

1 AN ACT concerning foster children.

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

4 Section 1. Short title. This Act may be cited as the Foster  
5 Youth Successful Transition to Adulthood Act.

6 Section 5. Legislative findings. The General Assembly  
7 finds that:

8 (1) The transition to adulthood is complex, gradual,  
9 and extended. Long after legal emancipation, many young  
10 adults rely heavily on family and other support networks  
11 for extended periods of time for financial, emotional and  
12 other forms of support, to continue with school, choose a  
13 career or find their way in the world of work, secure  
14 health care, and maintain a stable residence;

15 (2) The young adults who "age out" of the child welfare  
16 system are expected to be self-sufficient long before their  
17 peers, with far fewer resources, and often with many  
18 challenges unique to the experience of growing up in foster  
19 care;

20 (3) Many young adults who "age out" of foster care are  
21 ill-equipped to live independently and are especially  
22 vulnerable to unemployment, homelessness, mental and  
23 physical health-related problems, incarceration, teen

1 pregnancy and parenting, and other obstacles to achieving  
2 sustainable self-sufficiency; and

3 (4) It is in the interests of foster children who leave  
4 the foster care system prematurely, and who subsequently  
5 find themselves unable to maintain their independence  
6 without additional support, to have a mechanism for  
7 reengaging with the Department of Children and Family  
8 Services and the Juvenile Court, and to secure the support  
9 and services available to foster youth seeking to learn to  
10 live independently as adults.

11 Section 10. The Children and Family Services Act is amended  
12 by changing Section 5 as follows:

13 (20 ILCS 505/5) (from Ch. 23, par. 5005)

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

18 (a) For purposes of this Section:

19 (1) "Children" means persons found within the State who  
20 are under the age of 18 years. The term also includes  
21 persons under age 21 ~~19~~ who:

22 (A) were committed to the Department pursuant to  
23 the Juvenile Court Act or the Juvenile Court Act of  
24 1987, as amended, prior to the age of 18 and who

1 continue under the jurisdiction of the court; or

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

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

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

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

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

23 (C) preventing the unnecessary separation of  
24 children from their families by identifying family  
25 problems, assisting families in resolving their  
26 problems, and preventing the breakup of the family

1 where the prevention of child removal is desirable and  
2 possible when the child can be cared for at home  
3 without endangering the child's health and safety;

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

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

12 (F) assuring safe and adequate care of children  
13 away from their homes, in cases where the child cannot  
14 be returned home or cannot be placed for adoption. At  
15 the time of placement, the Department shall consider  
16 concurrent planning, as described in subsection (1-1)  
17 of this Section so that permanency may occur at the  
18 earliest opportunity. Consideration should be given so  
19 that if reunification fails or is delayed, the  
20 placement made is the best available placement to  
21 provide permanency for the child;

22 (G) (blank);

23 (H) (blank); and

24 (I) placing and maintaining children in facilities  
25 that provide separate living quarters for children  
26 under the age of 18 and for children 18 years of age

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

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

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

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

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

17           (b) Nothing in this Section shall be construed to authorize  
18          the expenditure of public funds for the purpose of performing  
19          abortions.

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

25           (d) The Director may authorize advance disbursements for  
26          any new program initiative to any agency contracting with the

1 Department. As a prerequisite for an advance disbursement, the  
2 contractor must post a surety bond in the amount of the advance  
3 disbursement and have a purchase of service contract approved  
4 by the Department. The Department may pay up to 2 months  
5 operational expenses in advance. The amount of the advance  
6 disbursement shall be prorated over the life of the contract or  
7 the remaining months of the fiscal year, whichever is less, and  
8 the installment amount shall then be deducted from future  
9 bills. Advance disbursement authorizations for new initiatives  
10 shall not be made to any agency after that agency has operated  
11 during 2 consecutive fiscal years. The requirements of this  
12 Section concerning advance disbursements shall not apply with  
13 respect to the following: payments to local public agencies for  
14 child day care services as authorized by Section 5a of this  
15 Act; and youth service programs receiving grant funds under  
16 Section 17a-4.

17 (e) (Blank).

18 (f) (Blank).

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

23 (1) adoption;

24 (2) foster care;

25 (3) family counseling;

26 (4) protective services;

- 1 (5) (blank);
- 2 (6) homemaker service;
- 3 (7) return of runaway children;
- 4 (8) (blank);
- 5 (9) placement under Section 5-7 of the Juvenile Court
- 6 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile
- 7 Court Act of 1987 in accordance with the federal Adoption
- 8 Assistance and Child Welfare Act of 1980; and
- 9 (10) interstate services.

10 Rules and regulations established by the Department shall  
11 include provisions for training Department staff and the staff  
12 of Department grantees, through contracts with other agencies  
13 or resources, in alcohol and drug abuse screening techniques  
14 approved by the Department of Human Services, as a successor to  
15 the Department of Alcoholism and Substance Abuse, for the  
16 purpose of identifying children and adults who should be  
17 referred to an alcohol and drug abuse treatment program for  
18 professional evaluation.

19 (h) If the Department finds that there is no appropriate  
20 program or facility within or available to the Department for a  
21 ward and that no licensed private facility has an adequate and  
22 appropriate program or none agrees to accept the ward, the  
23 Department shall create an appropriate individualized,  
24 program-oriented plan for such ward. The plan may be developed  
25 within the Department or through purchase of services by the  
26 Department to the extent that it is within its statutory

1 authority to do.

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

5 (1) case management;

6 (2) homemakers;

7 (3) counseling;

8 (4) parent education;

9 (5) day care; and

10 (6) emergency assistance and advocacy.

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

13 (1) comprehensive family-based services;

14 (2) assessments;

15 (3) respite care; and

16 (4) in-home health services.

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

20 (j) The Department may provide categories of financial  
21 assistance and education assistance grants, and shall  
22 establish rules and regulations concerning the assistance and  
23 grants, to persons who adopt physically or mentally  
24 handicapped, older and other hard-to-place children who (i)  
25 immediately prior to their adoption were legal wards of the  
26 Department or (ii) were determined eligible for financial



1 assistance with respect to a prior adoption and who become  
2 available for adoption because the prior adoption has been  
3 dissolved and the parental rights of the adoptive parents have  
4 been terminated or because the child's adoptive parents have  
5 died. The Department may continue to provide financial  
6 assistance and education assistance grants for a child who was  
7 determined eligible for financial assistance under this  
8 subsection (j) in the interim period beginning when the child's  
9 adoptive parents died and ending with the finalization of the  
10 new adoption of the child by another adoptive parent or  
11 parents. The Department may also provide categories of  
12 financial assistance and education assistance grants, and  
13 shall establish rules and regulations for the assistance and  
14 grants, to persons appointed guardian of the person under  
15 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
16 4-25 or 5-740 of the Juvenile Court Act of 1987 for children  
17 who were wards of the Department for 12 months immediately  
18 prior to the appointment of the guardian.

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

26 Any financial assistance provided under this subsection is

1 inalienable by assignment, sale, execution, attachment,  
2 garnishment, or any other remedy for recovery or collection of  
3 a judgment or debt.

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

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

12 (l) Before July 1, 2000, the Department may provide, and  
13 beginning July 1, 2000, the Department shall offer family  
14 preservation services, as defined in Section 8.2 of the Abused  
15 and Neglected Child Reporting Act, to help families, including  
16 adoptive and extended families. Family preservation services  
17 shall be offered (i) to prevent the placement of children in  
18 substitute care when the children can be cared for at home or  
19 in the custody of the person responsible for the children's  
20 welfare, (ii) to reunite children with their families, or (iii)  
21 to maintain an adoptive placement. Family preservation  
22 services shall only be offered when doing so will not endanger  
23 the children's health or safety. With respect to children who  
24 are in substitute care pursuant to the Juvenile Court Act of  
25 1987, family preservation services shall not be offered if a  
26 goal other than those of subdivisions (A), (B), or (B-1) of

1 subsection (2) of Section 2-28 of that Act has been set.  
2 Nothing in this paragraph shall be construed to create a  
3 private right of action or claim on the part of any individual  
4 or child welfare agency.

5 The Department shall notify the child and his family of the  
6 Department's responsibility to offer and provide family  
7 preservation services as identified in the service plan. The  
8 child and his family shall be eligible for services as soon as  
9 the report is determined to be "indicated". The Department may  
10 offer services to any child or family with respect to whom a  
11 report of suspected child abuse or neglect has been filed,  
12 prior to concluding its investigation under Section 7.12 of the  
13 Abused and Neglected Child Reporting Act. However, the child's  
14 or family's willingness to accept services shall not be  
15 considered in the investigation. The Department may also  
16 provide services to any child or family who is the subject of  
17 any report of suspected child abuse or neglect or may refer  
18 such child or family to services available from other agencies  
19 in the community, even if the report is determined to be  
20 unfounded, if the conditions in the child's or family's home  
21 are reasonably likely to subject the child or family to future  
22 reports of suspected child abuse or neglect. Acceptance of such  
23 services shall be voluntary.

24 The Department may, at its discretion except for those  
25 children also adjudicated neglected or dependent, accept for  
26 care and training any child who has been adjudicated addicted,

1 as a truant minor in need of supervision or as a minor  
2 requiring authoritative intervention, under the Juvenile Court  
3 Act or the Juvenile Court Act of 1987, but no such child shall  
4 be committed to the Department by any court without the  
5 approval of the Department. A minor charged with a criminal  
6 offense under the Criminal Code of 1961 or adjudicated  
7 delinquent shall not be placed in the custody of or committed  
8 to the Department by any court, except (i) a minor less than 15  
9 years of age committed to the Department under Section 5-710 of  
10 the Juvenile Court Act of 1987, (ii) ~~or~~ a minor for whom an  
11 independent basis of abuse, neglect, or dependency exists,  
12 which must be defined by departmental rule, or (iii) a minor  
13 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. An independent basis exists  
16 when the allegations or adjudication of abuse, neglect, or  
17 dependency do not arise from the same facts, incident, or  
18 circumstances which give rise to a charge or adjudication of  
19 delinquency.

20 (1-1) The legislature recognizes that the best interests of  
21 the child require that the child be placed in the most  
22 permanent living arrangement as soon as is practically  
23 possible. To achieve this goal, the legislature directs the  
24 Department of Children and Family Services to conduct  
25 concurrent planning so that permanency may occur at the  
26 earliest opportunity. Permanent living arrangements may

1 include prevention of placement of a child outside the home of  
2 the family when the child can be cared for at home without  
3 endangering the child's health or safety; reunification with  
4 the family, when safe and appropriate, if temporary placement  
5 is necessary; or movement of the child toward the most  
6 permanent living arrangement and permanent legal status.

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

11 When a child is placed in foster care, the Department shall  
12 ensure and document that reasonable efforts were made to  
13 prevent or eliminate the need to remove the child from the  
14 child's home. The Department must make reasonable efforts to  
15 reunify the family when temporary placement of the child occurs  
16 unless otherwise required, pursuant to the Juvenile Court Act  
17 of 1987. At any time after the dispositional hearing where the  
18 Department believes that further reunification services would  
19 be ineffective, it may request a finding from the court that  
20 reasonable efforts are no longer appropriate. The Department is  
21 not required to provide further reunification services after  
22 such a finding.

23 A decision to place a child in substitute care shall be  
24 made with considerations of the child's health, safety, and  
25 best interests. At the time of placement, consideration should  
26 also be given so that if reunification fails or is delayed, the

1 placement made is the best available placement to provide  
2 permanency for the child.

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

7 (1) the likelihood of prompt reunification;

8 (2) the past history of the family;

9 (3) the barriers to reunification being addressed by  
10 the family;

11 (4) the level of cooperation of the family;

12 (5) the foster parents' willingness to work with the  
13 family to reunite;

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

16 (7) the age of the child;

17 (8) placement of siblings.

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

20 (1) it has received a written consent to such temporary  
21 custody signed by the parents of the child or by the parent  
22 having custody of the child if the parents are not living  
23 together or by the guardian or custodian of the child if  
24 the child is not in the custody of either parent, or

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

1 If the child is found in his or her residence without a parent,  
2 guardian, custodian or responsible caretaker, the Department  
3 may, instead of removing the child and assuming temporary  
4 custody, place an authorized representative of the Department  
5 in that residence until such time as a parent, guardian or  
6 custodian enters the home and expresses a willingness and  
7 apparent ability to ensure the child's health and safety and  
8 resume permanent charge of the child, or until a relative  
9 enters the home and is willing and able to ensure the child's  
10 health and safety and assume charge of the child until a  
11 parent, guardian or custodian enters the home and expresses  
12 such willingness and ability to ensure the child's safety and  
13 resume permanent charge. After a caretaker has remained in the  
14 home for a period not to exceed 12 hours, the Department must  
15 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
16 5-415 of the Juvenile Court Act of 1987.

17 The Department shall have the authority, responsibilities  
18 and duties that a legal custodian of the child would have  
19 pursuant to subsection (9) of Section 1-3 of the Juvenile Court  
20 Act of 1987. Whenever a child is taken into temporary custody  
21 pursuant to an investigation under the Abused and Neglected  
22 Child Reporting Act, or pursuant to a referral and acceptance  
23 under the Juvenile Court Act of 1987 of a minor in limited  
24 custody, the Department, during the period of temporary custody  
25 and before the child is brought before a judicial officer as  
26 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile

1 Court Act of 1987, shall have the authority, responsibilities  
2 and duties that a legal custodian of the child would have under  
3 subsection (9) of Section 1-3 of the Juvenile Court Act of  
4 1987.

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

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

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



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

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

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

10 (n-1) The Department shall provide or authorize child  
11 welfare services, aimed at assisting minors to achieve  
12 sustainable self-sufficiency as independent adults, for any  
13 minor eligible for the reinstatement of wardship pursuant to  
14 subsection (2) of Section 2-33 of the Juvenile Court Act of  
15 1987, whether or not such reinstatement is sought or allowed,  
16 provided that the minor consents to such services and has not  
17 yet attained the age of 21. The Department shall have  
18 responsibility for the development and delivery of services  
19 under this Section. An eligible youth may access services under  
20 this Section through the Department of Children and Family  
21 Services or by referral from the Department of Human Services.  
22 Youth participating in services under this Section shall  
23 cooperate with the assigned case manager in developing an  
24 agreement identifying the services to be provided and how the  
25 youth will increase skills to achieve self-sufficiency. A  
26 homeless shelter is not considered appropriate housing for any

1 youth receiving child welfare services under this Section. The  
2 Department shall continue child welfare services under this  
3 Section to any eligible minor until the minor becomes 21 years  
4 of age, no longer consents to participate, or achieves  
5 self-sufficiency as identified in the minor's service plan. The  
6 Department of Children and Family Services shall create clear,  
7 readable notice of the rights of former foster youth to child  
8 welfare services under this Section and how such services may  
9 be obtained. The Department of Children and Family Services and  
10 the Department of Human Services shall disseminate this  
11 information statewide. The Department shall adopt regulations  
12 describing services intended to assist minors in achieving  
13 sustainable self-sufficiency as independent adults.

14 (o) The Department shall establish an administrative  
15 review and appeal process for children and families who request  
16 or receive child welfare services from the Department. Children  
17 who are wards of the Department and are placed by private child  
18 welfare agencies, and foster families with whom those children  
19 are placed, shall be afforded the same procedural and appeal  
20 rights as children and families in the case of placement by the  
21 Department, including the right to an initial review of a  
22 private agency decision by that agency. The Department shall  
23 insure that any private child welfare agency, which accepts  
24 wards of the Department for placement, affords those rights to  
25 children and foster families. The Department shall accept for  
26 administrative review and an appeal hearing a complaint made by

1 (i) a child or foster family concerning a decision following an  
2 initial review by a private child welfare agency or (ii) a  
3 prospective adoptive parent who alleges a violation of  
4 subsection (j-5) of this Section. An appeal of a decision  
5 concerning a change in the placement of a child shall be  
6 conducted in an expedited manner.

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

24 (q) The Department may receive and use, in their entirety,  
25 for the benefit of children any gift, donation or bequest of  
26 money or other property which is received on behalf of such

1 children, or any financial benefits to which such children are  
2 or may become entitled while under the jurisdiction or care of  
3 the Department.

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

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

17 (1) Establish standards in accordance with State and  
18 federal laws for disbursing money from children's  
19 accounts. In all circumstances, the Department's  
20 "Guardianship Administrator" or his or her designee must  
21 approve disbursements from children's accounts. The  
22 Department shall be responsible for keeping complete  
23 records of all disbursements for each account for any  
24 purpose.

25 (2) Calculate on a monthly basis the amounts paid from  
26 State funds for the child's board and care, medical care

1 not covered under Medicaid, and social services; and  
2 utilize funds from the child's account, as covered by  
3 regulation, to reimburse those costs. Monthly,  
4 disbursements from all children's accounts, up to 1/12 of  
5 \$13,000,000, shall be deposited by the Department into the  
6 General Revenue Fund and the balance over 1/12 of  
7 \$13,000,000 into the DCFS Children's Services Fund.

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

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

1 person seeking to adopt the child and of the child.

2 (s) The Department of Children and Family Services may  
3 establish and implement a program to reimburse Department and  
4 private child welfare agency foster parents licensed by the  
5 Department of Children and Family Services for damages  
6 sustained by the foster parents as a result of the malicious or  
7 negligent acts of foster children, as well as providing third  
8 party coverage for such foster parents with regard to actions  
9 of foster children to other individuals. Such coverage will be  
10 secondary to the foster parent liability insurance policy, if  
11 applicable. The program shall be funded through appropriations  
12 from the General Revenue Fund, specifically designated for such  
13 purposes.

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

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

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

25 The Department shall provide written notification to the  
26 court of the specific arrangements for supervised visitation

1 and projected monthly costs within 60 days of the court order.  
2 The Department shall send to the court information related to  
3 the costs incurred except in cases where the court has  
4 determined the parties are financially unable to pay. The court  
5 may order additional periodic reports as appropriate.

6 (u) In addition to other information that must be provided,  
7 whenever the Department places a child with a prospective  
8 adoptive parent or parents or in a licensed foster home, group  
9 home, child care institution, or in a relative home, the  
10 Department shall provide to the prospective adoptive parent or  
11 parents or other caretaker:

12 (1) available detailed information concerning the  
13 child's educational and health history, copies of  
14 immunization records (including insurance and medical card  
15 information), a history of the child's previous  
16 placements, if any, and reasons for placement changes  
17 excluding any information that identifies or reveals the  
18 location of any previous caretaker;

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

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

25 The caretaker shall be informed of any known social or  
26 behavioral information (including, but not limited to,



1 criminal background, fire setting, perpetuation of sexual  
2 abuse, destructive behavior, and substance abuse) necessary to  
3 care for and safeguard the children to be placed or currently  
4 in the home. The Department may prepare a written summary of  
5 the information required by this paragraph, which may be  
6 provided to the foster or prospective adoptive parent in  
7 advance of a placement. The foster or prospective adoptive  
8 parent may review the supporting documents in the child's file  
9 in the presence of casework staff. In the case of an emergency  
10 placement, casework staff shall at least provide known  
11 information verbally, if necessary, and must subsequently  
12 provide the information in writing as required by this  
13 subsection.

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

1 be reviewed and approved regarding accuracy at the supervisory  
2 level.

3 (u-5) Effective July 1, 1995, only foster care placements  
4 licensed as foster family homes pursuant to the Child Care Act  
5 of 1969 shall be eligible to receive foster care payments from  
6 the Department. Relative caregivers who, as of July 1, 1995,  
7 were approved pursuant to approved relative placement rules  
8 previously promulgated by the Department at 89 Ill. Adm. Code  
9 335 and had submitted an application for licensure as a foster  
10 family home may continue to receive foster care payments only  
11 until the Department determines that they may be licensed as a  
12 foster family home or that their application for licensure is  
13 denied or until September 30, 1995, whichever occurs first.

14 (v) The Department shall access criminal history record  
15 information as defined in the Illinois Uniform Conviction  
16 Information Act and information maintained in the adjudicatory  
17 and dispositional record system as defined in Section 2605-355  
18 of the Department of State Police Law (20 ILCS 2605/2605-355)  
19 if the Department determines the information is necessary to  
20 perform its duties under the Abused and Neglected Child  
21 Reporting Act, the Child Care Act of 1969, and the Children and  
22 Family Services Act. The Department shall provide for  
23 interactive computerized communication and processing  
24 equipment that permits direct on-line communication with the  
25 Department of State Police's central criminal history data  
26 repository. The Department shall comply with all certification

1 requirements and provide certified operators who have been  
2 trained by personnel from the Department of State Police. In  
3 addition, one Office of the Inspector General investigator  
4 shall have training in the use of the criminal history  
5 information access system and have access to the terminal. The  
6 Department of Children and Family Services and its employees  
7 shall abide by rules and regulations established by the  
8 Department of State Police relating to the access and  
9 dissemination of this information.

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

22 (v-2) Prior to final approval for placement of a child, the  
23 Department shall check its child abuse and neglect registry for  
24 information concerning prospective foster and adoptive  
25 parents, and any adult living in the home. If any prospective  
26 foster or adoptive parent or other adult living in the home has

1     resided in another state in the preceding 5 years, the  
2     Department shall request a check of that other state's child  
3     abuse and neglect registry.

4           (w) Within 120 days of August 20, 1995 (the effective date  
5     of Public Act 89-392), the Department shall prepare and submit  
6     to the Governor and the General Assembly, a written plan for  
7     the development of in-state licensed secure child care  
8     facilities that care for children who are in need of secure  
9     living arrangements for their health, safety, and well-being.  
10    For purposes of this subsection, secure care facility shall  
11    mean a facility that is designed and operated to ensure that  
12    all entrances and exits from the facility, a building or a  
13    distinct part of the building, are under the exclusive control  
14    of the staff of the facility, whether or not the child has the  
15    freedom of movement within the perimeter of the facility,  
16    building, or distinct part of the building. The plan shall  
17    include descriptions of the types of facilities that are needed  
18    in Illinois; the cost of developing these secure care  
19    facilities; the estimated number of placements; the potential  
20    cost savings resulting from the movement of children currently  
21    out-of-state who are projected to be returned to Illinois; the  
22    necessary geographic distribution of these facilities in  
23    Illinois; and a proposed timetable for development of such  
24    facilities.

25    (Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06;  
26    95-10, eff. 6-30-07; 95-601, eff. 9-11-07; 95-642, eff. 6-1-08;

1 95-876, eff. 8-21-08.)

2 Section 15. The Juvenile Court Act of 1987 is amended by  
3 changing Sections 2-23, 2-27, 2-31, and 2-33 as follows:

4 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

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

21 However, in any case in which a minor is found by the  
22 court to be neglected or abused under Section 2-3 of this  
23 Act, custody of the minor shall not be restored to any  
24 parent, guardian or legal custodian whose acts or omissions

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

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

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

26 (b-1) A minor between the ages of 18 and 21 may be

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

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

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

20 Unless the order of disposition expressly so provides, it  
21 does not operate to close proceedings on the pending petition,  
22 but is subject to modification, not inconsistent with Section  
23 2-28, until final closing and discharge of the proceedings  
24 under Section 2-31.

25 (3) The court also shall enter any other orders necessary  
26 to fulfill the service plan, including, but not limited to, (i)

1 orders requiring parties to cooperate with services, (ii)  
2 restraining orders controlling the conduct of any party likely  
3 to frustrate the achievement of the goal, and (iii) visiting  
4 orders. Unless otherwise specifically authorized by law, the  
5 court is not empowered under this subsection (3) to order  
6 specific placements, specific services, or specific service  
7 providers to be included in the plan. If the court concludes  
8 that the Department of Children and Family Services has abused  
9 its discretion in setting the current service plan or  
10 permanency goal for the minor, the court shall enter specific  
11 findings in writing based on the evidence and shall enter an  
12 order for the Department to develop and implement a new  
13 permanency goal and service plan consistent with the court's  
14 findings. The new service plan shall be filed with the court  
15 and served on all parties. The court shall continue the matter  
16 until the new service plan is filed.

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

26 (5) Any order for disposition where the minor is committed



1 or placed in accordance with Section 2-27 shall provide for the  
2 parents or guardian of the estate of such minor to pay to the  
3 legal custodian or guardian of the person of the minor such  
4 sums as are determined by the custodian or guardian of the  
5 person of the minor as necessary for the minor's needs. Such  
6 payments may not exceed the maximum amounts provided for by  
7 Section 9.1 of the Children and Family Services Act.

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

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

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

17 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

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

19 (1) If the court determines and puts in writing the factual  
20 basis supporting the determination of whether the parents,  
21 guardian, or legal custodian of a minor adjudged a ward of the  
22 court are unfit or are unable, for some reason other than  
23 financial circumstances alone, to care for, protect, train or  
24 discipline the minor or are unwilling to do so, and that the  
25 health, safety, and best interest of the minor will be

1       jeopardized if the minor remains in the custody of his or her  
2       parents, guardian or custodian, the court may at this hearing  
3       and at any later point:

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

6               (a-5) with the approval of the Department of Children  
7       and Family Services, place the minor in the subsidized  
8       guardianship of a suitable relative or other person as  
9       legal guardian; "subsidized guardianship" means a private  
10      guardianship arrangement for children for whom the  
11      permanency goals of return home and adoption have been  
12      ruled out and who meet the qualifications for subsidized  
13      guardianship as defined by the Department of Children and  
14      Family Services in administrative rules;

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

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

21              (d) commit the minor to the Department of Children and  
22      Family Services for care and service; however, a minor  
23      charged with a criminal offense under the Criminal Code of  
24      1961 or adjudicated delinquent shall not be placed in the  
25      custody of or committed to the Department of Children and  
26      Family Services by any court, except (i) a minor less than

1 15 years of age and committed to the Department of Children  
2 and Family Services under Section 5-710 of this Act, (ii)  
3 ~~or~~ a minor for whom an independent basis of abuse, neglect,  
4 or dependency exists, or (iii) a minor for whom the court  
5 has granted a supplemental petition to reinstate wardship  
6 pursuant to subsection (2) of Section 2-33 of this Act. An  
7 independent basis exists when the allegations or  
8 adjudication of abuse, neglect, or dependency do not arise  
9 from the same facts, incident, or circumstances which give  
10 rise to a charge or adjudication of delinquency. The  
11 Department shall be given due notice of the pendency of the  
12 action and the Guardianship Administrator of the  
13 Department of Children and Family Services shall be  
14 appointed guardian of the person of the minor. Whenever the  
15 Department seeks to discharge a minor from its care and  
16 service, the Guardianship Administrator shall petition the  
17 court for an order terminating guardianship. The  
18 Guardianship Administrator may designate one or more other  
19 officers of the Department, appointed as Department  
20 officers by administrative order of the Department  
21 Director, authorized to affix the signature of the  
22 Guardianship Administrator to documents affecting the  
23 guardian-ward relationship of children for whom he or she  
24 has been appointed guardian at such times as he or she is  
25 unable to perform the duties of his or her office. The  
26 signature authorization shall include but not be limited to

1 matters of consent of marriage, enlistment in the armed  
2 forces, legal proceedings, adoption, major medical and  
3 surgical treatment and application for driver's license.  
4 Signature authorizations made pursuant to the provisions  
5 of this paragraph shall be filed with the Secretary of  
6 State and the Secretary of State shall provide upon payment  
7 of the customary fee, certified copies of the authorization  
8 to any court or individual who requests a copy.

9 (1.5) In making a determination under this Section, the  
10 court shall also consider whether, based on health, safety, and  
11 the best interests of the minor,

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

17 (b) no family preservation or family reunification  
18 services would be appropriate,

19 and if the petition or amended petition contained an allegation  
20 that the parent is an unfit person as defined in subdivision  
21 (D) of Section 1 of the Adoption Act, and the order of  
22 adjudication recites that parental unfitness was established  
23 by clear and convincing evidence, the court shall, when  
24 appropriate and in the best interest of the minor, enter an  
25 order terminating parental rights and appointing a guardian  
26 with power to consent to adoption in accordance with Section

1 2-29.

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

12 (2) When a minor is placed with a suitable relative or  
13 other person pursuant to item (a) of subsection (1), the court  
14 shall appoint him or her the legal custodian or guardian of the  
15 person of the minor. When a minor is committed to any agency,  
16 the court shall appoint the proper officer or representative  
17 thereof as legal custodian or guardian of the person of the  
18 minor. Legal custodians and guardians of the person of the  
19 minor have the respective rights and duties set forth in  
20 subsection (9) of Section 1-3 except as otherwise provided by  
21 order of court; but no guardian of the person may consent to  
22 adoption of the minor unless that authority is conferred upon  
23 him or her in accordance with Section 2-29. An agency whose  
24 representative is appointed guardian of the person or legal  
25 custodian of the minor may place the minor in any child care  
26 facility, but the facility must be licensed under the Child

1 Care Act of 1969 or have been approved by the Department of  
2 Children and Family Services as meeting the standards  
3 established for such licensing. No agency may place a minor  
4 adjudicated under Sections 2-3 or 2-4 in a child care facility  
5 unless the placement is in compliance with the rules and  
6 regulations for placement under this Section promulgated by the  
7 Department of Children and Family Services under Section 5 of  
8 the Children and Family Services Act. Like authority and  
9 restrictions shall be conferred by the court upon any probation  
10 officer who has been appointed guardian of the person of a  
11 minor.

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

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

22 (5) Custody or guardianship granted under this Section  
23 continues until the court otherwise directs, but not after the  
24 minor reaches the age of 19 years except as set forth in  
25 Section 2-31, or if the minor was previously committed to the  
26 Department of Children and Family Services for care and service

1 and the court has granted a supplemental petition to reinstate  
2 wardship pursuant to subsection (2) of Section 2-33.

3 (6) (Blank).

4 (Source: P.A. 95-642, eff. 6-1-08.)

5 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

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

8 (1) All proceedings under this Act in respect of any minor  
9 for whom a petition was filed after the effective date of this  
10 amendatory Act of 1991 automatically terminate upon his  
11 attaining the age of 19 years, except that a court may continue  
12 the wardship of a minor until age 21 for good cause when there  
13 is satisfactory evidence presented to the court and the court  
14 makes written factual findings that the health, safety, and  
15 best interest of the minor and the public require the  
16 continuation of the wardship.

17 (2) Whenever the court determines, and makes written  
18 factual findings, that health, safety, and the best interests  
19 of the minor and the public no longer require the wardship of  
20 the court, the court shall order the wardship terminated and  
21 all proceedings under this Act respecting that minor finally  
22 closed and discharged. The court may at the same time continue  
23 or terminate any custodianship or guardianship theretofore  
24 ordered but the termination must be made in compliance with  
25 Section 2-28. When terminating wardship under this Section, if

1 the minor is over 18, or if wardship is terminated in  
2 conjunction with an order partially or completely emancipating  
3 the minor in accordance with the Emancipation of Minors Act,  
4 the court shall also make specific findings of fact as to the  
5 minor's wishes regarding case closure and the manner in which  
6 the minor will maintain independence. The minor's lack of  
7 cooperation with services provided by the Department of  
8 Children and Family Services shall not by itself be considered  
9 sufficient evidence that the minor is prepared to live  
10 independently and that it is in the best interest of the minor  
11 to terminate wardship.

12 (3) The wardship of the minor and any custodianship or  
13 guardianship respecting the minor for whom a petition was filed  
14 after the effective date of this amendatory Act of 1991  
15 automatically terminates when he attains the age of 19 years  
16 except as set forth in subsection (1) of this Section. The  
17 clerk of the court shall at that time record all proceedings  
18 under this Act as finally closed and discharged for that  
19 reason.

20 (Source: P.A. 90-28, eff. 1-1-98; 90-608, eff. 6-30-98; 90-655,  
21 eff. 7-30-98.)

22 (705 ILCS 405/2-33)

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

24 (1) Any time prior to a minor's 18th birthday, pursuant to  
25 a supplemental petition filed under this Section, the court may



1 reinstate wardship and open a previously closed case when:

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

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

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

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

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

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

18 (ii) closure of a case under subsection (2) of  
19 Section 2-31 in the case of a minor under the age of 18  
20 who has been partially or completely emancipated in  
21 accordance with the Emancipation of Minors Act; or

22 (iii) an order entered under subsection (3) of  
23 Section 2-31 based on the minor's attaining the age of  
24 19 years;

25 (b) the minor is not presently a ward of the court  
26 under Article II of this Act nor is there a petition for

1 adjudication of wardship pending on behalf of the minor;

2 and

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

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

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

17 (5) Whenever a minor is committed to the Department of  
18 Children and Family Services for care and services following  
19 the reinstatement of wardship under this Section, the  
20 Department shall:

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

26 (b) Promptly refer the minor for such services as are

1           necessary and consistent with the minor's health, safety  
2           and best interests.

3           (Source: P.A. 90-608, eff. 6-30-98.)

4           Section 99. Effective date. This Act takes effect January  
5           1, 2010.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 20 ILCS 505/5 from Ch. 23, par. 5005

5 705 ILCS 405/2-23 from Ch. 37, par. 802-23

6 705 ILCS 405/2-27 from Ch. 37, par. 802-27

7 705 ILCS 405/2-31 from Ch. 37, par. 802-31

8 705 ILCS 405/2-33