

# SB1292



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB1292

Introduced 2/8/2011, by Sen. Kimberly A. Lightford

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-745

Amends the Juvenile Court Act of 1987 giving the court the ability to require the Department of Juvenile Justice to report about efforts to secure post-release placement.

LRB097 02706 RLC 42725 b

A BILL FOR

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Section 5-745 as follows:

6 (705 ILCS 405/5-745)

7 Sec. 5-745. Court review.

8 (1) The court may require any legal custodian or guardian  
9 of the person appointed under this Act, including the  
10 Department of Juvenile Justice for youth committed under  
11 Section 5-750 of this Act, to report periodically to the court  
12 or may cite him or her into court and require him or her, or his  
13 or her agency, to make a full and accurate report of his or her  
14 or its doings in behalf of the minor, including efforts to  
15 secure post-release placement of the youth after release from  
16 the Department's facilities. The legal custodian or guardian,  
17 within 10 days after the citation, shall make the report,  
18 either in writing verified by affidavit or orally under oath in  
19 open court, or otherwise as the court directs. Upon the hearing  
20 of the report the court may remove the legal custodian or  
21 guardian and appoint another in his or her stead or restore the  
22 minor to the custody of his or her parents or former guardian  
23 or legal custodian.

1           (2) A guardian or legal custodian appointed by the court  
2 under this Act shall file updated case plans with the court  
3 every 6 months. Every agency which has guardianship of a child  
4 shall file a supplemental petition for court review, or review  
5 by an administrative body appointed or approved by the court  
6 and further order within 18 months of the sentencing order and  
7 each 18 months thereafter. The petition shall state facts  
8 relative to the child's present condition of physical, mental  
9 and emotional health as well as facts relative to his or her  
10 present custodial or foster care. The petition shall be set for  
11 hearing and the clerk shall mail 10 days notice of the hearing  
12 by certified mail, return receipt requested, to the person or  
13 agency having the physical custody of the child, the minor and  
14 other interested parties unless a written waiver of notice is  
15 filed with the petition.

16           If the minor is in the custody of the Illinois Department  
17 of Children and Family Services, pursuant to an order entered  
18 under this Article, the court shall conduct permanency hearings  
19 as set out in subsections (1), (2), and (3) of Section 2-28 of  
20 Article II of this Act.

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

24           (3) The minor or any person interested in the minor may  
25 apply to the court for a change in custody of the minor and the  
26 appointment of a new custodian or guardian of the person or for

1 the restoration of the minor to the custody of his or her  
2 parents or former guardian or custodian. In the event that the  
3 minor has attained 18 years of age and the guardian or  
4 custodian petitions the court for an order terminating his or  
5 her guardianship or custody, guardianship or legal custody  
6 shall terminate automatically 30 days after the receipt of the  
7 petition unless the court orders otherwise. No legal custodian  
8 or guardian of the person may be removed without his or her  
9 consent until given notice and an opportunity to be heard by  
10 the court.

11 (Source: P.A. 96-178, eff. 1-1-10.)