



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB4496

by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-745

Amends the Juvenile Court Act of 1987. Provides that if the minor is in the custody of the Department of Juvenile Justice, the case plan shall include: (1) information as to the minor's physical, mental, and emotional health condition; (2) summary of the physical and mental health services provided to the minor; (3) unmet physical and mental health and education needs which have been identified by the Department; (4) information as to the Department's efforts to secure post-release placement of the minor after release from the Department; (5) identification of the minor's grade level and educational history, including a determination if the minor has in the past, or is currently receiving special education services; (6) identification of educational goals, educational needs, and identifiable educational problems; and (7) determination as to the need for a case study evaluation. Provides that upon receipt, the court shall review the report and determine whether a hearing would serve the minor's best interests. Provides that when the court has set a hearing on the case plan, the clerk shall mail notice of the hearing to the Director of Juvenile Justice and where the court record includes their last known addresses, to the minor's parents and guardian. Provides that if after receiving evidence, the court determines that the services contained in the plan are not reasonably calculated to prepare the minor for a successful reentry into the community, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the evidence. Provides that the court also shall enter an order for the Department to develop and implement a new service plan or to implement changes to the current service plan consistent with the court's findings. Provides that the new service plan shall be filed with the court and served on all parties within 45 days of the date of the order. Provides that the court shall continue the matter until the new service plan is filed. Provides that unless otherwise specifically authorized by law, the court may not order specific placements, specific services, or specific service providers to be included in the plan.

LRB098 19356 RLC 54509 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. If the minor is in the custody of the  
4 Department of Juvenile Justice, the plan shall include:

5           (a) information as to the minor's physical, mental, and  
6 emotional health condition;

7           (b) summary of the physical and mental health services  
8 provided to the minor;

9           (c) unmet physical and mental health and education  
10 needs which have been identified by the Department;

11           (d) information as to the Department's efforts to  
12 secure post-release placement of the minor after release  
13 from the Department;

14           (e) identification of the minor's grade level and  
15 educational history, including a determination if the  
16 minor has in the past or is currently receiving special  
17 education services;

18           (f) identification of educational goals, educational  
19 needs, and identifiable educational problems; and

20           (g) determination as to the need for a case study  
21 evaluation.

22           Upon receipt, the court shall review the report and  
23 determine whether a hearing would serve the minor's best  
24 interests. When the court has set a hearing on the case plan,  
25 the clerk shall mail notice of the hearing to the Director of  
26 Juvenile Justice at least 10 days prior to the hearing and when

1 the court record includes their last known addresses, to the  
2 minor's parents and guardian. If after receiving evidence, the  
3 court determines that the services contained in the plan are  
4 not reasonably calculated to prepare the minor for a successful  
5 reentry into the community, the court shall put in writing the  
6 factual basis supporting the determination and enter specific  
7 findings based on the evidence. The court also shall enter an  
8 order for the Department to develop and implement a new service  
9 plan or to implement changes to the current service plan  
10 consistent with the court's findings. The new service plan  
11 shall be filed with the court and served on all parties within  
12 45 days of the date of the order. The court shall continue the  
13 matter until the new service plan is filed. Unless otherwise  
14 specifically authorized by law, the court may not under  
15 subsection (2) or subsection (3) of this Section order specific  
16 placements, specific services, or specific service providers  
17 to be included in the plan.

18 Every agency which has guardianship of a child shall file a  
19 supplemental petition for court review, or review by an  
20 administrative body appointed or approved by the court and  
21 further order within 18 months of the sentencing order and each  
22 18 months thereafter. The petition shall state facts relative  
23 to the child's present condition of physical, mental and  
24 emotional health as well as facts relative to his or her  
25 present custodial or foster care. The petition shall be set for  
26 hearing and the clerk shall mail 10 days notice of the hearing

1 by certified mail, return receipt requested, to the person or  
2 agency having the physical custody of the child, the minor and  
3 other interested parties unless a written waiver of notice is  
4 filed with the petition.

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

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

13 (3) The minor or any person interested in the minor may  
14 apply to the court for a change in custody of the minor and the  
15 appointment of a new custodian or guardian of the person or for  
16 the restoration of the minor to the custody of his or her  
17 parents or former guardian or custodian. In the event that the  
18 minor has attained 18 years of age and the guardian or  
19 custodian petitions the court for an order terminating his or  
20 her guardianship or custody, guardianship or legal custody  
21 shall terminate automatically 30 days after the receipt of the  
22 petition unless the court orders otherwise. No legal custodian  
23 or guardian of the person may be removed without his or her  
24 consent until given notice and an opportunity to be heard by  
25 the court.

26 (Source: P.A. 96-178, eff. 1-1-10; 97-518, eff. 1-1-12.)