 department from the original sentencing court shall retain all  
22 probation fees collected prior to the transfer. After the  
23 transfer, all probation fees shall be paid to the probation  
24 department within the circuit to which jurisdiction has been  
25 transferred.

26 If the transfer case originated in another state and has

1 been transferred under the Interstate Compact for Juveniles to  
2 the jurisdiction of an Illinois circuit court for supervision  
3 by an Illinois probation department, probation fees may be  
4 imposed only if permitted by the Interstate Commission for  
5 Juveniles.

6 (6) The General Assembly finds that in order to protect the  
7 public, the juvenile justice system must compel compliance with  
8 the conditions of probation by responding to violations with  
9 swift, certain, and fair punishments and intermediate  
10 sanctions. The Chief Judge of each circuit shall adopt a system  
11 of structured, intermediate sanctions for violations of the  
12 terms and conditions of a sentence of supervision, probation or  
13 conditional discharge, under this Act.

14 The court shall provide as a condition of a disposition of  
15 probation, conditional discharge, or supervision, that the  
16 probation agency may invoke any sanction from the list of  
17 intermediate sanctions adopted by the chief judge of the  
18 circuit court for violations of the terms and conditions of the  
19 sentence of probation, conditional discharge, or supervision,  
20 subject to the provisions of Section 5-720 of this Act.

21 (Source: P.A. 98-575, eff. 1-1-14; 99-879, eff. 1-1-17.)

22 Section 85. The Unified Code of Corrections is amended by  
23 changing Sections 5-5-10, 5-6-3, and 5-6-3.1 as follows:

24 (730 ILCS 5/5-5-10)

1           Sec. 5-5-10. Community service fee. When an offender or  
2 defendant is ordered by the court to perform community service  
3 and the offender is not otherwise assessed a fee for probation  
4 services, the court shall impose a fee of \$50 for each month  
5 the community service ordered by the court is supervised by a  
6 probation and court services department, unless after  
7 determining the inability of the person sentenced to community  
8 service to pay the fee, the court assesses a lesser fee. The  
9 court may not impose a fee on a minor who is placed in the  
10 guardianship or custody of the Department of Children and  
11 Family Services ~~made a ward of the State~~ under the Juvenile  
12 Court Act of 1987 while the minor is in placement. The fee  
13 shall be imposed only on an offender who is actively supervised  
14 by the probation and court services department. The fee shall  
15 be collected by the clerk of the circuit court. The clerk of  
16 the circuit court shall pay all monies collected from this fee  
17 to the county treasurer for deposit in the probation and court  
18 services fund under Section 15.1 of the Probation and Probation  
19 Officers Act.

20           A circuit court may not impose a probation fee in excess of  
21 \$25 per month unless: (1) the circuit court has adopted, by  
22 administrative order issued by the chief judge, a standard  
23 probation fee guide determining an offender's ability to pay,  
24 under guidelines developed by the Administrative Office of the  
25 Illinois Courts; and (2) the circuit court has authorized, by  
26 administrative order issued by the chief judge, the creation of



1 a Crime Victim's Services Fund, to be administered by the Chief  
2 Judge or his or her designee, for services to crime victims and  
3 their families. Of the amount collected as a probation fee, not  
4 to exceed \$5 of that fee collected per month may be used to  
5 provide services to crime victims and their families.

6 (Source: P.A. 93-475, eff. 8-8-03.)

7 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

8 Sec. 5-6-3. Conditions of Probation and of Conditional  
9 Discharge.

10 (a) The conditions of probation and of conditional  
11 discharge shall be that the person:

12 (1) not violate any criminal statute of any  
13 jurisdiction;

14 (2) report to or appear in person before such person or  
15 agency as directed by the court;

16 (3) refrain from possessing a firearm or other  
17 dangerous weapon where the offense is a felony or, if a  
18 misdemeanor, the offense involved the intentional or  
19 knowing infliction of bodily harm or threat of bodily harm;

20 (4) not leave the State without the consent of the  
21 court or, in circumstances in which the reason for the  
22 absence is of such an emergency nature that prior consent  
23 by the court is not possible, without the prior  
24 notification and approval of the person's probation  
25 officer. Transfer of a person's probation or conditional

1 discharge supervision to another state is subject to  
2 acceptance by the other state pursuant to the Interstate  
3 Compact for Adult Offender Supervision;

4 (5) permit the probation officer to visit him at his  
5 home or elsewhere to the extent necessary to discharge his  
6 duties;

7 (6) perform no less than 30 hours of community service  
8 and not more than 120 hours of community service, if  
9 community service is available in the jurisdiction and is  
10 funded and approved by the county board where the offense  
11 was committed, where the offense was related to or in  
12 furtherance of the criminal activities of an organized gang  
13 and was motivated by the offender's membership in or  
14 allegiance to an organized gang. The community service  
15 shall include, but not be limited to, the cleanup and  
16 repair of any damage caused by a violation of Section  
17 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
18 2012 and similar damage to property located within the  
19 municipality or county in which the violation occurred.  
20 When possible and reasonable, the community service should  
21 be performed in the offender's neighborhood. For purposes  
22 of this Section, "organized gang" has the meaning ascribed  
23 to it in Section 10 of the Illinois Streetgang Terrorism  
24 Omnibus Prevention Act;

25 (7) if he or she is at least 17 years of age and has  
26 been sentenced to probation or conditional discharge for a

1           misdemeanor or felony in a county of 3,000,000 or more  
2           inhabitants and has not been previously convicted of a  
3           misdemeanor or felony, may be required by the sentencing  
4           court to attend educational courses designed to prepare the  
5           defendant for a high school diploma and to work toward a  
6           high school diploma or to work toward passing high school  
7           equivalency testing or to work toward completing a  
8           vocational training program approved by the court. The  
9           person on probation or conditional discharge must attend a  
10          public institution of education to obtain the educational  
11          or vocational training required by this clause (7). The  
12          court shall revoke the probation or conditional discharge  
13          of a person who wilfully fails to comply with this clause  
14          (7). The person on probation or conditional discharge shall  
15          be required to pay for the cost of the educational courses  
16          or high school equivalency testing if a fee is charged for  
17          those courses or testing. The court shall resentence the  
18          offender whose probation or conditional discharge has been  
19          revoked as provided in Section 5-6-4. This clause (7) does  
20          not apply to a person who has a high school diploma or has  
21          successfully passed high school equivalency testing. This  
22          clause (7) does not apply to a person who is determined by  
23          the court to be a person with a developmental disability or  
24          otherwise mentally incapable of completing the educational  
25          or vocational program;

26               (8) if convicted of possession of a substance

1 prohibited by the Cannabis Control Act, the Illinois  
2 Controlled Substances Act, or the Methamphetamine Control  
3 and Community Protection Act after a previous conviction or  
4 disposition of supervision for possession of a substance  
5 prohibited by the Cannabis Control Act or Illinois  
6 Controlled Substances Act or after a sentence of probation  
7 under Section 10 of the Cannabis Control Act, Section 410  
8 of the Illinois Controlled Substances Act, or Section 70 of  
9 the Methamphetamine Control and Community Protection Act  
10 and upon a finding by the court that the person is  
11 addicted, undergo treatment at a substance abuse program  
12 approved by the court;

13 (8.5) if convicted of a felony sex offense as defined  
14 in the Sex Offender Management Board Act, the person shall  
15 undergo and successfully complete sex offender treatment  
16 by a treatment provider approved by the Board and conducted  
17 in conformance with the standards developed under the Sex  
18 Offender Management Board Act;

19 (8.6) if convicted of a sex offense as defined in the  
20 Sex Offender Management Board Act, refrain from residing at  
21 the same address or in the same condominium unit or  
22 apartment unit or in the same condominium complex or  
23 apartment complex with another person he or she knows or  
24 reasonably should know is a convicted sex offender or has  
25 been placed on supervision for a sex offense; the  
26 provisions of this paragraph do not apply to a person

1 convicted of a sex offense who is placed in a Department of  
2 Corrections licensed transitional housing facility for sex  
3 offenders;

4 (8.7) if convicted for an offense committed on or after  
5 June 1, 2008 (the effective date of Public Act 95-464) that  
6 would qualify the accused as a child sex offender as  
7 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
8 1961 or the Criminal Code of 2012, refrain from  
9 communicating with or contacting, by means of the Internet,  
10 a person who is not related to the accused and whom the  
11 accused reasonably believes to be under 18 years of age;  
12 for purposes of this paragraph (8.7), "Internet" has the  
13 meaning ascribed to it in Section 16-0.1 of the Criminal  
14 Code of 2012; and a person is not related to the accused if  
15 the person is not: (i) the spouse, brother, or sister of  
16 the accused; (ii) a descendant of the accused; (iii) a  
17 first or second cousin of the accused; or (iv) a step-child  
18 or adopted child of the accused;

19 (8.8) if convicted for an offense under Section 11-6,  
20 11-9.1, 11-14.4 that involves soliciting for a juvenile  
21 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
22 of the Criminal Code of 1961 or the Criminal Code of 2012,  
23 or any attempt to commit any of these offenses, committed  
24 on or after June 1, 2009 (the effective date of Public Act  
25 95-983):

26 (i) not access or use a computer or any other

1 device with Internet capability without the prior  
2 written approval of the offender's probation officer,  
3 except in connection with the offender's employment or  
4 search for employment with the prior approval of the  
5 offender's probation officer;

6 (ii) submit to periodic unannounced examinations  
7 of the offender's computer or any other device with  
8 Internet capability by the offender's probation  
9 officer, a law enforcement officer, or assigned  
10 computer or information technology specialist,  
11 including the retrieval and copying of all data from  
12 the computer or device and any internal or external  
13 peripherals and removal of such information,  
14 equipment, or device to conduct a more thorough  
15 inspection;

16 (iii) submit to the installation on the offender's  
17 computer or device with Internet capability, at the  
18 offender's expense, of one or more hardware or software  
19 systems to monitor the Internet use; and

20 (iv) submit to any other appropriate restrictions  
21 concerning the offender's use of or access to a  
22 computer or any other device with Internet capability  
23 imposed by the offender's probation officer;

24 (8.9) if convicted of a sex offense as defined in the  
25 Sex Offender Registration Act committed on or after January  
26 1, 2010 (the effective date of Public Act 96-262), refrain

1 from accessing or using a social networking website as  
2 defined in Section 17-0.5 of the Criminal Code of 2012;

3 (9) if convicted of a felony or of any misdemeanor  
4 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
5 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
6 2012 that was determined, pursuant to Section 112A-11.1 of  
7 the Code of Criminal Procedure of 1963, to trigger the  
8 prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
9 at a time and place designated by the court, his or her  
10 Firearm Owner's Identification Card and any and all  
11 firearms in his or her possession. The Court shall return  
12 to the Department of State Police Firearm Owner's  
13 Identification Card Office the person's Firearm Owner's  
14 Identification Card;

15 (10) if convicted of a sex offense as defined in  
16 subsection (a-5) of Section 3-1-2 of this Code, unless the  
17 offender is a parent or guardian of the person under 18  
18 years of age present in the home and no non-familial minors  
19 are present, not participate in a holiday event involving  
20 children under 18 years of age, such as distributing candy  
21 or other items to children on Halloween, wearing a Santa  
22 Claus costume on or preceding Christmas, being employed as  
23 a department store Santa Claus, or wearing an Easter Bunny  
24 costume on or preceding Easter;

25 (11) if convicted of a sex offense as defined in  
26 Section 2 of the Sex Offender Registration Act committed on

1 or after January 1, 2010 (the effective date of Public Act  
2 96-362) that requires the person to register as a sex  
3 offender under that Act, may not knowingly use any computer  
4 scrub software on any computer that the sex offender uses;  
5 and

6 (12) if convicted of a violation of the Methamphetamine  
7 Control and Community Protection Act, the Methamphetamine  
8 Precursor Control Act, or a methamphetamine related  
9 offense:

10 (A) prohibited from purchasing, possessing, or  
11 having under his or her control any product containing  
12 pseudoephedrine unless prescribed by a physician; and

13 (B) prohibited from purchasing, possessing, or  
14 having under his or her control any product containing  
15 ammonium nitrate.

16 (b) The Court may in addition to other reasonable  
17 conditions relating to the nature of the offense or the  
18 rehabilitation of the defendant as determined for each  
19 defendant in the proper discretion of the Court require that  
20 the person:

21 (1) serve a term of periodic imprisonment under Article  
22 7 for a period not to exceed that specified in paragraph  
23 (d) of Section 5-7-1;

24 (2) pay a fine and costs;

25 (3) work or pursue a course of study or vocational  
26 training;



1           (4) undergo medical, psychological or psychiatric  
2 treatment; or treatment for drug addiction or alcoholism;

3           (5) attend or reside in a facility established for the  
4 instruction or residence of defendants on probation;

5           (6) support his dependents;

6           (7) and in addition, if a minor:

7               (i) reside with his parents or in a foster home;

8               (ii) attend school;

9               (iii) attend a non-residential program for youth;

10              (iv) contribute to his own support at home or in a  
11 foster home;

12              (v) with the consent of the superintendent of the  
13 facility, attend an educational program at a facility  
14 other than the school in which the offense was  
15 committed if he or she is convicted of a crime of  
16 violence as defined in Section 2 of the Crime Victims  
17 Compensation Act committed in a school, on the real  
18 property comprising a school, or within 1,000 feet of  
19 the real property comprising a school;

20           (8) make restitution as provided in Section 5-5-6 of  
21 this Code;

22           (9) perform some reasonable public or community  
23 service;

24           (10) serve a term of home confinement. In addition to  
25 any other applicable condition of probation or conditional  
26 discharge, the conditions of home confinement shall be that

1 the offender:

2 (i) remain within the interior premises of the  
3 place designated for his confinement during the hours  
4 designated by the court;

5 (ii) admit any person or agent designated by the  
6 court into the offender's place of confinement at any  
7 time for purposes of verifying the offender's  
8 compliance with the conditions of his confinement; and

9 (iii) if further deemed necessary by the court or  
10 the Probation or Court Services Department, be placed  
11 on an approved electronic monitoring device, subject  
12 to Article 8A of Chapter V;

13 (iv) for persons convicted of any alcohol,  
14 cannabis or controlled substance violation who are  
15 placed on an approved monitoring device as a condition  
16 of probation or conditional discharge, the court shall  
17 impose a reasonable fee for each day of the use of the  
18 device, as established by the county board in  
19 subsection (g) of this Section, unless after  
20 determining the inability of the offender to pay the  
21 fee, the court assesses a lesser fee or no fee as the  
22 case may be. This fee shall be imposed in addition to  
23 the fees imposed under subsections (g) and (i) of this  
24 Section. The fee shall be collected by the clerk of the  
25 circuit court, except as provided in an administrative  
26 order of the Chief Judge of the circuit court. The

1 clerk of the circuit court shall pay all monies  
2 collected from this fee to the county treasurer for  
3 deposit in the substance abuse services fund under  
4 Section 5-1086.1 of the Counties Code, except as  
5 provided in an administrative order of the Chief Judge  
6 of the circuit court.

7 The Chief Judge of the circuit court of the county  
8 may by administrative order establish a program for  
9 electronic monitoring of offenders, in which a vendor  
10 supplies and monitors the operation of the electronic  
11 monitoring device, and collects the fees on behalf of  
12 the county. The program shall include provisions for  
13 indigent offenders and the collection of unpaid fees.  
14 The program shall not unduly burden the offender and  
15 shall be subject to review by the Chief Judge.

16 The Chief Judge of the circuit court may suspend  
17 any additional charges or fees for late payment,  
18 interest, or damage to any device; and

19 (v) for persons convicted of offenses other than  
20 those referenced in clause (iv) above and who are  
21 placed on an approved monitoring device as a condition  
22 of probation or conditional discharge, the court shall  
23 impose a reasonable fee for each day of the use of the  
24 device, as established by the county board in  
25 subsection (g) of this Section, unless after  
26 determining the inability of the defendant to pay the

1 fee, the court assesses a lesser fee or no fee as the  
2 case may be. This fee shall be imposed in addition to  
3 the fees imposed under subsections (g) and (i) of this  
4 Section. The fee shall be collected by the clerk of the  
5 circuit court, except as provided in an administrative  
6 order of the Chief Judge of the circuit court. The  
7 clerk of the circuit court shall pay all monies  
8 collected from this fee to the county treasurer who  
9 shall use the monies collected to defray the costs of  
10 corrections. The county treasurer shall deposit the  
11 fee collected in the probation and court services fund.  
12 The Chief Judge of the circuit court of the county may  
13 by administrative order establish a program for  
14 electronic monitoring of offenders, in which a vendor  
15 supplies and monitors the operation of the electronic  
16 monitoring device, and collects the fees on behalf of  
17 the county. The program shall include provisions for  
18 indigent offenders and the collection of unpaid fees.  
19 The program shall not unduly burden the offender and  
20 shall be subject to review by the Chief Judge.

21 The Chief Judge of the circuit court may suspend  
22 any additional charges or fees for late payment,  
23 interest, or damage to any device.

24 (11) comply with the terms and conditions of an order  
25 of protection issued by the court pursuant to the Illinois  
26 Domestic Violence Act of 1986, as now or hereafter amended,

1 or an order of protection issued by the court of another  
2 state, tribe, or United States territory. A copy of the  
3 order of protection shall be transmitted to the probation  
4 officer or agency having responsibility for the case;

5 (12) reimburse any "local anti-crime program" as  
6 defined in Section 7 of the Anti-Crime Advisory Council Act  
7 for any reasonable expenses incurred by the program on the  
8 offender's case, not to exceed the maximum amount of the  
9 fine authorized for the offense for which the defendant was  
10 sentenced;

11 (13) contribute a reasonable sum of money, not to  
12 exceed the maximum amount of the fine authorized for the  
13 offense for which the defendant was sentenced, (i) to a  
14 "local anti-crime program", as defined in Section 7 of the  
15 Anti-Crime Advisory Council Act, or (ii) for offenses under  
16 the jurisdiction of the Department of Natural Resources, to  
17 the fund established by the Department of Natural Resources  
18 for the purchase of evidence for investigation purposes and  
19 to conduct investigations as outlined in Section 805-105 of  
20 the Department of Natural Resources (Conservation) Law;

21 (14) refrain from entering into a designated  
22 geographic area except upon such terms as the court finds  
23 appropriate. Such terms may include consideration of the  
24 purpose of the entry, the time of day, other persons  
25 accompanying the defendant, and advance approval by a  
26 probation officer, if the defendant has been placed on

1 probation or advance approval by the court, if the  
2 defendant was placed on conditional discharge;

3 (15) refrain from having any contact, directly or  
4 indirectly, with certain specified persons or particular  
5 types of persons, including but not limited to members of  
6 street gangs and drug users or dealers;

7 (16) refrain from having in his or her body the  
8 presence of any illicit drug prohibited by the Cannabis  
9 Control Act, the Illinois Controlled Substances Act, or the  
10 Methamphetamine Control and Community Protection Act,  
11 unless prescribed by a physician, and submit samples of his  
12 or her blood or urine or both for tests to determine the  
13 presence of any illicit drug;

14 (17) if convicted for an offense committed on or after  
15 June 1, 2008 (the effective date of Public Act 95-464) that  
16 would qualify the accused as a child sex offender as  
17 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
18 1961 or the Criminal Code of 2012, refrain from  
19 communicating with or contacting, by means of the Internet,  
20 a person who is related to the accused and whom the accused  
21 reasonably believes to be under 18 years of age; for  
22 purposes of this paragraph (17), "Internet" has the meaning  
23 ascribed to it in Section 16-0.1 of the Criminal Code of  
24 2012; and a person is related to the accused if the person  
25 is: (i) the spouse, brother, or sister of the accused; (ii)  
26 a descendant of the accused; (iii) a first or second cousin

1 of the accused; or (iv) a step-child or adopted child of  
2 the accused;

3 (18) if convicted for an offense committed on or after  
4 June 1, 2009 (the effective date of Public Act 95-983) that  
5 would qualify as a sex offense as defined in the Sex  
6 Offender Registration Act:

7 (i) not access or use a computer or any other  
8 device with Internet capability without the prior  
9 written approval of the offender's probation officer,  
10 except in connection with the offender's employment or  
11 search for employment with the prior approval of the  
12 offender's probation officer;

13 (ii) submit to periodic unannounced examinations  
14 of the offender's computer or any other device with  
15 Internet capability by the offender's probation  
16 officer, a law enforcement officer, or assigned  
17 computer or information technology specialist,  
18 including the retrieval and copying of all data from  
19 the computer or device and any internal or external  
20 peripherals and removal of such information,  
21 equipment, or device to conduct a more thorough  
22 inspection;

23 (iii) submit to the installation on the offender's  
24 computer or device with Internet capability, at the  
25 subject's expense, of one or more hardware or software  
26 systems to monitor the Internet use; and

1           (iv) submit to any other appropriate restrictions  
2           concerning the offender's use of or access to a  
3           computer or any other device with Internet capability  
4           imposed by the offender's probation officer; and

5           (19) refrain from possessing a firearm or other  
6           dangerous weapon where the offense is a misdemeanor that  
7           did not involve the intentional or knowing infliction of  
8           bodily harm or threat of bodily harm.

9           (c) The court may as a condition of probation or of  
10          conditional discharge require that a person under 18 years of  
11          age found guilty of any alcohol, cannabis or controlled  
12          substance violation, refrain from acquiring a driver's license  
13          during the period of probation or conditional discharge. If  
14          such person is in possession of a permit or license, the court  
15          may require that the minor refrain from driving or operating  
16          any motor vehicle during the period of probation or conditional  
17          discharge, except as may be necessary in the course of the  
18          minor's lawful employment.

19          (d) An offender sentenced to probation or to conditional  
20          discharge shall be given a certificate setting forth the  
21          conditions thereof.

22          (e) Except where the offender has committed a fourth or  
23          subsequent violation of subsection (c) of Section 6-303 of the  
24          Illinois Vehicle Code, the court shall not require as a  
25          condition of the sentence of probation or conditional discharge  
26          that the offender be committed to a period of imprisonment in



1 excess of 6 months. This 6 month limit shall not include  
2 periods of confinement given pursuant to a sentence of county  
3 impact incarceration under Section 5-8-1.2.

4 Persons committed to imprisonment as a condition of  
5 probation or conditional discharge shall not be committed to  
6 the Department of Corrections.

7 (f) The court may combine a sentence of periodic  
8 imprisonment under Article 7 or a sentence to a county impact  
9 incarceration program under Article 8 with a sentence of  
10 probation or conditional discharge.

11 (g) An offender sentenced to probation or to conditional  
12 discharge and who during the term of either undergoes mandatory  
13 drug or alcohol testing, or both, or is assigned to be placed  
14 on an approved electronic monitoring device, shall be ordered  
15 to pay all costs incidental to such mandatory drug or alcohol  
16 testing, or both, and all costs incidental to such approved  
17 electronic monitoring in accordance with the defendant's  
18 ability to pay those costs. The county board with the  
19 concurrence of the Chief Judge of the judicial circuit in which  
20 the county is located shall establish reasonable fees for the  
21 cost of maintenance, testing, and incidental expenses related  
22 to the mandatory drug or alcohol testing, or both, and all  
23 costs incidental to approved electronic monitoring, involved  
24 in a successful probation program for the county. The  
25 concurrence of the Chief Judge shall be in the form of an  
26 administrative order. The fees shall be collected by the clerk

1 of the circuit court, except as provided in an administrative  
2 order of the Chief Judge of the circuit court. The clerk of the  
3 circuit court shall pay all moneys collected from these fees to  
4 the county treasurer who shall use the moneys collected to  
5 defray the costs of drug testing, alcohol testing, and  
6 electronic monitoring. The county treasurer shall deposit the  
7 fees collected in the county working cash fund under Section  
8 6-27001 or Section 6-29002 of the Counties Code, as the case  
9 may be. The Chief Judge of the circuit court of the county may  
10 by administrative order establish a program for electronic  
11 monitoring of offenders, in which a vendor supplies and  
12 monitors the operation of the electronic monitoring device, and  
13 collects the fees on behalf of the county. The program shall  
14 include provisions for indigent offenders and the collection of  
15 unpaid fees. The program shall not unduly burden the offender  
16 and shall be subject to review by the Chief Judge.

17 The Chief Judge of the circuit court may suspend any  
18 additional charges or fees for late payment, interest, or  
19 damage to any device.

20 (h) Jurisdiction over an offender may be transferred from  
21 the sentencing court to the court of another circuit with the  
22 concurrence of both courts. Further transfers or retransfers of  
23 jurisdiction are also authorized in the same manner. The court  
24 to which jurisdiction has been transferred shall have the same  
25 powers as the sentencing court. The probation department within  
26 the circuit to which jurisdiction has been transferred, or

1 which has agreed to provide supervision, may impose probation  
2 fees upon receiving the transferred offender, as provided in  
3 subsection (i). For all transfer cases, as defined in Section  
4 9b of the Probation and Probation Officers Act, the probation  
5 department from the original sentencing court shall retain all  
6 probation fees collected prior to the transfer. After the  
7 transfer all probation fees shall be paid to the probation  
8 department within the circuit to which jurisdiction has been  
9 transferred.

10 (i) The court shall impose upon an offender sentenced to  
11 probation after January 1, 1989 or to conditional discharge  
12 after January 1, 1992 or to community service under the  
13 supervision of a probation or court services department after  
14 January 1, 2004, as a condition of such probation or  
15 conditional discharge or supervised community service, a fee of  
16 \$50 for each month of probation or conditional discharge  
17 supervision or supervised community service ordered by the  
18 court, unless after determining the inability of the person  
19 sentenced to probation or conditional discharge or supervised  
20 community service to pay the fee, the court assesses a lesser  
21 fee. The court may not impose the fee on a minor who is placed  
22 in the guardianship or custody of the Department of Children  
23 and Family Services ~~made a ward of the State~~ under the Juvenile  
24 Court Act of 1987 while the minor is in placement. The fee  
25 shall be imposed only upon an offender who is actively  
26 supervised by the probation and court services department. The

1 fee shall be collected by the clerk of the circuit court. The  
2 clerk of the circuit court shall pay all monies collected from  
3 this fee to the county treasurer for deposit in the probation  
4 and court services fund under Section 15.1 of the Probation and  
5 Probation Officers Act.

6 A circuit court may not impose a probation fee under this  
7 subsection (i) in excess of \$25 per month unless the circuit  
8 court has adopted, by administrative order issued by the chief  
9 judge, a standard probation fee guide determining an offender's  
10 ability to pay. Of the amount collected as a probation fee, up  
11 to \$5 of that fee collected per month may be used to provide  
12 services to crime victims and their families.

13 The Court may only waive probation fees based on an  
14 offender's ability to pay. The probation department may  
15 re-evaluate an offender's ability to pay every 6 months, and,  
16 with the approval of the Director of Court Services or the  
17 Chief Probation Officer, adjust the monthly fee amount. An  
18 offender may elect to pay probation fees due in a lump sum. Any  
19 offender that has been assigned to the supervision of a  
20 probation department, or has been transferred either under  
21 subsection (h) of this Section or under any interstate compact,  
22 shall be required to pay probation fees to the department  
23 supervising the offender, based on the offender's ability to  
24 pay.

25 This amendatory Act of the 93rd General Assembly deletes  
26 the \$10 increase in the fee under this subsection that was

1 imposed by Public Act 93-616. This deletion is intended to  
2 control over any other Act of the 93rd General Assembly that  
3 retains or incorporates that fee increase.

4 (i-5) In addition to the fees imposed under subsection (i)  
5 of this Section, in the case of an offender convicted of a  
6 felony sex offense (as defined in the Sex Offender Management  
7 Board Act) or an offense that the court or probation department  
8 has determined to be sexually motivated (as defined in the Sex  
9 Offender Management Board Act), the court or the probation  
10 department shall assess additional fees to pay for all costs of  
11 treatment, assessment, evaluation for risk and treatment, and  
12 monitoring the offender, based on that offender's ability to  
13 pay those costs either as they occur or under a payment plan.

14 (j) All fines and costs imposed under this Section for any  
15 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
16 Code, or a similar provision of a local ordinance, and any  
17 violation of the Child Passenger Protection Act, or a similar  
18 provision of a local ordinance, shall be collected and  
19 disbursed by the circuit clerk as provided under Section 27.5  
20 of the Clerks of Courts Act.

21 (k) Any offender who is sentenced to probation or  
22 conditional discharge for a felony sex offense as defined in  
23 the Sex Offender Management Board Act or any offense that the  
24 court or probation department has determined to be sexually  
25 motivated as defined in the Sex Offender Management Board Act  
26 shall be required to refrain from any contact, directly or

1 indirectly, with any persons specified by the court and shall  
2 be available for all evaluations and treatment programs  
3 required by the court or the probation department.

4 (1) The court may order an offender who is sentenced to  
5 probation or conditional discharge for a violation of an order  
6 of protection be placed under electronic surveillance as  
7 provided in Section 5-8A-7 of this Code.

8 (Source: P.A. 98-575, eff. 1-1-14; 98-718, eff. 1-1-15; 99-143,  
9 eff. 7-27-15; 99-797, eff. 8-12-16.)

10 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

11 Sec. 5-6-3.1. Incidents and conditions of supervision.

12 (a) When a defendant is placed on supervision, the court  
13 shall enter an order for supervision specifying the period of  
14 such supervision, and shall defer further proceedings in the  
15 case until the conclusion of the period.

16 (b) The period of supervision shall be reasonable under all  
17 of the circumstances of the case, but may not be longer than 2  
18 years, unless the defendant has failed to pay the assessment  
19 required by Section 10.3 of the Cannabis Control Act, Section  
20 411.2 of the Illinois Controlled Substances Act, or Section 80  
21 of the Methamphetamine Control and Community Protection Act, in  
22 which case the court may extend supervision beyond 2 years.  
23 Additionally, the court shall order the defendant to perform no  
24 less than 30 hours of community service and not more than 120  
25 hours of community service, if community service is available

1 in the jurisdiction and is funded and approved by the county  
2 board where the offense was committed, when the offense (1) was  
3 related to or in furtherance of the criminal activities of an  
4 organized gang or was motivated by the defendant's membership  
5 in or allegiance to an organized gang; or (2) is a violation of  
6 any Section of Article 24 of the Criminal Code of 1961 or the  
7 Criminal Code of 2012 where a disposition of supervision is not  
8 prohibited by Section 5-6-1 of this Code. The community service  
9 shall include, but not be limited to, the cleanup and repair of  
10 any damage caused by violation of Section 21-1.3 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012 and similar  
12 damages to property located within the municipality or county  
13 in which the violation occurred. Where possible and reasonable,  
14 the community service should be performed in the offender's  
15 neighborhood.

16 For the purposes of this Section, "organized gang" has the  
17 meaning ascribed to it in Section 10 of the Illinois Streetgang  
18 Terrorism Omnibus Prevention Act.

19 (c) The court may in addition to other reasonable  
20 conditions relating to the nature of the offense or the  
21 rehabilitation of the defendant as determined for each  
22 defendant in the proper discretion of the court require that  
23 the person:

24 (1) make a report to and appear in person before or  
25 participate with the court or such courts, person, or  
26 social service agency as directed by the court in the order

1 of supervision;

2 (2) pay a fine and costs;

3 (3) work or pursue a course of study or vocational  
4 training;

5 (4) undergo medical, psychological or psychiatric  
6 treatment; or treatment for drug addiction or alcoholism;

7 (5) attend or reside in a facility established for the  
8 instruction or residence of defendants on probation;

9 (6) support his dependents;

10 (7) refrain from possessing a firearm or other  
11 dangerous weapon;

12 (8) and in addition, if a minor:

13 (i) reside with his parents or in a foster home;

14 (ii) attend school;

15 (iii) attend a non-residential program for youth;

16 (iv) contribute to his own support at home or in a  
17 foster home; or

18 (v) with the consent of the superintendent of the  
19 facility, attend an educational program at a facility  
20 other than the school in which the offense was  
21 committed if he or she is placed on supervision for a  
22 crime of violence as defined in Section 2 of the Crime  
23 Victims Compensation Act committed in a school, on the  
24 real property comprising a school, or within 1,000 feet  
25 of the real property comprising a school;

26 (9) make restitution or reparation in an amount not to



1 exceed actual loss or damage to property and pecuniary loss  
2 or make restitution under Section 5-5-6 to a domestic  
3 violence shelter. The court shall determine the amount and  
4 conditions of payment;

5 (10) perform some reasonable public or community  
6 service;

7 (11) comply with the terms and conditions of an order  
8 of protection issued by the court pursuant to the Illinois  
9 Domestic Violence Act of 1986 or an order of protection  
10 issued by the court of another state, tribe, or United  
11 States territory. If the court has ordered the defendant to  
12 make a report and appear in person under paragraph (1) of  
13 this subsection, a copy of the order of protection shall be  
14 transmitted to the person or agency so designated by the  
15 court;

16 (12) reimburse any "local anti-crime program" as  
17 defined in Section 7 of the Anti-Crime Advisory Council Act  
18 for any reasonable expenses incurred by the program on the  
19 offender's case, not to exceed the maximum amount of the  
20 fine authorized for the offense for which the defendant was  
21 sentenced;

22 (13) contribute a reasonable sum of money, not to  
23 exceed the maximum amount of the fine authorized for the  
24 offense for which the defendant was sentenced, (i) to a  
25 "local anti-crime program", as defined in Section 7 of the  
26 Anti-Crime Advisory Council Act, or (ii) for offenses under

1 the jurisdiction of the Department of Natural Resources, to  
2 the fund established by the Department of Natural Resources  
3 for the purchase of evidence for investigation purposes and  
4 to conduct investigations as outlined in Section 805-105 of  
5 the Department of Natural Resources (Conservation) Law;

6 (14) refrain from entering into a designated  
7 geographic area except upon such terms as the court finds  
8 appropriate. Such terms may include consideration of the  
9 purpose of the entry, the time of day, other persons  
10 accompanying the defendant, and advance approval by a  
11 probation officer;

12 (15) refrain from having any contact, directly or  
13 indirectly, with certain specified persons or particular  
14 types of person, including but not limited to members of  
15 street gangs and drug users or dealers;

16 (16) refrain from having in his or her body the  
17 presence of any illicit drug prohibited by the Cannabis  
18 Control Act, the Illinois Controlled Substances Act, or the  
19 Methamphetamine Control and Community Protection Act,  
20 unless prescribed by a physician, and submit samples of his  
21 or her blood or urine or both for tests to determine the  
22 presence of any illicit drug;

23 (17) refrain from operating any motor vehicle not  
24 equipped with an ignition interlock device as defined in  
25 Section 1-129.1 of the Illinois Vehicle Code; under this  
26 condition the court may allow a defendant who is not

1 self-employed to operate a vehicle owned by the defendant's  
2 employer that is not equipped with an ignition interlock  
3 device in the course and scope of the defendant's  
4 employment; and

5 (18) if placed on supervision for a sex offense as  
6 defined in subsection (a-5) of Section 3-1-2 of this Code,  
7 unless the offender is a parent or guardian of the person  
8 under 18 years of age present in the home and no  
9 non-familial minors are present, not participate in a  
10 holiday event involving children under 18 years of age,  
11 such as distributing candy or other items to children on  
12 Halloween, wearing a Santa Claus costume on or preceding  
13 Christmas, being employed as a department store Santa  
14 Claus, or wearing an Easter Bunny costume on or preceding  
15 Easter.

16 (c-5) If payment of restitution as ordered has not been  
17 made, the victim shall file a petition notifying the sentencing  
18 court, any other person to whom restitution is owed, and the  
19 State's Attorney of the status of the ordered restitution  
20 payments unpaid at least 90 days before the supervision  
21 expiration date. If payment as ordered has not been made, the  
22 court shall hold a review hearing prior to the expiration date,  
23 unless the hearing is voluntarily waived by the defendant with  
24 the knowledge that waiver may result in an extension of the  
25 supervision period or in a revocation of supervision. If the  
26 court does not extend supervision, it shall issue a judgment

1 for the unpaid restitution and direct the clerk of the circuit  
2 court to file and enter the judgment in the judgment and lien  
3 docket, without fee, unless it finds that the victim has  
4 recovered a judgment against the defendant for the amount  
5 covered by the restitution order. If the court issues a  
6 judgment for the unpaid restitution, the court shall send to  
7 the defendant at his or her last known address written  
8 notification that a civil judgment has been issued for the  
9 unpaid restitution.

10 (d) The court shall defer entering any judgment on the  
11 charges until the conclusion of the supervision.

12 (e) At the conclusion of the period of supervision, if the  
13 court determines that the defendant has successfully complied  
14 with all of the conditions of supervision, the court shall  
15 discharge the defendant and enter a judgment dismissing the  
16 charges.

17 (f) Discharge and dismissal upon a successful conclusion of  
18 a disposition of supervision shall be deemed without  
19 adjudication of guilt and shall not be termed a conviction for  
20 purposes of disqualification or disabilities imposed by law  
21 upon conviction of a crime. Two years after the discharge and  
22 dismissal under this Section, unless the disposition of  
23 supervision was for a violation of Sections 3-707, 3-708,  
24 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
25 similar provision of a local ordinance, or for a violation of  
26 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961

1 or the Criminal Code of 2012, in which case it shall be 5 years  
2 after discharge and dismissal, a person may have his record of  
3 arrest sealed or expunged as may be provided by law. However,  
4 any defendant placed on supervision before January 1, 1980, may  
5 move for sealing or expungement of his arrest record, as  
6 provided by law, at any time after discharge and dismissal  
7 under this Section. A person placed on supervision for a sexual  
8 offense committed against a minor as defined in clause  
9 (a) (1) (L) of Section 5.2 of the Criminal Identification Act or  
10 for a violation of Section 11-501 of the Illinois Vehicle Code  
11 or a similar provision of a local ordinance shall not have his  
12 or her record of arrest sealed or expunged.

13 (g) A defendant placed on supervision and who during the  
14 period of supervision undergoes mandatory drug or alcohol  
15 testing, or both, or is assigned to be placed on an approved  
16 electronic monitoring device, shall be ordered to pay the costs  
17 incidental to such mandatory drug or alcohol testing, or both,  
18 and costs incidental to such approved electronic monitoring in  
19 accordance with the defendant's ability to pay those costs. The  
20 county board with the concurrence of the Chief Judge of the  
21 judicial circuit in which the county is located shall establish  
22 reasonable fees for the cost of maintenance, testing, and  
23 incidental expenses related to the mandatory drug or alcohol  
24 testing, or both, and all costs incidental to approved  
25 electronic monitoring, of all defendants placed on  
26 supervision. The concurrence of the Chief Judge shall be in the

1 form of an administrative order. The fees shall be collected by  
2 the clerk of the circuit court, except as provided in an  
3 administrative order of the Chief Judge of the circuit court.  
4 The clerk of the circuit court shall pay all moneys collected  
5 from these fees to the county treasurer who shall use the  
6 moneys collected to defray the costs of drug testing, alcohol  
7 testing, and electronic monitoring. The county treasurer shall  
8 deposit the fees collected in the county working cash fund  
9 under Section 6-27001 or Section 6-29002 of the Counties Code,  
10 as the case may be.

11 The Chief Judge of the circuit court of the county may by  
12 administrative order establish a program for electronic  
13 monitoring of offenders, in which a vendor supplies and  
14 monitors the operation of the electronic monitoring device, and  
15 collects the fees on behalf of the county. The program shall  
16 include provisions for indigent offenders and the collection of  
17 unpaid fees. The program shall not unduly burden the offender  
18 and shall be subject to review by the Chief Judge.

19 The Chief Judge of the circuit court may suspend any  
20 additional charges or fees for late payment, interest, or  
21 damage to any device.

22 (h) A disposition of supervision is a final order for the  
23 purposes of appeal.

24 (i) The court shall impose upon a defendant placed on  
25 supervision after January 1, 1992 or to community service under  
26 the supervision of a probation or court services department

1 after January 1, 2004, as a condition of supervision or  
2 supervised community service, a fee of \$50 for each month of  
3 supervision or supervised community service ordered by the  
4 court, unless after determining the inability of the person  
5 placed on supervision or supervised community service to pay  
6 the fee, the court assesses a lesser fee. The court may not  
7 impose the fee on a minor who is placed in the guardianship or  
8 custody of the Department of Children and Family Services ~~made~~  
9 ~~a ward of the State~~ under the Juvenile Court Act of 1987 while  
10 the minor is in placement. The fee shall be imposed only upon a  
11 defendant who is actively supervised by the probation and court  
12 services department. The fee shall be collected by the clerk of  
13 the circuit court. The clerk of the circuit court shall pay all  
14 monies collected from this fee to the county treasurer for  
15 deposit in the probation and court services fund pursuant to  
16 Section 15.1 of the Probation and Probation Officers Act.

17 A circuit court may not impose a probation fee in excess of  
18 \$25 per month unless the circuit court has adopted, by  
19 administrative order issued by the chief judge, a standard  
20 probation fee guide determining an offender's ability to pay.  
21 Of the amount collected as a probation fee, not to exceed \$5 of  
22 that fee collected per month may be used to provide services to  
23 crime victims and their families.

24 The Court may only waive probation fees based on an  
25 offender's ability to pay. The probation department may  
26 re-evaluate an offender's ability to pay every 6 months, and,

1 with the approval of the Director of Court Services or the  
2 Chief Probation Officer, adjust the monthly fee amount. An  
3 offender may elect to pay probation fees due in a lump sum. Any  
4 offender that has been assigned to the supervision of a  
5 probation department, or has been transferred either under  
6 subsection (h) of this Section or under any interstate compact,  
7 shall be required to pay probation fees to the department  
8 supervising the offender, based on the offender's ability to  
9 pay.

10 (j) All fines and costs imposed under this Section for any  
11 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
12 Code, or a similar provision of a local ordinance, and any  
13 violation of the Child Passenger Protection Act, or a similar  
14 provision of a local ordinance, shall be collected and  
15 disbursed by the circuit clerk as provided under Section 27.5  
16 of the Clerks of Courts Act.

17 (k) A defendant at least 17 years of age who is placed on  
18 supervision for a misdemeanor in a county of 3,000,000 or more  
19 inhabitants and who has not been previously convicted of a  
20 misdemeanor or felony may as a condition of his or her  
21 supervision be required by the court to attend educational  
22 courses designed to prepare the defendant for a high school  
23 diploma and to work toward a high school diploma or to work  
24 toward passing high school equivalency testing or to work  
25 toward completing a vocational training program approved by the  
26 court. The defendant placed on supervision must attend a public



1 institution of education to obtain the educational or  
2 vocational training required by this subsection (k). The  
3 defendant placed on supervision shall be required to pay for  
4 the cost of the educational courses or high school equivalency  
5 testing if a fee is charged for those courses or testing. The  
6 court shall revoke the supervision of a person who wilfully  
7 fails to comply with this subsection (k). The court shall  
8 resentence the defendant upon revocation of supervision as  
9 provided in Section 5-6-4. This subsection (k) does not apply  
10 to a defendant who has a high school diploma or has  
11 successfully passed high school equivalency testing. This  
12 subsection (k) does not apply to a defendant who is determined  
13 by the court to be a person with a developmental disability or  
14 otherwise mentally incapable of completing the educational or  
15 vocational program.

16 (1) The court shall require a defendant placed on  
17 supervision for possession of a substance prohibited by the  
18 Cannabis Control Act, the Illinois Controlled Substances Act,  
19 or the Methamphetamine Control and Community Protection Act  
20 after a previous conviction or disposition of supervision for  
21 possession of a substance prohibited by the Cannabis Control  
22 Act, the Illinois Controlled Substances Act, or the  
23 Methamphetamine Control and Community Protection Act or a  
24 sentence of probation under Section 10 of the Cannabis Control  
25 Act or Section 410 of the Illinois Controlled Substances Act  
26 and after a finding by the court that the person is addicted,

1 to undergo treatment at a substance abuse program approved by  
2 the court.

3 (m) The Secretary of State shall require anyone placed on  
4 court supervision for a violation of Section 3-707 of the  
5 Illinois Vehicle Code or a similar provision of a local  
6 ordinance to give proof of his or her financial responsibility  
7 as defined in Section 7-315 of the Illinois Vehicle Code. The  
8 proof shall be maintained by the individual in a manner  
9 satisfactory to the Secretary of State for a minimum period of  
10 3 years after the date the proof is first filed. The proof  
11 shall be limited to a single action per arrest and may not be  
12 affected by any post-sentence disposition. The Secretary of  
13 State shall suspend the driver's license of any person  
14 determined by the Secretary to be in violation of this  
15 subsection.

16 (n) Any offender placed on supervision for any offense that  
17 the court or probation department has determined to be sexually  
18 motivated as defined in the Sex Offender Management Board Act  
19 shall be required to refrain from any contact, directly or  
20 indirectly, with any persons specified by the court and shall  
21 be available for all evaluations and treatment programs  
22 required by the court or the probation department.

23 (o) An offender placed on supervision for a sex offense as  
24 defined in the Sex Offender Management Board Act shall refrain  
25 from residing at the same address or in the same condominium  
26 unit or apartment unit or in the same condominium complex or

1 apartment complex with another person he or she knows or  
2 reasonably should know is a convicted sex offender or has been  
3 placed on supervision for a sex offense. The provisions of this  
4 subsection (o) do not apply to a person convicted of a sex  
5 offense who is placed in a Department of Corrections licensed  
6 transitional housing facility for sex offenders.

7 (p) An offender placed on supervision for an offense  
8 committed on or after June 1, 2008 (the effective date of  
9 Public Act 95-464) that would qualify the accused as a child  
10 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012 shall  
12 refrain from communicating with or contacting, by means of the  
13 Internet, a person who is not related to the accused and whom  
14 the accused reasonably believes to be under 18 years of age.  
15 For purposes of this subsection (p), "Internet" has the meaning  
16 ascribed to it in Section 16-0.1 of the Criminal Code of 2012;  
17 and a person is not related to the accused if the person is  
18 not: (i) the spouse, brother, or sister of the accused; (ii) a  
19 descendant of the accused; (iii) a first or second cousin of  
20 the accused; or (iv) a step-child or adopted child of the  
21 accused.

22 (q) An offender placed on supervision for an offense  
23 committed on or after June 1, 2008 (the effective date of  
24 Public Act 95-464) that would qualify the accused as a child  
25 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
26 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so

1 ordered by the court, refrain from communicating with or  
2 contacting, by means of the Internet, a person who is related  
3 to the accused and whom the accused reasonably believes to be  
4 under 18 years of age. For purposes of this subsection (q),  
5 "Internet" has the meaning ascribed to it in Section 16-0.1 of  
6 the Criminal Code of 2012; and a person is related to the  
7 accused if the person is: (i) the spouse, brother, or sister of  
8 the accused; (ii) a descendant of the accused; (iii) a first or  
9 second cousin of the accused; or (iv) a step-child or adopted  
10 child of the accused.

11 (r) An offender placed on supervision for an offense under  
12 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a  
13 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or  
14 11-21 of the Criminal Code of 1961 or the Criminal Code of  
15 2012, or any attempt to commit any of these offenses, committed  
16 on or after June 1, 2009 (the effective date of Public Act  
17 95-983) ~~this amendatory Act of the 95th General Assembly~~ shall:

18 (i) not access or use a computer or any other device  
19 with Internet capability without the prior written  
20 approval of the court, except in connection with the  
21 offender's employment or search for employment with the  
22 prior approval of the court;

23 (ii) submit to periodic unannounced examinations of  
24 the offender's computer or any other device with Internet  
25 capability by the offender's probation officer, a law  
26 enforcement officer, or assigned computer or information

1 technology specialist, including the retrieval and copying  
2 of all data from the computer or device and any internal or  
3 external peripherals and removal of such information,  
4 equipment, or device to conduct a more thorough inspection;

5 (iii) submit to the installation on the offender's  
6 computer or device with Internet capability, at the  
7 offender's expense, of one or more hardware or software  
8 systems to monitor the Internet use; and

9 (iv) submit to any other appropriate restrictions  
10 concerning the offender's use of or access to a computer or  
11 any other device with Internet capability imposed by the  
12 court.

13 (s) An offender placed on supervision for an offense that  
14 is a sex offense as defined in Section 2 of the Sex Offender  
15 Registration Act that is committed on or after January 1, 2010  
16 (the effective date of Public Act 96-362) that requires the  
17 person to register as a sex offender under that Act, may not  
18 knowingly use any computer scrub software on any computer that  
19 the sex offender uses.

20 (t) An offender placed on supervision for a sex offense as  
21 defined in the Sex Offender Registration Act committed on or  
22 after January 1, 2010 (the effective date of Public Act 96-262)  
23 shall refrain from accessing or using a social networking  
24 website as defined in Section 17-0.5 of the Criminal Code of  
25 2012.

26 (u) Jurisdiction over an offender may be transferred from

1 the sentencing court to the court of another circuit with the  
2 concurrence of both courts. Further transfers or retransfers of  
3 jurisdiction are also authorized in the same manner. The court  
4 to which jurisdiction has been transferred shall have the same  
5 powers as the sentencing court. The probation department within  
6 the circuit to which jurisdiction has been transferred may  
7 impose probation fees upon receiving the transferred offender,  
8 as provided in subsection (i). The probation department from  
9 the original sentencing court shall retain all probation fees  
10 collected prior to the transfer.

11 (Source: P.A. 98-718, eff. 1-1-15; 98-940, eff. 1-1-15; 99-78,  
12 eff. 7-20-15; 99-143, eff. 7-27-15; 99-642, eff. 7-28-16;  
13 99-797, eff. 8-12-16; revised 9-1-16.)

14 Section 90. The Mental Health and Developmental  
15 Disabilities Confidentiality Act is amended by changing  
16 Section 9 as follows:

17 (740 ILCS 110/9) (from Ch. 91 1/2, par. 809)

18 Sec. 9. In the course of providing services and after the  
19 conclusion of the provision of services, including for the  
20 purposes of treatment and care coordination, a therapist,  
21 integrated health system, or member of an interdisciplinary  
22 team may use, disclose, or re-disclose a record or  
23 communications without consent to:

24 (1) the therapist's supervisor, a consulting

1 therapist, members of a staff team participating in the  
2 provision of services, a record custodian, a business  
3 associate, an integrated health system, a member of an  
4 interdisciplinary team, or a person acting under the  
5 supervision and control of the therapist;

6 (2) persons conducting a peer review of the services  
7 being provided;

8 (3) the Institute for Juvenile Research and the  
9 Institute for the Study of Developmental Disabilities;

10 (4) an attorney or advocate consulted by a therapist or  
11 agency which provides services concerning the therapist's  
12 or agency's legal rights or duties in relation to the  
13 recipient and the services being provided; and

14 (5) the Inspector General of the Department of Children  
15 and Family Services when such records or communications are  
16 relevant to a pending investigation authorized by Section  
17 35.5 of the Children and Family Services Act where:

18 (A) the recipient was either (i) a parent, foster  
19 parent, or caretaker who is an alleged perpetrator of  
20 abuse or neglect or the subject of a dependency  
21 investigation or (ii) a victim of alleged abuse or  
22 neglect who was not a youth in care as defined in  
23 Section 4d of the Children and Family Services Act  
24 ~~non-ward victim of alleged abuse or neglect~~, and

25 (B) available information demonstrates that the  
26 mental health of the recipient was or should have been

1           an issue to the safety of the child.

2           In the course of providing services, a therapist,  
3 integrated health system, or member of an interdisciplinary  
4 team may disclose a record or communications without consent to  
5 any department, agency, institution or facility which has  
6 custody of the recipient pursuant to State statute or any court  
7 order of commitment.

8           Information may be disclosed under this Section only to the  
9 extent that knowledge of the record or communications is  
10 essential to the purpose for which disclosure is made and only  
11 after the recipient is informed that such disclosure may be  
12 made. A person to whom disclosure is made under this Section  
13 shall not redisclose any information except as provided in this  
14 Act.

15       (Source: P.A. 98-378, eff. 8-16-13.)

16           Section 95. The Adoption Act is amended by changing  
17 Sections 1, 12.2, 18.3, and 18.9 as follows:

18           (750 ILCS 50/1) (from Ch. 40, par. 1501)

19           Sec. 1. Definitions. When used in this Act, unless the  
20 context otherwise requires:

21           A. "Child" means a person under legal age subject to  
22 adoption under this Act.

23           B. "Related child" means a child subject to adoption where  
24 either or both of the adopting parents stands in any of the



1 following relationships to the child by blood, marriage,  
2 adoption, or civil union: parent, grand-parent,  
3 great-grandparent, brother, sister, step-parent,  
4 step-grandparent, step-brother, step-sister, uncle, aunt,  
5 great-uncle, great-aunt, first cousin, or second cousin. A  
6 person is related to the child as a first cousin or second  
7 cousin if they are both related to the same ancestor as either  
8 grandchild or great-grandchild. A child whose parent has  
9 executed a consent to adoption, a surrender, or a waiver  
10 pursuant to Section 10 of this Act or whose parent has signed a  
11 denial of paternity pursuant to Section 12 of the Vital Records  
12 Act or Section 12a of this Act, or whose parent has had his or  
13 her parental rights terminated, is not a related child to that  
14 person, unless (1) the consent is determined to be void or is  
15 void pursuant to subsection O of Section 10 of this Act; or (2)  
16 the parent of the child executed a consent to adoption by a  
17 specified person or persons pursuant to subsection A-1 of  
18 Section 10 of this Act and a court of competent jurisdiction  
19 finds that such consent is void; or (3) the order terminating  
20 the parental rights of the parent is vacated by a court of  
21 competent jurisdiction.

22 C. "Agency" for the purpose of this Act means a public  
23 child welfare agency or a licensed child welfare agency.

24 D. "Unfit person" means any person whom the court shall  
25 find to be unfit to have a child, without regard to the  
26 likelihood that the child will be placed for adoption. The

1 grounds of unfitness are any one or more of the following,  
2 except that a person shall not be considered an unfit person  
3 for the sole reason that the person has relinquished a child in  
4 accordance with the Abandoned Newborn Infant Protection Act:

5 (a) Abandonment of the child.

6 (a-1) Abandonment of a newborn infant in a hospital.

7 (a-2) Abandonment of a newborn infant in any setting  
8 where the evidence suggests that the parent intended to  
9 relinquish his or her parental rights.

10 (b) Failure to maintain a reasonable degree of  
11 interest, concern or responsibility as to the child's  
12 welfare.

13 (c) Desertion of the child for more than 3 months next  
14 preceding the commencement of the Adoption proceeding.

15 (d) Substantial neglect of the child if continuous or  
16 repeated.

17 (d-1) Substantial neglect, if continuous or repeated,  
18 of any child residing in the household which resulted in  
19 the death of that child.

20 (e) Extreme or repeated cruelty to the child.

21 (f) There is a rebuttable presumption, which can be  
22 overcome only by clear and convincing evidence, that a  
23 parent is unfit if:

24 (1) Two or more findings of physical abuse have  
25 been entered regarding any children under Section 2-21  
26 of the Juvenile Court Act of 1987, the most recent of

1           which was determined by the juvenile court hearing the  
2           matter to be supported by clear and convincing  
3           evidence; or

4                   (2) The parent has been convicted or found not  
5           guilty by reason of insanity and the conviction or  
6           finding resulted from the death of any child by  
7           physical abuse; or

8                   (3) There is a finding of physical child abuse  
9           resulting from the death of any child under Section  
10          2-21 of the Juvenile Court Act of 1987.

11          No conviction or finding of delinquency pursuant to  
12          Article V of the Juvenile Court Act of 1987 shall be  
13          considered a criminal conviction for the purpose of  
14          applying any presumption under this item (f).

15                  (g) Failure to protect the child from conditions within  
16          his environment injurious to the child's welfare.

17                  (h) Other neglect of, or misconduct toward the child;  
18          provided that in making a finding of unfitness the court  
19          hearing the adoption proceeding shall not be bound by any  
20          previous finding, order or judgment affecting or  
21          determining the rights of the parents toward the child  
22          sought to be adopted in any other proceeding except such  
23          proceedings terminating parental rights as shall be had  
24          under either this Act, the Juvenile Court Act or the  
25          Juvenile Court Act of 1987.

26                  (i) Depravity. Conviction of any one of the following

1 crimes shall create a presumption that a parent is deprived  
2 which can be overcome only by clear and convincing  
3 evidence: (1) first degree murder in violation of paragraph  
4 1 or 2 of subsection (a) of Section 9-1 of the Criminal  
5 Code of 1961 or the Criminal Code of 2012 or conviction of  
6 second degree murder in violation of subsection (a) of  
7 Section 9-2 of the Criminal Code of 1961 or the Criminal  
8 Code of 2012 of a parent of the child to be adopted; (2)  
9 first degree murder or second degree murder of any child in  
10 violation of the Criminal Code of 1961 or the Criminal Code  
11 of 2012; (3) attempt or conspiracy to commit first degree  
12 murder or second degree murder of any child in violation of  
13 the Criminal Code of 1961 or the Criminal Code of 2012; (4)  
14 solicitation to commit murder of any child, solicitation to  
15 commit murder of any child for hire, or solicitation to  
16 commit second degree murder of any child in violation of  
17 the Criminal Code of 1961 or the Criminal Code of 2012; (5)  
18 predatory criminal sexual assault of a child in violation  
19 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961  
20 or the Criminal Code of 2012; (6) heinous battery of any  
21 child in violation of the Criminal Code of 1961; or (7)  
22 aggravated battery of any child in violation of the  
23 Criminal Code of 1961 or the Criminal Code of 2012.

24 There is a rebuttable presumption that a parent is  
25 deprived if the parent has been criminally convicted of at  
26 least 3 felonies under the laws of this State or any other

1 state, or under federal law, or the criminal laws of any  
2 United States territory; and at least one of these  
3 convictions took place within 5 years of the filing of the  
4 petition or motion seeking termination of parental rights.

5 There is a rebuttable presumption that a parent is  
6 deprived if that parent has been criminally convicted of  
7 either first or second degree murder of any person as  
8 defined in the Criminal Code of 1961 or the Criminal Code  
9 of 2012 within 10 years of the filing date of the petition  
10 or motion to terminate parental rights.

11 No conviction or finding of delinquency pursuant to  
12 Article 5 of the Juvenile Court Act of 1987 shall be  
13 considered a criminal conviction for the purpose of  
14 applying any presumption under this item (i).

15 (j) Open and notorious adultery or fornication.

16 (j-1) (Blank).

17 (k) Habitual drunkenness or addiction to drugs, other  
18 than those prescribed by a physician, for at least one year  
19 immediately prior to the commencement of the unfitness  
20 proceeding.

21 There is a rebuttable presumption that a parent is  
22 unfit under this subsection with respect to any child to  
23 which that parent gives birth where there is a confirmed  
24 test result that at birth the child's blood, urine, or  
25 meconium contained any amount of a controlled substance as  
26 defined in subsection (f) of Section 102 of the Illinois

1           Controlled Substances Act or metabolites of such  
2 substances, the presence of which in the newborn infant was  
3 not the result of medical treatment administered to the  
4 mother or the newborn infant; and the biological mother of  
5 this child is the biological mother of at least one other  
6 child who was adjudicated a neglected minor under  
7 subsection (c) of Section 2-3 of the Juvenile Court Act of  
8 1987.

9           (1) Failure to demonstrate a reasonable degree of  
10 interest, concern or responsibility as to the welfare of a  
11 new born child during the first 30 days after its birth.

12           (m) Failure by a parent (i) to make reasonable efforts  
13 to correct the conditions that were the basis for the  
14 removal of the child from the parent during any 9-month  
15 period following the adjudication of neglected or abused  
16 minor under Section 2-3 of the Juvenile Court Act of 1987  
17 or dependent minor under Section 2-4 of that Act, or (ii)  
18 to make reasonable progress toward the return of the child  
19 to the parent during any 9-month period following the  
20 adjudication of neglected or abused minor under Section 2-3  
21 of the Juvenile Court Act of 1987 or dependent minor under  
22 Section 2-4 of that Act. If a service plan has been  
23 established as required under Section 8.2 of the Abused and  
24 Neglected Child Reporting Act to correct the conditions  
25 that were the basis for the removal of the child from the  
26 parent and if those services were available, then, for

1 purposes of this Act, "failure to make reasonable progress  
2 toward the return of the child to the parent" includes the  
3 parent's failure to substantially fulfill his or her  
4 obligations under the service plan and correct the  
5 conditions that brought the child into care during any  
6 9-month period following the adjudication under Section  
7 2-3 or 2-4 of the Juvenile Court Act of 1987.  
8 Notwithstanding any other provision, when a petition or  
9 motion seeks to terminate parental rights on the basis of  
10 item (ii) of this subsection (m), the petitioner shall file  
11 with the court and serve on the parties a pleading that  
12 specifies the 9-month period or periods relied on. The  
13 pleading shall be filed and served on the parties no later  
14 than 3 weeks before the date set by the court for closure  
15 of discovery, and the allegations in the pleading shall be  
16 treated as incorporated into the petition or motion.  
17 Failure of a respondent to file a written denial of the  
18 allegations in the pleading shall not be treated as an  
19 admission that the allegations are true.

20 (m-1) (Blank).

21 (n) Evidence of intent to forgo his or her parental  
22 rights, whether or not the child is a ward of the court,  
23 (1) as manifested by his or her failure for a period of 12  
24 months: (i) to visit the child, (ii) to communicate with  
25 the child or agency, although able to do so and not  
26 prevented from doing so by an agency or by court order, or

1 (iii) to maintain contact with or plan for the future of  
2 the child, although physically able to do so, or (2) as  
3 manifested by the father's failure, where he and the mother  
4 of the child were unmarried to each other at the time of  
5 the child's birth, (i) to commence legal proceedings to  
6 establish his paternity under the Illinois Parentage Act of  
7 1984, the Illinois Parentage Act of 2015, or the law of the  
8 jurisdiction of the child's birth within 30 days of being  
9 informed, pursuant to Section 12a of this Act, that he is  
10 the father or the likely father of the child or, after  
11 being so informed where the child is not yet born, within  
12 30 days of the child's birth, or (ii) to make a good faith  
13 effort to pay a reasonable amount of the expenses related  
14 to the birth of the child and to provide a reasonable  
15 amount for the financial support of the child, the court to  
16 consider in its determination all relevant circumstances,  
17 including the financial condition of both parents;  
18 provided that the ground for termination provided in this  
19 subparagraph (n)(2)(ii) shall only be available where the  
20 petition is brought by the mother or the husband of the  
21 mother.

22 Contact or communication by a parent with his or her  
23 child that does not demonstrate affection and concern does  
24 not constitute reasonable contact and planning under  
25 subdivision (n). In the absence of evidence to the  
26 contrary, the ability to visit, communicate, maintain



1 contact, pay expenses and plan for the future shall be  
2 presumed. The subjective intent of the parent, whether  
3 expressed or otherwise, unsupported by evidence of the  
4 foregoing parental acts manifesting that intent, shall not  
5 preclude a determination that the parent has intended to  
6 forgo his or her parental rights. In making this  
7 determination, the court may consider but shall not require  
8 a showing of diligent efforts by an authorized agency to  
9 encourage the parent to perform the acts specified in  
10 subdivision (n).

11 It shall be an affirmative defense to any allegation  
12 under paragraph (2) of this subsection that the father's  
13 failure was due to circumstances beyond his control or to  
14 impediments created by the mother or any other person  
15 having legal custody. Proof of that fact need only be by a  
16 preponderance of the evidence.

17 (o) Repeated or continuous failure by the parents,  
18 although physically and financially able, to provide the  
19 child with adequate food, clothing, or shelter.

20 (p) Inability to discharge parental responsibilities  
21 supported by competent evidence from a psychiatrist,  
22 licensed clinical social worker, or clinical psychologist  
23 of mental impairment, mental illness or an intellectual  
24 disability as defined in Section 1-116 of the Mental Health  
25 and Developmental Disabilities Code, or developmental  
26 disability as defined in Section 1-106 of that Code, and

1           there is sufficient justification to believe that the  
2           inability to discharge parental responsibilities shall  
3           extend beyond a reasonable time period. However, this  
4           subdivision (p) shall not be construed so as to permit a  
5           licensed clinical social worker to conduct any medical  
6           diagnosis to determine mental illness or mental  
7           impairment.

8           (q) (Blank).

9           (r) The child is in the temporary custody or  
10          guardianship of the Department of Children and Family  
11          Services, the parent is incarcerated as a result of  
12          criminal conviction at the time the petition or motion for  
13          termination of parental rights is filed, prior to  
14          incarceration the parent had little or no contact with the  
15          child or provided little or no support for the child, and  
16          the parent's incarceration will prevent the parent from  
17          discharging his or her parental responsibilities for the  
18          child for a period in excess of 2 years after the filing of  
19          the petition or motion for termination of parental rights.

20          (s) The child is in the temporary custody or  
21          guardianship of the Department of Children and Family  
22          Services, the parent is incarcerated at the time the  
23          petition or motion for termination of parental rights is  
24          filed, the parent has been repeatedly incarcerated as a  
25          result of criminal convictions, and the parent's repeated  
26          incarceration has prevented the parent from discharging

1 his or her parental responsibilities for the child.

2 (t) A finding that at birth the child's blood, urine,  
3 or meconium contained any amount of a controlled substance  
4 as defined in subsection (f) of Section 102 of the Illinois  
5 Controlled Substances Act, or a metabolite of a controlled  
6 substance, with the exception of controlled substances or  
7 metabolites of such substances, the presence of which in  
8 the newborn infant was the result of medical treatment  
9 administered to the mother or the newborn infant, and that  
10 the biological mother of this child is the biological  
11 mother of at least one other child who was adjudicated a  
12 neglected minor under subsection (c) of Section 2-3 of the  
13 Juvenile Court Act of 1987, after which the biological  
14 mother had the opportunity to enroll in and participate in  
15 a clinically appropriate substance abuse counseling,  
16 treatment, and rehabilitation program.

17 E. "Parent" means a person who is the legal mother or legal  
18 father of the child as defined in subsection X or Y of this  
19 Section. For the purpose of this Act, a parent who has executed  
20 a consent to adoption, a surrender, or a waiver pursuant to  
21 Section 10 of this Act, who has signed a Denial of Paternity  
22 pursuant to Section 12 of the Vital Records Act or Section 12a  
23 of this Act, or whose parental rights have been terminated by a  
24 court, is not a parent of the child who was the subject of the  
25 consent, surrender, waiver, or denial unless (1) the consent is  
26 void pursuant to subsection O of Section 10 of this Act; or (2)

1 the person executed a consent to adoption by a specified person  
2 or persons pursuant to subsection A-1 of Section 10 of this Act  
3 and a court of competent jurisdiction finds that the consent is  
4 void; or (3) the order terminating the parental rights of the  
5 person is vacated by a court of competent jurisdiction.

6 F. A person is available for adoption when the person is:

7 (a) a child who has been surrendered for adoption to an  
8 agency and to whose adoption the agency has thereafter  
9 consented;

10 (b) a child to whose adoption a person authorized by  
11 law, other than his parents, has consented, or to whose  
12 adoption no consent is required pursuant to Section 8 of  
13 this Act;

14 (c) a child who is in the custody of persons who intend  
15 to adopt him through placement made by his parents;

16 (c-1) a child for whom a parent has signed a specific  
17 consent pursuant to subsection O of Section 10;

18 (d) an adult who meets the conditions set forth in  
19 Section 3 of this Act; or

20 (e) a child who has been relinquished as defined in  
21 Section 10 of the Abandoned Newborn Infant Protection Act.

22 A person who would otherwise be available for adoption  
23 shall not be deemed unavailable for adoption solely by reason  
24 of his or her death.

25 G. The singular includes the plural and the plural includes  
26 the singular and the "male" includes the "female", as the

1 context of this Act may require.

2 H. (Blank).

3 I. "Habitual residence" has the meaning ascribed to it in  
4 the federal Intercountry Adoption Act of 2000 and regulations  
5 promulgated thereunder.

6 J. "Immediate relatives" means the biological parents, the  
7 parents of the biological parents and siblings of the  
8 biological parents.

9 K. "Intercountry adoption" is a process by which a child  
10 from a country other than the United States is adopted by  
11 persons who are habitual residents of the United States, or the  
12 child is a habitual resident of the United States who is  
13 adopted by persons who are habitual residents of a country  
14 other than the United States.

15 L. (Blank).

16 M. "Interstate Compact on the Placement of Children" is a  
17 law enacted by all states and certain territories for the  
18 purpose of establishing uniform procedures for handling the  
19 interstate placement of children in foster homes, adoptive  
20 homes, or other child care facilities.

21 N. (Blank).

22 O. "Preadoption requirements" means any conditions or  
23 standards established by the laws or administrative rules of  
24 this State that must be met by a prospective adoptive parent  
25 prior to the placement of a child in an adoptive home.

26 P. "Abused child" means a child whose parent or immediate

1 family member, or any person responsible for the child's  
2 welfare, or any individual residing in the same home as the  
3 child, or a paramour of the child's parent:

4 (a) inflicts, causes to be inflicted, or allows to be  
5 inflicted upon the child physical injury, by other than  
6 accidental means, that causes death, disfigurement,  
7 impairment of physical or emotional health, or loss or  
8 impairment of any bodily function;

9 (b) creates a substantial risk of physical injury to  
10 the child by other than accidental means which would be  
11 likely to cause death, disfigurement, impairment of  
12 physical or emotional health, or loss or impairment of any  
13 bodily function;

14 (c) commits or allows to be committed any sex offense  
15 against the child, as sex offenses are defined in the  
16 Criminal Code of 2012 and extending those definitions of  
17 sex offenses to include children under 18 years of age;

18 (d) commits or allows to be committed an act or acts of  
19 torture upon the child; or

20 (e) inflicts excessive corporal punishment.

21 Q. "Neglected child" means any child whose parent or other  
22 person responsible for the child's welfare withholds or denies  
23 nourishment or medically indicated treatment including food or  
24 care denied solely on the basis of the present or anticipated  
25 mental or physical impairment as determined by a physician  
26 acting alone or in consultation with other physicians or

1 otherwise does not provide the proper or necessary support,  
2 education as required by law, or medical or other remedial care  
3 recognized under State law as necessary for a child's  
4 well-being, or other care necessary for his or her well-being,  
5 including adequate food, clothing and shelter; or who is  
6 abandoned by his or her parents or other person responsible for  
7 the child's welfare.

8 A child shall not be considered neglected or abused for the  
9 sole reason that the child's parent or other person responsible  
10 for his or her welfare depends upon spiritual means through  
11 prayer alone for the treatment or cure of disease or remedial  
12 care as provided under Section 4 of the Abused and Neglected  
13 Child Reporting Act. A child shall not be considered neglected  
14 or abused for the sole reason that the child's parent or other  
15 person responsible for the child's welfare failed to vaccinate,  
16 delayed vaccination, or refused vaccination for the child due  
17 to a waiver on religious or medical grounds as permitted by  
18 law.

19 R. "Putative father" means a man who may be a child's  
20 father, but who (1) is not married to the child's mother on or  
21 before the date that the child was or is to be born and (2) has  
22 not established paternity of the child in a court proceeding  
23 before the filing of a petition for the adoption of the child.  
24 The term includes a male who is less than 18 years of age.  
25 "Putative father" does not mean a man who is the child's father  
26 as a result of criminal sexual abuse or assault as defined

1 under Article 11 of the Criminal Code of 2012.

2 S. "Standby adoption" means an adoption in which a parent  
3 consents to custody and termination of parental rights to  
4 become effective upon the occurrence of a future event, which  
5 is either the death of the parent or the request of the parent  
6 for the entry of a final judgment of adoption.

7 T. (Blank).

8 T-5. "Biological parent", "birth parent", or "natural  
9 parent" of a child are interchangeable terms that mean a person  
10 who is biologically or genetically related to that child as a  
11 parent.

12 U. "Interstate adoption" means the placement of a minor  
13 child with a prospective adoptive parent for the purpose of  
14 pursuing an adoption for that child that is subject to the  
15 provisions of the Interstate Compact on Placement of Children.

16 V. (Blank).

17 W. (Blank).

18 X. "Legal father" of a child means a man who is recognized  
19 as or presumed to be that child's father:

20 (1) because of his marriage to or civil union with the  
21 child's parent at the time of the child's birth or within  
22 300 days prior to that child's birth, unless he signed a  
23 denial of paternity pursuant to Section 12 of the Vital  
24 Records Act or a waiver pursuant to Section 10 of this Act;  
25 or

26 (2) because his paternity of the child has been



1 established pursuant to the Illinois Parentage Act, the  
2 Illinois Parentage Act of 1984, or the Gestational  
3 Surrogacy Act; or

4 (3) because he is listed as the child's father or  
5 parent on the child's birth certificate, unless he is  
6 otherwise determined by an administrative or judicial  
7 proceeding not to be the parent of the child or unless he  
8 rescinds his acknowledgment of paternity pursuant to the  
9 Illinois Parentage Act of 1984; or

10 (4) because his paternity or adoption of the child has  
11 been established by a court of competent jurisdiction.

12 The definition in this subsection X shall not be construed  
13 to provide greater or lesser rights as to the number of parents  
14 who can be named on a final judgment order of adoption or  
15 Illinois birth certificate that otherwise exist under Illinois  
16 law.

17 Y. "Legal mother" of a child means a woman who is  
18 recognized as or presumed to be that child's mother:

19 (1) because she gave birth to the child except as  
20 provided in the Gestational Surrogacy Act; or

21 (2) because her maternity of the child has been  
22 established pursuant to the Illinois Parentage Act of 1984  
23 or the Gestational Surrogacy Act; or

24 (3) because her maternity or adoption of the child has  
25 been established by a court of competent jurisdiction; or

26 (4) because of her marriage to or civil union with the

1 child's other parent at the time of the child's birth or  
2 within 300 days prior to the time of birth; or

3 (5) because she is listed as the child's mother or  
4 parent on the child's birth certificate unless she is  
5 otherwise determined by an administrative or judicial  
6 proceeding not to be the parent of the child.

7 The definition in this subsection Y shall not be construed  
8 to provide greater or lesser rights as to the number of parents  
9 who can be named on a final judgment order of adoption or  
10 Illinois birth certificate that otherwise exist under Illinois  
11 law.

12 Z. "Department" means the Illinois Department of Children  
13 and Family Services.

14 AA. "Placement disruption" means a circumstance where the  
15 child is removed from an adoptive placement before the adoption  
16 is finalized.

17 BB. "Secondary placement" means a placement, including but  
18 not limited to the placement of a youth in care as defined in  
19 Section 4d of the Children and Family Services Act ~~ward of the~~  
20 ~~Department~~, that occurs after a placement disruption or an  
21 adoption dissolution. "Secondary placement" does not mean  
22 secondary placements arising due to the death of the adoptive  
23 parent of the child.

24 CC. "Adoption dissolution" means a circumstance where the  
25 child is removed from an adoptive placement after the adoption  
26 is finalized.

1 DD. "Unregulated placement" means the secondary placement  
2 of a child that occurs without the oversight of the courts, the  
3 Department, or a licensed child welfare agency.

4 EE. "Post-placement and post-adoption support services"  
5 means support services for placed or adopted children and  
6 families that include, but are not limited to, counseling for  
7 emotional, behavioral, or developmental needs.

8 (Source: P.A. 98-455, eff. 1-1-14; 98-532, eff. 1-1-14; 98-804,  
9 eff. 1-1-15; 99-49, eff. 7-15-15; 99-85, eff. 1-1-16; 99-642,  
10 eff. 7-28-16; 99-836, eff. 1-1-17.)

11 (750 ILCS 50/12.2)

12 Sec. 12.2. Adoptive parent rights and responsibilities.  
13 Prior to finalization of an adoption pursuant to this Act, any  
14 prospective adoptive parent in a private adoption who is not  
15 being provided with adoption services by a licensed child  
16 welfare agency pursuant to the Child Care Act of 1969, who is  
17 not adopting a related child, and who is not adopting a child  
18 who is a youth in care as defined in Section 4d of the Children  
19 and Family Services Act ~~ward of the Department of Children and~~  
20 ~~Family Services~~ shall be provided with the following form:

21 Adoptive Parents Rights and Responsibilities-Private Form

22 THIS FORM DOES NOT CONSTITUTE LEGAL ADVICE. LEGAL ADVICE IS  
23 DEPENDENT ON THE SPECIFIC CIRCUMSTANCES OF EACH SITUATION AND  
24 JURISDICTION. THE INFORMATION IN THIS FORM CANNOT REPLACE THE  
25 ADVICE OF AN ATTORNEY LICENSED IN YOUR STATE.

1           As an adoptive parent in the State of Illinois, you have  
2 the right:

3           1. To be treated with dignity and respect.

4           2. To make decisions free from pressure or coercion,  
5 including your decision to accept or reject the placement of a  
6 particular child.

7           3. To be informed of the rights of birth parents.

8           4. To know that the birth parent shall have the right to  
9 request to receive counseling before and after signing a Final  
10 and Irrevocable Consent to Adoption ("Consent"), a Final and  
11 Irrevocable Consent to Adoption by a Specified Person or  
12 Persons: Non-DCFS Case ("Specified Consent"), or a Consent to  
13 Adoption of Unborn Child ("Unborn Consent"). You may agree to  
14 pay for the cost of counseling in a manner consistent with  
15 Illinois law, but you are not required to do so.

16           5. To receive a written schedule of fees and refund  
17 policies from the entity who will handle the investigation of  
18 your adoption for the Court.

19           6. To explore the possibility of a subsidy for a child with  
20 special needs who is not a youth in care as defined in Section  
21 4d of the Children and Family Services Act ~~ward of the Illinois~~  
22 ~~Department of Children and Family Services~~. The Department may  
23 provide a subsidy if the child meets certain criteria. If you  
24 adopt a child who is eligible for supplemental security income  
25 (SSI), or who meets other special needs criteria, your child  
26 may be subsidy eligible. You should discuss eligibility for a

1 subsidy with your attorney before the adoption is finalized, as  
2 this option is only available before the entry of a Judgment  
3 Order for Adoption.

4 7. To share information and connect in the future with the  
5 birth parent(s) of your child. The birth parent(s), you, and  
6 the adopted person have the right to voluntarily share medical,  
7 background, and identifying information, including information  
8 on the original birth certificate. This can be done through the  
9 Illinois Adoption Registry and Medical Information Exchange or  
10 through the birth parent completing a Birth Parent Preference  
11 Form. Please visit <http://www.dph.illinois.gov> and search for  
12 adoption or [www.newillinoisadoptionlaw.com](http://www.newillinoisadoptionlaw.com).

13 8. To access the Confidential Intermediary program, which  
14 provides a way for a court appointed person to connect and/or  
15 exchange information between adopted persons, adoptive parents  
16 and birth parents, and other biological family members,  
17 provided in most cases that mutual consent is given. Please  
18 visit [www.ci-illinois.org](http://www.ci-illinois.org) or call (800) 526-9022(x29).

19 As an adoptive parent in the State of Illinois, it is your  
20 responsibility:

21 1. To work cooperatively and honestly with the person or  
22 entity handling your investigation and appointed by the court,  
23 including disclosing information requested by that person or  
24 entity.

25 2. To pay the agreed-upon fees to the investigating person  
26 or entity promptly.

1           3. To keep the person or entity handling your investigation  
2 informed of any new pertinent information about your family.

3           4. To cooperate with post-placement monitoring and  
4 support.

5           5. To consult with your attorney prior to offering any  
6 financial assistance to the birth parent or parents.

7           6. To obtain training in parenting an adopted child, which  
8 may include on-line and in-person training on adoption related  
9 topics.

10       (Source: P.A. 99-833, eff. 1-1-17.)

11           (750 ILCS 50/18.3) (from Ch. 40, par. 1522.3)

12           Sec. 18.3. (a) The agency, Department of Children and  
13 Family Services, Court Supportive Services, Juvenile Division  
14 of the Circuit Court, and any other party to the surrender of a  
15 child for adoption or in an adoption proceeding shall inform  
16 any birth parent or parents relinquishing a child for purposes  
17 of adoption after the effective date of this Act of the  
18 opportunity to register with the Illinois Adoption Registry and  
19 Medical Information Exchange and to utilize the Illinois  
20 confidential intermediary program and shall obtain a written  
21 confirmation that acknowledges the birth parent's receipt of  
22 such information.

23           The birth parent shall be informed in writing that if  
24 contact or exchange of identifying information with the adult  
25 adopted or surrendered person is to occur, that adult adopted

1 or surrendered person must be 21 years of age or over except as  
2 referenced in paragraph (d) of this Section.

3 (b) Any birth parent, birth sibling, adopted or surrendered  
4 person, adoptive parent, or legal guardian indicating their  
5 desire to receive identifying or medical information shall be  
6 informed of the existence of the Registry and assistance shall  
7 be given to such person to legally record his or her name with  
8 the Registry.

9 (c) The agency, Department of Children and Family Services,  
10 Court Supportive Services, Juvenile Division of the Circuit  
11 Court, and any other organization involved in the surrender of  
12 a child for adoption in an adoption proceeding which has  
13 written statements from an adopted or surrendered person and  
14 the birth parent or a birth sibling indicating a desire to  
15 share identifying information or establish contact shall  
16 supply such information to the mutually consenting parties,  
17 except that no identifying information shall be supplied to  
18 consenting birth siblings if any such sibling is under 21 years  
19 of age. However, both the Registry having an Information  
20 Exchange Authorization and the organization having a written  
21 statement requesting the sharing of identifying information or  
22 contact shall communicate with each other to determine if the  
23 adopted or surrendered person or the birth parent or birth  
24 sibling has signed a form at a later date indicating a change  
25 in his or her desires regarding the sharing of information or  
26 contact.

1           (d) On and after January 1, 2000, any licensed child  
2 welfare agency which provides post-adoption search assistance  
3 to adoptive parents, adopted persons, surrendered persons,  
4 birth parents, or other birth relatives shall require that any  
5 person requesting post-adoption search assistance complete an  
6 Illinois Adoption Registry Application prior to the  
7 commencement of the search. However, former youth in care as  
8 defined in Section 4d of the Children and Family Services Act  
9 ~~wards of the Department of Children and Family Services~~ between  
10 the ages of 18 and 21 who have been surrendered or adopted and  
11 who are seeking contact or an exchange of information with  
12 siblings shall not be required to complete an Illinois Adoption  
13 Registry Application prior to commencement of the search,  
14 provided that the search is performed consistent with  
15 applicable Sections of this Act.

16           (Source: P.A. 96-895, eff. 5-21-10; 97-1076, eff. 8-24-12.)

17           (750 ILCS 50/18.9)

18           Sec. 18.9. Post-placement and post-adoption support  
19 services.

20           (a) It is the public policy of this State to find  
21 permanency for children through adoption and to prevent  
22 placement disruption, adoption dissolution, and secondary  
23 placement. Access to post-placement and post-adoption support  
24 services to provide support and resources for youth in care as  
25 defined in Section 4d of the Children and Family Services Act



1 ~~wards of the State~~, foster families, and adoptive families is  
2 essential to promote permanency. Public awareness of  
3 post-placement and post-adoption services and the ability of  
4 families to utilize effective services are essential to  
5 permanency.

6 (b) The Department shall establish and maintain  
7 post-placement and post-adoption support services.

8 (c) The Department shall post information about the  
9 Department's post-placement and post-adoption support services  
10 on the Department's website and shall provide the information  
11 to every licensed child welfare agency, every out of State  
12 placement agency or entity approved under Section 4.1 of this  
13 Act, and any entity providing adoption support services in the  
14 Illinois courts. The Department's post-placement and  
15 post-adoption support services shall be referenced in  
16 information regarding adoptive parents' rights and  
17 responsibilities that the Department publishes and provides to  
18 adoptive parents under this Act. The Department shall establish  
19 and maintain a toll-free number to advise the public about its  
20 post-placement and post-adoption support services and post the  
21 number on its website.

22 (d) Every licensed child welfare agency, every entity  
23 approved under Section 4.1 of this Act, and any entity  
24 providing adoption support services in the Illinois courts  
25 shall provide the Department's website address and link to the  
26 Department's post-placement and post-adoption services

1 information set forth in subsection (c) of this Section,  
2 including the Department's toll-free number, to every adoptive  
3 parent with whom they work in Illinois. This information shall  
4 be provided prior to placement.

5 (e) Beginning one year after the effective date of this  
6 amendatory Act of the 99th General Assembly, the Department  
7 shall report annually to the General Assembly on January 15 the  
8 following information for the preceding year:

9 (1) a description of all post-placement and  
10 post-adoption support services the Department provides;

11 (2) without identifying the names of the recipients of  
12 the services, the number of foster parents, prospective  
13 adoptive parents, and adoptive families in Illinois who  
14 have received the Department's post-placement and  
15 post-adoption support services and the type of services  
16 provided;

17 (3) the number of families who have contacted the  
18 Department about its post-placement and post-adoption  
19 services due to a potential placement disruption, adoption  
20 dissolution, secondary placement, or unregulated  
21 placement, but for whom the Department declined to provide  
22 post-placement and post-adoption support services and the  
23 reasons that services were denied; and

24 (4) the number of placement disruptions, adoption  
25 dissolutions, unregulated placements, and secondary  
26 placements, and for each one:

1 (A) the type of placement or adoption, including  
2 whether the child who was the subject of the placement  
3 was a youth in care as defined in Section 4d of the  
4 Children and Family Services Act ~~ward of the~~  
5 ~~Department~~, and if the child was not a youth in care  
6 ~~ward~~, whether the adoption was a private, agency,  
7 agency-assisted, interstate, or intercountry adoption;

8 (B) if the placement or adoption was intercountry,  
9 the country of birth of the child;

10 (C) whether the child who was the subject of the  
11 placement disruption, adoption dissolution,  
12 unregulated placement, or secondary placement entered  
13 State custody;

14 (D) the length of the placement prior to the  
15 placement disruption, adoption dissolution,  
16 unregulated placement, or secondary placement;

17 (E) the age of the child at the time of the  
18 placement disruption, adoption dissolution,  
19 unregulated placement, or secondary placement;

20 (F) the reason, if known, for the placement  
21 disruption, adoption dissolution, unregulated  
22 placement, or secondary placement; and

23 (G) if a licensed child welfare agency or any  
24 approved out of State placing entity participated in  
25 the initial placement, and, if applicable, the name of  
26 the agency or approved out of State placing entity.

1 (Source: P.A. 99-49, eff. 7-15-15.)

2 Section 999. Effective date. This Act takes effect upon  
3 becoming law.

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3	5 ILCS 179/10	
4	5 ILCS 350/1	from Ch. 127, par. 1301
5	20 ILCS 5/5-535	was 20 ILCS 5/6.15
6	20 ILCS 505/4d new	
7	20 ILCS 505/5	from Ch. 23, par. 5005
8	20 ILCS 505/5a	from Ch. 23, par. 5005a
9	20 ILCS 505/6b	from Ch. 23, par. 5006b
10	20 ILCS 505/7.5	
11	20 ILCS 505/34.11	
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13	20 ILCS 505/39.3	
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16	20 ILCS 1705/69	
17	30 ILCS 105/16	from Ch. 127, par. 152
18	30 ILCS 105/24.5	from Ch. 127, par. 160.5
19	55 ILCS 5/3-3013	from Ch. 34, par. 3-3013
20	105 ILCS 5/14-8.02a	
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22	225 ILCS 10/2.31	
23	225 ILCS 10/7.3	
24	325 ILCS 20/12	from Ch. 23, par. 4162
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7	705 ILCS 405/4-9	from Ch. 37, par. 804-9
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