



Rep. Sara Feigenholtz

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1 AMENDMENT TO HOUSE BILL 5598

2 AMENDMENT NO. _____. Amend House Bill 5598 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is amended
5 by adding Sections 5.40 and 5.41 as follows:

6 (20 ILCS 505/5.40 new)

7 Sec. 5.40. Prohibition against relinquishment of custody
8 of a child when placement is solely for lack of available
9 mental health treatment or treatment of a developmental
10 disability; voluntary placement agreement.

11 (a) As used in this Section:

12 "Developmental disability" means a disability which is
13 attributable to: (i) an intellectual disability, cerebral
14 palsy, epilepsy, or autism; or (ii) any other condition
15 which results in impairment similar to that caused by an
16 intellectual disability and which requires services

1 similar to those required by intellectually disabled
2 persons. Such disability must originate before the age of
3 18 years, be expected to continue indefinitely, and
4 constitute a substantial handicap.

5 "Family income" means the sum of a family's annual
6 earnings and cash benefits from all sources before taxes,
7 less payments made for child support.

8 "Federal poverty level" means the poverty guidelines
9 updated periodically in the Federal Register by the United
10 States Department of Health and Human Services under the
11 authority of 42 U.S.C. 9902(2).

12 "Serious emotional disturbance" means a diagnosable
13 mental, behavioral, or emotional disorder in a child or
14 youth that resulted in functional impairment which
15 substantially interferes with or limits his or her role or
16 functioning in family, school, or community activities.

17 "Serious mental illness" means the presence of a major
18 disorder as classified in the Diagnostic and Statistical
19 Manual of Mental Disorders, Fourth Edition (DSM-IV)
20 (American Psychiatric Association, 1400 K Street NW,
21 Washington, DC 20005), excluding alcohol and substance
22 abuse, Alzheimer's disease, and other forms of dementia
23 based upon organic or physical disorders. A serious mental
24 illness is determined by all of the following diagnoses
25 that constitute a serious mental illness:

26 (1) Schizophrenia;

1 (2) Delusional disorder;

2 (3) Schizo-affective disorder;

3 (4) Psychotic disorder not otherwise
4 specified;

5 (5) Bipolar disorder I - mixed, manic, and
6 depressed;

7 (6) Bipolar disorder II;

8 (7) Cyclothymic disorder; or

9 (8) Bipolar disorder not otherwise specified

10 I.

11 (b) When a child is voluntarily placed in therapeutic
12 out-of-home care funded by the Department for the sole purpose
13 of obtaining mental health treatment for the child or treatment
14 for the child's developmental disability, the Department is
15 prohibited from requesting, recommending, or requiring that a
16 parent relinquish his or her custody or guardianship. The
17 voluntary placement provisions under this Section do not apply
18 to children who are abused or neglected as defined in the
19 Abused and Neglected Child Reporting Act and the Juvenile Court
20 Act of 1987.

21 (b-1) A child is eligible for voluntary placement pursuant
22 to this Section only if the child has had at least 2
23 hospitalizations within the last 12 months directly related to
24 the child's serious mental illness, serious emotional
25 disturbance, or developmental disability which the therapeutic
26 out-of-home treatment is expected to treat and residential

1 treatment has been the prescribed recommended treatment by a
2 physician or clinician.

3 (c) A child voluntarily placed pursuant to subsection (b)
4 shall be placed in a therapeutic out-of-home placement pursuant
5 to a voluntary placement agreement voluntarily entered into by
6 the parents or legal guardian of the child and the Department
7 of Children and Family Services. The agreement must contain, at
8 a minimum, the following:

9 (1) A statement that the parent or legal guardian of
10 the child is not relinquishing custody of the child to the
11 Department or consenting to the termination of his or her
12 parental rights.

13 (2) A statement specifying the legal status of the
14 child.

15 (3) A statement specifying the rights and obligations
16 of the parent of the child and the child's guardian or
17 custodian, if any.

18 (4) A statement specifying the responsibilities of the
19 Department regarding the care, placement, and treatment of
20 the child.

21 (d) When a child is voluntarily placed pursuant to this
22 Section, the Department is responsible for the child's
23 placement and care. When a voluntary placement agreement is
24 executed, the Department of Children and Family Services shall
25 ensure that the case is brought to the attention of a court in
26 sufficient time for the court to make a finding within the

1 first 180 days that therapeutic out-of-home placement is in the
2 best interest of the child.

3 (e) A child's need for therapeutic out-of-home placement to
4 treat a serious emotional disturbance, serious mental illness,
5 or a developmental disability shall not in and of itself
6 constitute a basis for a finding that the child is abused or
7 neglected. A planned abandonment or relinquishment of custody
8 of a child at a hospital or similar facility shall not be the
9 basis for a finding of abuse or neglect of the child if the
10 Department determines that the parents or legal guardian were
11 reasonable in their belief that taking the child home would
12 endanger the child or other family members and the child is not
13 otherwise abused or neglected.

14 (f) For a child voluntarily placed pursuant to this
15 Section, parental or guardian financial contribution to the
16 cost of the child's care while the child is in a therapeutic
17 out-of-home placement is required based on family income level:

18 (1) If family income is at or below 300% of the federal
19 poverty level, the parents or guardians are not required to
20 share in the cost of the child's care.

21 (2) If family income is above 300% of the federal
22 poverty level and equal to or less than 400% of the federal
23 poverty level, the parents or guardians of the child must
24 contribute an amount not to exceed 5% of the cost of the
25 child's care.

26 (3) If family income is above 400% of the federal

1 poverty level and equal to or less than 500% of the federal
2 poverty level, the parents or guardians of the child must
3 contribute an amount not to exceed 10% of the cost of the
4 child's care.

5 (4) If family income is above 500% of the federal
6 poverty level, the parents or guardians shall contribute
7 not more than 15% to the cost of the child's care.

8 (5) A parent or guardian who has private health
9 insurance coverage for their family, including their
10 child, must exhaust their insurance coverage first for
11 coverage for residential services before the Department of
12 Children and Family Services funds a therapeutic
13 out-of-home placement pursuant to this Section. The parent
14 or guardian shall maintain existing health care coverage to
15 pay for the child's other health care needs while in the
16 therapeutic out-of-home placement.

17 (20 ILCS 505/5.41 new)

18 Sec. 5.41. Interagency agreement for treatment of a child
19 with a serious mental illness, serious emotional disturbance,
20 or developmental disability to avert relinquishment of custody
21 or voluntary placement. The Department of Children and Family
22 Services, the Division of Mental Health and the Division of
23 Developmental Disabilities within the Department of Human
24 Services, the Department of Healthcare and Family Services, and
25 the Illinois State Board of Education shall enter into an

1 interagency agreement for the purpose of preventing children
2 from entering or being placed in the custody or guardianship of
3 the Department of Children and Family Services solely for
4 purposes of treatment of a child's serious mental illness,
5 serious emotional disturbance, or developmental disability.

6 The interagency agreement shall include protocols designed
7 to get a child into care under the most appropriate State
8 agency that will address the child's care needs and keep the
9 family from entering into a voluntary placement agreement or
10 from relinquishing custody of the child. The interagency
11 agreement shall identify the criteria by which children with
12 special needs will receive services under the appropriate State
13 agency and each agency's responsibility throughout the
14 process, including budget responsibility.

15 For the purpose of obtaining data and outcomes, the
16 Department of Children and Family Services shall submit a
17 cumulative semi-annual report to the General Assembly which
18 includes the following with respect to the time period covered
19 by the report:

20 (1) The number of children who were voluntarily placed
21 pursuant to Section 5.40 of this Act.

22 (2) The number of children whose parents or legal
23 guardians were offered but refused a voluntary placement
24 and how the cases were resolved.

25 (3) The causes of the voluntary placements reported and
26 other intervention services provided in the cases

1 reported, including out-of-home therapeutic treatment.

2 (4) The length of treatment and the status of the
3 children at termination of service.

4 Section 10. The Juvenile Court Act of 1987 is amended by
5 changing Sections 1-3, 2-1, 2-4, 2-13, 2-17, 2-21, 2-22, 2-23,
6 and 2-28 and by adding Section 2-4b as follows:

7 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

8 Sec. 1-3. Definitions. Terms used in this Act, unless the
9 context otherwise requires, have the following meanings
10 ascribed to them:

11 (1) "Adjudicatory hearing" means a hearing to determine
12 whether the allegations of a petition under Section 2-13, 3-15
13 or 4-12 that a minor under 18 years of age is abused,
14 neglected, ~~or~~ dependent, subject to a voluntary placement
15 agreement, or requires authoritative intervention, or
16 addicted, respectively, are supported by a preponderance of the
17 evidence or whether the allegations of a petition under Section
18 5-520 that a minor is delinquent are proved beyond a reasonable
19 doubt.

20 (2) "Adult" means a person 21 years of age or older.

21 (3) "Agency" means a public or private child care facility
22 legally authorized or licensed by this State for placement or
23 institutional care or for both placement and institutional
24 care.

1 (4) "Association" means any organization, public or
2 private, engaged in welfare functions which include services to
3 or on behalf of children but does not include "agency" as
4 herein defined.

5 (4.05) Whenever a "best interest" determination is
6 required, the following factors shall be considered in the
7 context of the child's age and developmental needs:

8 (a) the physical safety and welfare of the child,
9 including food, shelter, health, and clothing;

10 (b) the development of the child's identity;

11 (c) the child's background and ties, including
12 familial, cultural, and religious;

13 (d) the child's sense of attachments, including:

14 (i) where the child actually feels love,
15 attachment, and a sense of being valued (as opposed to
16 where adults believe the child should feel such love,
17 attachment, and a sense of being valued);

18 (ii) the child's sense of security;

19 (iii) the child's sense of familiarity;

20 (iv) continuity of affection for the child;

21 (v) the least disruptive placement alternative for
22 the child;

23 (e) the child's wishes and long-term goals;

24 (f) the child's community ties, including church,
25 school, and friends;

26 (g) the child's need for permanence which includes the

1 child's need for stability and continuity of relationships
2 with parent figures and with siblings and other relatives;

3 (h) the uniqueness of every family and child;

4 (i) the risks attendant to entering and being in
5 substitute care; and

6 (j) the preferences of the persons available to care
7 for the child.

8 (4.1) "Chronic truant" shall have the definition ascribed
9 to it in Section 26-2a of the School Code.

10 (5) "Court" means the circuit court in a session or
11 division assigned to hear proceedings under this Act.

12 (6) "Dispositional hearing" means a hearing to determine
13 whether a minor should be adjudged to be a ward of the court,
14 and to determine what order of disposition should be made in
15 respect to a minor adjudged to be a ward of the court.

16 (7) "Emancipated minor" means any minor 16 years of age or
17 over who has been completely or partially emancipated under the
18 Emancipation of Minors Act or under this Act.

19 (7.05) "Foster parent" includes a relative caregiver
20 selected by the Department of Children and Family Services to
21 provide care for the minor.

22 (8) "Guardianship of the person" of a minor means the duty
23 and authority to act in the best interests of the minor,
24 subject to residual parental rights and responsibilities, to
25 make important decisions in matters having a permanent effect
26 on the life and development of the minor and to be concerned

1 with his or her general welfare. It includes but is not
2 necessarily limited to:

3 (a) the authority to consent to marriage, to enlistment
4 in the armed forces of the United States, or to a major
5 medical, psychiatric, and surgical treatment; to represent
6 the minor in legal actions; and to make other decisions of
7 substantial legal significance concerning the minor;

8 (b) the authority and duty of reasonable visitation,
9 except to the extent that these have been limited in the
10 best interests of the minor by court order;

11 (c) the rights and responsibilities of legal custody
12 except where legal custody has been vested in another
13 person or agency; and

14 (d) the power to consent to the adoption of the minor,
15 but only if expressly conferred on the guardian in
16 accordance with Section 2-29, 3-30, or 4-27.

17 (9) "Legal custody" means the relationship created by an
18 order of court in the best interests of the minor which imposes
19 on the custodian the responsibility of physical possession of a
20 minor and the duty to protect, train and discipline him and to
21 provide him with food, shelter, education and ordinary medical
22 care, except as these are limited by residual parental rights
23 and responsibilities and the rights and responsibilities of the
24 guardian of the person, if any.

25 (9.1) "Mentally capable adult relative" means a person 21
26 years of age or older who is not suffering from a mental

1 illness that prevents him or her from providing the care
2 necessary to safeguard the physical safety and welfare of a
3 minor who is left in that person's care by the parent or
4 parents or other person responsible for the minor's welfare.

5 (10) "Minor" means a person under the age of 21 years
6 subject to this Act.

7 (11) "Parent" means the father or mother of a child and
8 includes any adoptive parent. It also includes a man (i) whose
9 paternity is presumed or has been established under the law of
10 this or another jurisdiction or (ii) who has registered with
11 the Putative Father Registry in accordance with Section 12.1 of
12 the Adoption Act and whose paternity has not been ruled out
13 under the law of this or another jurisdiction. It does not
14 include a parent whose rights in respect to the minor have been
15 terminated in any manner provided by law. It does not include a
16 person who has been or could be determined to be a parent under
17 the Illinois Parentage Act of 1984, or similar parentage law in
18 any other state, if that person has been convicted of or pled
19 nolo contendere to a crime that resulted in the conception of
20 the child under Section 11-1.20, 11-1.30, 11-1.40, 11-11,
21 12-13, 12-14, 12-14.1, subsection (a) or (b) (but not
22 subsection (c)) of Section 11-1.50 or 12-15, or subsection (a),
23 (b), (c), (e), or (f) (but not subsection (d)) of Section
24 11-1.60 or 12-16 of the Criminal Code of 1961 or the Criminal
25 Code of 2012, or similar statute in another jurisdiction unless
26 upon motion of any party, other than the offender, to the

1 juvenile court proceedings the court finds it is in the child's
2 best interest to deem the offender a parent for purposes of the
3 juvenile court proceedings.

4 (11.1) "Permanency goal" means a goal set by the court as
5 defined in subdivision (2) of Section 2-28.

6 (11.2) "Permanency hearing" means a hearing to set the
7 permanency goal and to review and determine (i) the
8 appropriateness of the services contained in the plan and
9 whether those services have been provided, (ii) whether
10 reasonable efforts have been made by all the parties to the
11 service plan to achieve the goal, and (iii) whether the plan
12 and goal have been achieved.

13 (12) "Petition" means the petition provided for in Section
14 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
15 thereunder in Section 3-15, 4-12 or 5-520.

16 (12.1) "Physically capable adult relative" means a person
17 21 years of age or older who does not have a severe physical
18 disability or medical condition, or is not suffering from
19 alcoholism or drug addiction, that prevents him or her from
20 providing the care necessary to safeguard the physical safety
21 and welfare of a minor who is left in that person's care by the
22 parent or parents or other person responsible for the minor's
23 welfare.

24 (12.2) "Post Permanency Sibling Contact Agreement" has the
25 meaning ascribed to the term in Section 7.4 of the Children and
26 Family Services Act.

1 (13) "Residual parental rights and responsibilities" means
2 those rights and responsibilities remaining with the parent
3 after the transfer of legal custody or guardianship of the
4 person, including, but not necessarily limited to, the right to
5 reasonable visitation (which may be limited by the court in the
6 best interests of the minor as provided in subsection (8) (b) of
7 this Section), the right to consent to adoption, the right to
8 determine the minor's religious affiliation, and the
9 responsibility for his support.

10 (14) "Shelter" means the temporary care of a minor in
11 physically unrestricting facilities pending court disposition
12 or execution of court order for placement.

13 (14.1) "Sibling Contact Support Plan" has the meaning
14 ascribed to the term in Section 7.4 of the Children and Family
15 Services Act.

16 (15) "Station adjustment" means the informal handling of an
17 alleged offender by a juvenile police officer.

18 (16) "Ward of the court" means a minor who is so adjudged
19 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
20 requisite jurisdictional facts, and thus is subject to the
21 dispositional powers of the court under this Act.

22 (17) "Juvenile police officer" means a sworn police officer
23 who has completed a Basic Recruit Training Course, has been
24 assigned to the position of juvenile police officer by his or
25 her chief law enforcement officer and has completed the
26 necessary juvenile officers training as prescribed by the

1 Illinois Law Enforcement Training Standards Board, or in the
2 case of a State police officer, juvenile officer training
3 approved by the Director of the Department of State Police.

4 (18) "Secure child care facility" means any child care
5 facility licensed by the Department of Children and Family
6 Services to provide secure living arrangements for children
7 under 18 years of age who are subject to placement in
8 facilities under the Children and Family Services Act and who
9 are not subject to placement in facilities for whom standards
10 are established by the Department of Corrections under Section
11 3-15-2 of the Unified Code of Corrections. "Secure child care
12 facility" also means a facility that is designed and operated
13 to ensure that all entrances and exits from the facility, a
14 building, or a distinct part of the building are under the
15 exclusive control of the staff of the facility, whether or not
16 the child has the freedom of movement within the perimeter of
17 the facility, building, or distinct part of the building.

18 (Source: P.A. 97-568, eff. 8-25-11; 97-1076, eff. 8-24-12;
19 97-1150, eff. 1-25-13; 98-249, eff. 1-1-14.)

20 (705 ILCS 405/2-1) (from Ch. 37, par. 802-1)

21 Sec. 2-1. Jurisdictional facts. Proceedings may be
22 instituted under the provisions of this Article concerning boys
23 and girls who are abused, neglected, ~~or~~ dependent, or
24 voluntarily placed, as defined in Sections 2-3, 2-4, or 2-4b ~~or~~
25 ~~2-4~~.

1 (Source: P.A. 85-601.)

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

3 Sec. 2-4. Dependent minor.

4 (1) Those who are dependent include any minor under 18
5 years of age:

6 (a) who is without a parent, guardian or legal
7 custodian;

8 (b) who is without proper care because of the physical
9 or mental disability of his parent, guardian or custodian;

10 (c) who is without proper medical or other remedial
11 care recognized under State law or other care necessary for
12 his or her well being through no fault, neglect or lack of
13 concern by his parents, guardian or custodian, provided
14 that no order may be made terminating parental rights, nor
15 may a minor be removed from the custody of his or her
16 parents for longer than 6 months, pursuant to an
17 adjudication as a dependent minor under this subdivision

18 (c), unless it is found to be in his or her best interest
19 by the court or the case automatically closes as provided
20 under Section 2-31 of this Act; this subsection (c) does
21 not apply to children with a serious emotional disturbance,
22 a serious mental illness, or a developmental disability who
23 are placed under a voluntary placement agreement; or

24 (d) who has a parent, guardian or legal custodian who
25 with good cause wishes to be relieved of all residual

1 parental rights and responsibilities, guardianship or
2 custody, and who desires the appointment of a guardian of
3 the person with power to consent to the adoption of the
4 minor under Section 2-29.

5 (2) This Section does not apply to a minor who would be
6 included herein solely for the purpose of qualifying for
7 financial assistance for himself, his parent or parents,
8 guardian or custodian or to a minor solely because his or her
9 parent or parents or guardian has left the minor for any period
10 of time in the care of an adult relative, who the parent or
11 parents or guardian know is both a mentally capable adult
12 relative and physically capable adult relative, as defined by
13 this Act.

14 (Source: P.A. 96-168, eff. 8-10-09.)

15 (705 ILCS 405/2-4b new)

16 Sec. 2-4b. Voluntary placement. Children who are
17 voluntarily placed are those under the age of 18 whose parents,
18 guardians, or legal custodians have executed a voluntary
19 placement agreement with the Department of Children and Family
20 Services pursuant to Section 5.40 of the Children and Family
21 Services Act to provide the child with therapeutic short-term
22 out-of-home care for the sole purpose of obtaining mental
23 health treatment for the child or treatment for the child's
24 developmental disability. Children who are abused or neglected
25 as defined under the Abused and Neglected Child Reporting Act

1 or as set forth under Section 2-3 of this Act may not be
2 voluntarily placed pursuant to this Section. No order may be
3 made terminating parental rights of a child voluntarily placed
4 pursuant to this Section. Children who are voluntarily placed
5 remain in the custody and guardianship of the parent, guardian,
6 or custodian while the Department of Children and Family
7 Services is responsible for the child's placement and care. A
8 child may not be subject to a voluntary placement agreement for
9 longer than 180 days without a finding that the placement is in
10 the child's best interest. In addition, the court must make
11 findings every 6 months that the child's continued placement
12 pursuant to the voluntary placement agreement is in the child's
13 best interest.

14 (705 ILCS 405/2-13) (from Ch. 37, par. 802-13)

15 Sec. 2-13. Petition.

16 (1) Any adult person, any agency or association by its
17 representative may file, or the court on its own motion,
18 consistent with the health, safety and best interests of the
19 minor may direct the filing through the State's Attorney of a
20 petition in respect of a minor under this Act. The petition and
21 all subsequent court documents shall be entitled "In the
22 interest of, a minor".

23 (2) The petition shall be verified but the statements may
24 be made upon information and belief. It shall allege that the
25 minor is abused, neglected, ~~or~~ dependent, or subject to a

1 voluntary placement agreement, with citations to the
2 appropriate provisions of this Act, and set forth (a) facts
3 sufficient to bring the minor under Section 2-3, 2-4, or 2-4b
4 ~~or 2-4~~ and to inform respondents of the cause of action,
5 including, but not limited to, a plain and concise statement of
6 the factual allegations that form the basis for the filing of
7 the petition; (b) the name, age and residence of the minor; (c)
8 the names and residences of his parents; (d) the name and
9 residence of his legal guardian or the person or persons having
10 custody or control of the minor, or of the nearest known
11 relative if no parent or guardian can be found; and (e) if the
12 minor upon whose behalf the petition is brought is sheltered in
13 custody, the date on which such temporary custody was ordered
14 by the court or the date set for a temporary custody hearing.
15 If any of the facts herein required are not known by the
16 petitioner, the petition shall so state.

17 (3) The petition must allege that it is in the best
18 interests of the minor and of the public that he be adjudged a
19 ward of the court and may pray generally for relief available
20 under this Act. The petition need not specify any proposed
21 disposition following adjudication of wardship. The petition
22 may request that the minor remain in the custody of the parent,
23 guardian, or custodian under an Order of Protection.

24 (4) If termination of parental rights and appointment of a
25 guardian of the person with power to consent to adoption of the
26 minor under Section 2-29 is sought, the petition shall so

1 state. If the petition includes this request, the prayer for
2 relief shall clearly and obviously state that the parents could
3 permanently lose their rights as a parent at this hearing.

4 In addition to the foregoing, the petitioner, by motion,
5 may request the termination of parental rights and appointment
6 of a guardian of the person with power to consent to adoption
7 of the minor under Section 2-29 at any time after the entry of
8 a dispositional order under Section 2-22.

9 (4.5) (a) With respect to any minors committed to its care
10 pursuant to this Act, the Department of Children and Family
11 Services shall request the State's Attorney to file a petition
12 or motion for termination of parental rights and appointment of
13 guardian of the person with power to consent to adoption of the
14 minor under Section 2-29 if:

15 (i) a minor has been in foster care, as described in
16 subsection (b), for 15 months of the most recent 22 months;
17 or

18 (ii) a minor under the age of 2 years has been
19 previously determined to be abandoned at an adjudicatory
20 hearing; or

21 (iii) the parent is criminally convicted of (A) first
22 degree murder or second degree murder of any child, (B)
23 attempt or conspiracy to commit first degree murder or
24 second degree murder of any child, (C) solicitation to
25 commit murder of any child, solicitation to commit murder
26 for hire of any child, or solicitation to commit second

1 degree murder of any child, (D) aggravated battery,
2 aggravated battery of a child, or felony domestic battery,
3 any of which has resulted in serious injury to the minor or
4 a sibling of the minor, (E) aggravated criminal sexual
5 assault in violation of subdivision (a)(1) of Section
6 11-1.40 or subdivision (a)(1) of Section 12-14.1 of the
7 Criminal Code of 1961 or the Criminal Code of 2012, or (F)
8 an offense in any other state the elements of which are
9 similar and bear a substantial relationship to any of the
10 foregoing offenses

11 unless:

12 (i) the child is being cared for by a relative,

13 (ii) the Department has documented in the case plan a
14 compelling reason for determining that filing such
15 petition would not be in the best interests of the child,

16 (iii) the court has found within the preceding 12
17 months that the Department has failed to make reasonable
18 efforts to reunify the child and family, or

19 (iv) paragraph (c) of this subsection (4.5) provides
20 otherwise.

21 (b) For purposes of this subsection, the date of entering
22 foster care is defined as the earlier of:

23 (1) The date of a judicial finding at an adjudicatory
24 hearing that the child is an abused, neglected, or
25 dependent minor; or

26 (2) 60 days after the date on which the child is

1 removed from his or her parent, guardian, or legal
2 custodian.

3 (c) With respect to paragraph (a)(i), the following
4 transition rules shall apply:

5 (1) If the child entered foster care after November 19,
6 1997 and this amendatory Act of 1998 takes effect before
7 the child has been in foster care for 15 months of the
8 preceding 22 months, then the Department shall comply with
9 the requirements of paragraph (a) of this subsection (4.5)
10 for that child as soon as the child has been in foster care
11 for 15 of the preceding 22 months.

12 (2) If the child entered foster care after November 19,
13 1997 and this amendatory Act of 1998 takes effect after the
14 child has been in foster care for 15 of the preceding 22
15 months, then the Department shall comply with the
16 requirements of paragraph (a) of this subsection (4.5) for
17 that child within 3 months after the end of the next
18 regular session of the General Assembly.

19 (3) If the child entered foster care prior to November
20 19, 1997, then the Department shall comply with the
21 requirements of paragraph (a) of this subsection (4.5) for
22 that child in accordance with Department policy or rule.

23 (d) If the State's Attorney determines that the
24 Department's request for filing of a petition or motion
25 conforms to the requirements set forth in subdivisions (a),
26 (b), and (c) of this subsection (4.5), then the State's

1 Attorney shall file the petition or motion as requested.

2 (5) The court shall liberally allow the petitioner to amend
3 the petition to set forth a cause of action or to add, amend,
4 or supplement factual allegations that form the basis for a
5 cause of action up until 14 days before the adjudicatory
6 hearing. The petitioner may amend the petition after that date
7 and prior to the adjudicatory hearing if the court grants leave
8 to amend upon a showing of good cause. The court may allow
9 amendment of the petition to conform with the evidence at any
10 time prior to ruling. In all cases in which the court has
11 granted leave to amend based on new evidence or new
12 allegations, the court shall permit the respondent an adequate
13 opportunity to prepare a defense to the amended petition.

14 (6) At any time before dismissal of the petition or before
15 final closing and discharge under Section 2-31, one or more
16 motions in the best interests of the minor may be filed. The
17 motion shall specify sufficient facts in support of the relief
18 requested.

19 (Source: P.A. 97-1150, eff. 1-25-13.)

20 (705 ILCS 405/2-17) (from Ch. 37, par. 802-17)

21 Sec. 2-17. Guardian ad litem.

22 (1) Immediately upon the filing of a petition alleging that
23 the minor is a person described in Sections 2-3, 2-4, or 2-4b
24 ~~or 2-4~~ of this Article, the court shall appoint a guardian ad
25 litem for the minor if:

1 (a) such petition alleges that the minor is ~~an~~ abused,
2 ~~or~~ neglected, dependent, or voluntarily placed child; or

3 (b) such petition alleges that charges alleging the
4 commission of any of the sex offenses defined in Article 11
5 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
6 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
7 Criminal Code of 1961 or the Criminal Code of 2012, have
8 been filed against a defendant in any court and that such
9 minor is the alleged victim of the acts of defendant in the
10 commission of such offense.

11 Unless the guardian ad litem appointed pursuant to this
12 paragraph (1) is an attorney at law he shall be represented in
13 the performance of his duties by counsel. The guardian ad litem
14 shall represent the best interests of the minor and shall
15 present recommendations to the court consistent with that duty.

16 (2) Before proceeding with the hearing, the court shall
17 appoint a guardian ad litem for the minor if

18 (a) no parent, guardian, custodian or relative of the
19 minor appears at the first or any subsequent hearing of the
20 case;

21 (b) the petition prays for the appointment of a
22 guardian with power to consent to adoption; ~~or~~

23 (c) the petition for which the minor is before the
24 court resulted from a report made pursuant to the Abused
25 and Neglected Child Reporting Act; or -

26 (d) the petition alleges that the minor is subject to a

1 voluntary placement agreement.

2 (3) The court may appoint a guardian ad litem for the minor
3 whenever it finds that there may be a conflict of interest
4 between the minor and his parents or other custodian or that it
5 is otherwise in the minor's best interest to do so.

6 (4) Unless the guardian ad litem is an attorney, he shall
7 be represented by counsel.

8 (5) The reasonable fees of a guardian ad litem appointed
9 under this Section shall be fixed by the court and charged to
10 the parents of the minor, to the extent they are able to pay.
11 If the parents are unable to pay those fees, they shall be paid
12 from the general fund of the county.

13 (6) A guardian ad litem appointed under this Section, shall
14 receive copies of any and all classified reports of child abuse
15 and neglect made under the Abused and Neglected Child Reporting
16 Act in which the minor who is the subject of a report under the
17 Abused and Neglected Child Reporting Act, is also the minor for
18 whom the guardian ad litem is appointed under this Section.

19 (7) The appointed guardian ad litem shall remain the
20 child's guardian ad litem throughout the entire juvenile trial
21 court proceedings, including permanency hearings and
22 termination of parental rights proceedings, unless there is a
23 substitution entered by order of the court.

24 (8) The guardian ad litem or an agent of the guardian ad
25 litem shall have a minimum of one in-person contact with the
26 minor and one contact with one of the current foster parents or

1 caregivers prior to the adjudicatory hearing, and at least one
2 additional in-person contact with the child and one contact
3 with one of the current foster parents or caregivers after the
4 adjudicatory hearing but prior to the first permanency hearing
5 and one additional in-person contact with the child and one
6 contact with one of the current foster parents or caregivers
7 each subsequent year. For good cause shown, the judge may
8 excuse face-to-face interviews required in this subsection.

9 (9) In counties with a population of 100,000 or more but
10 less than 3,000,000, each guardian ad litem must successfully
11 complete a training program approved by the Department of
12 Children and Family Services. The Department of Children and
13 Family Services shall provide training materials and documents
14 to guardians ad litem who are not mandated to attend the
15 training program. The Department of Children and Family
16 Services shall develop and distribute to all guardians ad litem
17 a bibliography containing information including but not
18 limited to the juvenile court process, termination of parental
19 rights, child development, medical aspects of child abuse, and
20 the child's need for safety and permanence.

21 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

22 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)

23 Sec. 2-21. Findings and adjudication.

24 (1) The court shall state for the record the manner in
25 which the parties received service of process and shall note

1 whether the return or returns of service, postal return receipt
2 or receipts for notice by certified mail, or certificate or
3 certificates of publication have been filed in the court
4 record. The court shall enter any appropriate orders of default
5 against any parent who has been properly served in any manner
6 and fails to appear.

7 No further service of process as defined in Sections 2-15
8 and 2-16 is required in any subsequent proceeding for a parent
9 who was properly served in any manner, except as required by
10 Supreme Court Rule 11.

11 The caseworker shall testify about the diligent search
12 conducted for the parent.

13 After hearing the evidence the court shall determine
14 whether or not the minor is abused, neglected, ~~or~~ dependent, or
15 subject to a voluntary placement agreement. If it finds that
16 the minor is not such a person, the court shall order the
17 petition dismissed and the minor discharged. The court's
18 determination of whether the minor is abused, neglected, ~~or~~
19 dependent, or subject to a voluntary placement agreement and
20 that continued therapeutic out-of-home care is in the minor's
21 best interest shall be stated in writing with the factual basis
22 supporting that determination.

23 If the court finds that the minor is abused, neglected, or
24 dependent, the court shall then determine and put in writing
25 the factual basis supporting that determination, and specify,
26 to the extent possible, the acts or omissions or both of each

1 parent, guardian, or legal custodian that form the basis of the
2 court's findings. That finding shall appear in the order of the
3 court.

4 If the court finds that the child has been abused,
5 neglected or dependent, the court shall admonish the parents
6 that they must cooperate with the Department of Children and
7 Family Services, comply with the terms of the service plan, and
8 correct the conditions that require the child to be in care, or
9 risk termination of parental rights.

10 If the court determines that a person has inflicted
11 physical or sexual abuse upon a minor, the court shall report
12 that determination to the Department of State Police, which
13 shall include that information in its report to the President
14 of the school board for a school district that requests a
15 criminal history records check of that person, or the regional
16 superintendent of schools who requests a check of that person,
17 as required under Section 10-21.9 or 34-18.5 of the School
18 Code.

19 (2) If, pursuant to subsection (1) of this Section, the
20 court determines and puts in writing the factual basis
21 supporting the determination that the minor is either abused,
22 ~~or~~ neglected, ~~or~~ dependent, or subject to a voluntary placement
23 agreement, the court shall then set a time not later than 30
24 days after the entry of the finding for a dispositional hearing
25 (unless an earlier date is required pursuant to Section 2-13.1)
26 to be conducted under Section 2-22 at which hearing the court

1 shall determine whether it is consistent with the health,
2 safety and best interests of the minor and the public that he
3 be made a ward of the court. To assist the court in making this
4 and other determinations at the dispositional hearing, the
5 court may order that an investigation be conducted and a
6 dispositional report be prepared concerning the minor's
7 physical and mental history and condition, family situation and
8 background, economic status, education, occupation, history of
9 delinquency or criminality, personal habits, and any other
10 information that may be helpful to the court. The dispositional
11 hearing may be continued once for a period not to exceed 30
12 days if the court finds that such continuance is necessary to
13 complete the dispositional report.

14 (3) The time limits of this Section may be waived only by
15 consent of all parties and approval by the court, as determined
16 to be consistent with the health, safety and best interests of
17 the minor.

18 (4) For all cases adjudicated prior to July 1, 1991, for
19 which no dispositional hearing has been held prior to that
20 date, a dispositional hearing under Section 2-22 shall be held
21 within 90 days of July 1, 1991.

22 (5) The court may terminate the parental rights of a parent
23 at the initial dispositional hearing if all of the following
24 conditions are met:

25 (i) the original or amended petition contains a request
26 for termination of parental rights and appointment of a

1 guardian with power to consent to adoption; and

2 (ii) the court has found by a preponderance of
3 evidence, introduced or stipulated to at an adjudicatory
4 hearing, that the child comes under the jurisdiction of the
5 court as an abused, neglected, or dependent minor under
6 Section 2-18; and

7 (iii) the court finds, on the basis of clear and
8 convincing evidence admitted at the adjudicatory hearing
9 that the parent is an unfit person under subdivision D of
10 Section 1 of the Adoption Act; and

11 (iv) the court determines in accordance with the rules
12 of evidence for dispositional proceedings, that:

13 (A) it is in the best interest of the minor and
14 public that the child be made a ward of the court;

15 (A-5) reasonable efforts under subsection (1-1) of
16 Section 5 of the Children and Family Services Act are
17 inappropriate or such efforts were made and were
18 unsuccessful; and

19 (B) termination of parental rights and appointment
20 of a guardian with power to consent to adoption is in
21 the best interest of the child pursuant to Section
22 2-29.

23 (Source: P.A. 93-909, eff. 8-12-04.)

24 (705 ILCS 405/2-22) (from Ch. 37, par. 802-22)

25 Sec. 2-22. Dispositional hearing; evidence; continuance.

1 (1) At the dispositional hearing, the court shall determine
2 whether it is in the best interests of the minor and the public
3 that he be made a ward of the court, and, if he is to be made a
4 ward of the court, the court shall determine the proper
5 disposition best serving the health, safety and interests of
6 the minor and the public. The court also shall consider the
7 permanency goal set for the minor, the nature of the service
8 plan for the minor and the services delivered and to be
9 delivered under the plan. All evidence helpful in determining
10 these questions, including oral and written reports, may be
11 admitted and may be relied upon to the extent of its probative
12 value, even though not competent for the purposes of the
13 adjudicatory hearing.

14 (2) Once all parties respondent have been served in
15 compliance with Sections 2-15 and 2-16, no further service or
16 notice must be given to a party prior to proceeding to a
17 dispositional hearing. Before making an order of disposition
18 the court shall advise the State's Attorney, the parents,
19 guardian, custodian or responsible relative or their counsel of
20 the factual contents and the conclusions of the reports
21 prepared for the use of the court and considered by it, and
22 afford fair opportunity, if requested, to controvert them. The
23 court may order, however, that the documents containing such
24 reports need not be submitted to inspection, or that sources of
25 confidential information need not be disclosed except to the
26 attorneys for the parties. Factual contents, conclusions,

1 documents and sources disclosed by the court under this
2 paragraph shall not be further disclosed without the express
3 approval of the court pursuant to an in camera hearing.

4 (3) A record of a prior continuance under supervision under
5 Section 2-20, whether successfully completed with regard to the
6 child's health, safety and best interest, or not, is admissible
7 at the dispositional hearing.

8 (4) On its own motion or that of the State's Attorney, a
9 parent, guardian, custodian, responsible relative or counsel,
10 the court may adjourn the hearing for a reasonable period to
11 receive reports or other evidence, if the adjournment is
12 consistent with the health, safety and best interests of the
13 minor, but in no event shall continuances be granted so that
14 the dispositional hearing occurs more than 6 months after the
15 initial removal of a minor from his or her home. In scheduling
16 investigations and hearings, the court shall give priority to
17 proceedings in which a minor has been removed from his or her
18 home before an order of disposition has been made.

19 (5) Unless already set by the court, at the conclusion of
20 the dispositional hearing, the court shall set the date for the
21 first permanency hearing, to be conducted under subsection (2)
22 of Section 2-28, which shall be held: (a) within 12 months from
23 the date temporary custody was taken or, if the minor is
24 subject to a voluntary placement agreement, within 12 months of
25 the date the agreement was executed, (b) if the parental rights
26 of both parents have been terminated in accordance with the

1 procedure described in subsection (5) of Section 2-21, within
2 30 days of the termination of parental rights and appointment
3 of a guardian with power to consent to adoption, or (c) in
4 accordance with subsection (2) of Section 2-13.1.

5 (6) When the court declares a child to be a ward of the
6 court and awards guardianship to the Department of Children and
7 Family Services, (a) the court shall admonish the parents,
8 guardian, custodian or responsible relative that the parents
9 must cooperate with the Department of Children and Family
10 Services, comply with the terms of the service plans, and
11 correct the conditions which require the child to be in care,
12 or risk termination of their parental rights; and (b) the court
13 shall inquire of the parties of any intent to proceed with
14 termination of parental rights of a parent:

15 (A) whose identity still remains unknown;

16 (B) whose whereabouts remain unknown; or

17 (C) who was found in default at the adjudicatory
18 hearing and has not obtained an order setting aside the
19 default in accordance with Section 2-1301 of the Code of
20 Civil Procedure.

21 (Source: P.A. 92-822, eff. 8-21-02.)

22 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

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

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

26 (b) A minor under 18 years of age found to be dependent

1 under Section 2-4 may be (1) placed in accordance with
2 Section 2-27 or (2) ordered partially or completely
3 emancipated in accordance with the provisions of the
4 Emancipation of Minors Act.

5 However, in any case in which a minor is found by the
6 court to be dependent under Section 2-4 of this Act,
7 custody of the minor shall not be restored to any parent,
8 guardian or legal custodian whose acts or omissions or both
9 have been identified, pursuant to subsection (1) of Section
10 2-21, as forming the basis for the court's finding of
11 dependency, until such time as a hearing is held on the
12 issue of the fitness of such parent, guardian or legal
13 custodian to care for the minor without endangering the
14 minor's health or safety, and the court enters an order
15 that such parent, guardian or legal custodian is fit to
16 care for the minor.

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

1 (b-2) A minor under the age of 18 shall be continued in
2 the custody and guardianship of his parents, guardians, or
3 legal custodians and the Department of Children and Family
4 Services shall be responsible for the child's placement and
5 care.

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

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

16 Unless the order of disposition expressly so provides, it
17 does not operate to close proceedings on the pending petition,
18 but is subject to modification, not inconsistent with Section
19 2-28, until final closing and discharge of the proceedings
20 under Section 2-31.

21 (3) The court also shall enter any other orders necessary
22 to fulfill the service plan, including, but not limited to, (i)
23 orders requiring parties to cooperate with services, (ii)
24 restraining orders controlling the conduct of any party likely
25 to frustrate the achievement of the goal, and (iii) visiting
26 orders. When the child is placed separately from a sibling, the

1 court shall review the Sibling Contact Support Plan developed
2 under subsection (f) of Section 7.4 of the Children and Family
3 Services Act, if applicable. If the Department has not convened
4 a meeting to develop a Sibling Contact Support Plan, or if the
5 court finds that the existing Plan is not in the child's best
6 interest, the court may enter an order requiring the Department
7 to develop and implement a Sibling Contact Support Plan under
8 subsection (f) of Section 7.4 of the Children and Family
9 Services Act or order mediation. Unless otherwise specifically
10 authorized by law, the court is not empowered under this
11 subsection (3) to order specific placements, specific
12 services, or specific service providers to be included in the
13 plan. If, after receiving evidence, the court determines that
14 the services contained in the plan are not reasonably
15 calculated to facilitate achievement of the permanency goal,
16 the court shall put in writing the factual basis supporting the
17 determination and enter specific findings based on the
18 evidence. The court also shall enter an order for the
19 Department to develop and implement a new service plan or to
20 implement changes to the current service plan consistent with
21 the court's findings. The new service plan shall be filed with
22 the court and served on all parties within 45 days after the
23 date of the order. The court shall continue the matter until
24 the new service plan is filed. Unless otherwise specifically
25 authorized by law, the court is not empowered under this
26 subsection (3) or under subsection (2) to order specific

1 placements, specific services, or specific service providers
2 to be included in the plan.

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

12 (5) Any order for disposition where the minor is committed
13 or placed in accordance with Section 2-27 shall provide for the
14 parents or guardian of the estate of such minor to pay to the
15 legal custodian or guardian of the person of the minor such
16 sums as are determined by the custodian or guardian of the
17 person of the minor as necessary for the minor's needs. Such
18 payments may not exceed the maximum amounts provided for by
19 Section 9.1 of the Children and Family Services Act.

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

25 (7) The court may terminate the parental rights of a parent
26 at the initial dispositional hearing if all of the conditions

1 in subsection (5) of Section 2-21 are met.

2 (Source: P.A. 96-581, eff. 1-1-10; 96-600, eff. 8-21-09;
3 96-1000, eff. 7-2-10; 97-1076, eff. 8-24-12.)

4 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

5 Sec. 2-28. Court review.

6 (1) The court may require any legal custodian or guardian
7 of the person appointed under this Act to report periodically
8 to the court or may cite him into court and require him or his
9 agency, to make a full and accurate report of his or its doings
10 in behalf of the minor. The court may require the Department of
11 Children and Family Services to report periodically to the
12 court to make a full and accurate report of the Department's
13 doings in behalf of a minor voluntarily placed with the
14 Department. The Department, custodian, or guardian, within 10
15 days after such citation, shall make the report, either in
16 writing verified by affidavit or orally under oath in open
17 court, or otherwise as the court directs. Upon the hearing of
18 the report the court may remove the custodian or guardian and
19 appoint another in his stead or restore the minor to the
20 custody of his parents or former guardian or custodian.
21 However, custody of the minor shall not be restored to any
22 parent, guardian or legal custodian in any case in which the
23 minor is found to be neglected or abused under Section 2-3 or
24 dependent under Section 2-4 of this Act, unless the minor can
25 be cared for at home without endangering the minor's health or

1 safety and it is in the best interests of the minor, and if
2 such neglect, abuse, or dependency is found by the court under
3 paragraph (1) of Section 2-21 of this Act to have come about
4 due to the acts or omissions or both of such parent, guardian
5 or legal custodian, until such time as an investigation is made
6 as provided in paragraph (5) and a hearing is held on the issue
7 of the fitness of such parent, guardian or legal custodian to
8 care for the minor and the court enters an order that such
9 parent, guardian or legal custodian is fit to care for the
10 minor.

11 (2) The first permanency hearing shall be conducted by the
12 judge. Subsequent permanency hearings may be heard by a judge
13 or by hearing officers appointed or approved by the court in
14 the manner set forth in Section 2-28.1 of this Act. The initial
15 hearing shall be held (a) within 12 months from the date
16 temporary custody was taken, regardless of whether an
17 adjudication or dispositional hearing has been completed
18 within that time frame, or within 12 months of the date a
19 voluntary placement agreement was executed, (b) if the parental
20 rights of both parents have been terminated in accordance with
21 the procedure described in subsection (5) of Section 2-21,
22 within 30 days of the order for termination of parental rights
23 and appointment of a guardian with power to consent to
24 adoption, or (c) in accordance with subsection (2) of Section
25 2-13.1. Subsequent permanency hearings shall be held every 6
26 months or more frequently if necessary in the court's

1 determination following the initial permanency hearing, in
2 accordance with the standards set forth in this Section, until
3 the court determines that the plan and goal have been achieved.
4 Once the plan and goal have been achieved, if the minor remains
5 in substitute care, the case shall be reviewed at least every 6
6 months thereafter, subject to the provisions of this Section,
7 unless the minor is placed in the guardianship of a suitable
8 relative or other person and the court determines that further
9 monitoring by the court does not further the health, safety or
10 best interest of the child and that this is a stable permanent
11 placement. The permanency hearings must occur within the time
12 frames set forth in this subsection and may not be delayed in
13 anticipation of a report from any source or due to the agency's
14 failure to timely file its written report (this written report
15 means the one required under the next paragraph and does not
16 mean the service plan also referred to in that paragraph).

17 The public agency that is the custodian or guardian of the
18 minor, or another agency responsible for the minor's care,
19 shall ensure that all parties to the permanency hearings are
20 provided a copy of the most recent service plan prepared within
21 the prior 6 months at least 14 days in advance of the hearing.
22 In voluntary placement cases, the Department of Children and
23 Family Services is responsible for creating and distributing
24 the service plan. If not contained in the plan, the agency
25 shall also include a report setting forth (i) any special
26 physical, psychological, educational, medical, emotional, or

1 other needs of the minor or his or her family that are relevant
2 to a permanency or placement determination and (ii) for any
3 minor age 16 or over, a written description of the programs and
4 services that will enable the minor to prepare for independent
5 living. The agency's written report must detail what progress
6 or lack of progress the parent has made in correcting the
7 conditions requiring the child to be in care; whether the child
8 can be returned home without jeopardizing the child's health,
9 safety, and welfare, and if not, what permanency goal is
10 recommended to be in the best interests of the child, and why
11 the other permanency goals are not appropriate. The caseworker
12 must appear and testify at the permanency hearing. If a
13 permanency hearing has not previously been scheduled by the
14 court, the moving party shall move for the setting of a
15 permanency hearing and the entry of an order within the time
16 frames set forth in this subsection.

17 At the permanency hearing, the court shall determine the
18 future status of the child. The court shall set one of the
19 following permanency goals:

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

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

1 (B-1) The minor will be in short-term care with a
2 continued goal to return home pending a status hearing.
3 When the court finds that a parent has not made reasonable
4 efforts or reasonable progress to date, the court shall
5 identify what actions the parent and the Department must
6 take in order to justify a finding of reasonable efforts or
7 reasonable progress and shall set a status hearing to be
8 held not earlier than 9 months from the date of
9 adjudication nor later than 11 months from the date of
10 adjudication during which the parent's progress will again
11 be reviewed.

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

14 (D) Adoption, provided that parental rights have been
15 terminated or relinquished.

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

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

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

26 In selecting any permanency goal, the court shall indicate

1 in writing the reasons the goal was selected and why the
2 preceding goals were ruled out. Where the court has selected a
3 permanency goal other than (A), (B), or (B-1), the Department
4 of Children and Family Services shall not provide further
5 reunification services, but shall provide services consistent
6 with the goal selected.

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

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

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

14 (3) The court has found compelling reasons, based
15 on written documentation reviewed by the court, to
16 place the minor in continuing foster care. Compelling
17 reasons include:

18 (a) the child does not wish to be adopted or to
19 be placed in the guardianship of his or her
20 relative or foster care placement;

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

24 (c) the child who is the subject of the
25 permanency hearing has existing close and strong
26 bonds with a sibling, and achievement of another

1 permanency goal would substantially interfere with
2 the subject child's sibling relationship, taking
3 into consideration the nature and extent of the
4 relationship, and whether ongoing contact is in
5 the subject child's best interest, including
6 long-term emotional interest, as compared with the
7 legal and emotional benefit of permanence;

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

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

13 The court shall set a permanency goal that is in the best
14 interest of the child. In determining that goal, the court
15 shall consult with the minor in an age-appropriate manner
16 regarding the proposed permanency or transition plan for the
17 minor. The court's determination shall include the following
18 factors:

19 (1) Age of the child.

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

22 (3) Current placement of the child and the intent of
23 the family regarding adoption.

24 (4) Emotional, physical, and mental status or
25 condition of the child.

26 (5) Types of services previously offered and whether or

1 not the services were successful and, if not successful,
2 the reasons the services failed.

3 (6) Availability of services currently needed and
4 whether the services exist.

5 (7) Status of siblings of the minor.

6 The court shall consider (i) the permanency goal contained
7 in the service plan, (ii) the appropriateness of the services
8 contained in the plan and whether those services have been
9 provided, (iii) whether reasonable efforts have been made by
10 all the parties to the service plan to achieve the goal, and
11 (iv) whether the plan and goal have been achieved. All evidence
12 relevant to determining these questions, including oral and
13 written reports, may be admitted and may be relied on to the
14 extent of their probative value.

15 The court shall make findings as to whether, in violation
16 of Section 8.2 of the Abused and Neglected Child Reporting Act,
17 any portion of the service plan compels a child or parent to
18 engage in any activity or refrain from any activity that is not
19 reasonably related to remedying a condition or conditions that
20 gave rise or which could give rise to any finding of child
21 abuse or neglect. The services contained in the service plan
22 shall include services reasonably related to remedy the
23 conditions that gave rise to removal of the child from the home
24 of his or her parents, guardian, or legal custodian or that the
25 court has found must be remedied prior to returning the child
26 home. Any tasks the court requires of the parents, guardian, or

1 legal custodian or child prior to returning the child home,
2 must be reasonably related to remedying a condition or
3 conditions that gave rise to or which could give rise to any
4 finding of child abuse or neglect. For children who are
5 voluntarily placed, the services identified in the plan must be
6 reasonably related to ensuring a safe return of the child to
7 the home.

8 If the permanency goal is to return home, the court shall
9 make findings that identify any problems that are causing
10 continued placement of the children away from the home and
11 identify what outcomes would be considered a resolution to
12 these problems. The court shall explain to the parents that
13 these findings are based on the information that the court has
14 at that time and may be revised, should additional evidence be
15 presented to the court.

16 The court shall review the Sibling Contact ~~and~~ Support Plan
17 developed or modified under subsection (f) of Section 7.4 of
18 the Children and Family Services Act, if applicable. If the
19 Department has not convened a meeting to develop or modify a
20 Sibling Contact Support Plan, or if the court finds that the
21 existing Plan is not in the child's best interest, the court
22 may enter an order requiring the Department to develop, modify
23 or implement a Sibling Contact Support Plan, or order
24 mediation.

25 If the goal has been achieved, the court shall enter orders
26 that are necessary to conform the minor's legal custody and

1 status to those findings.

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

17 A guardian or custodian appointed by the court pursuant to
18 this Act or, in the case of a voluntary placement, the
19 Department of Children and Family Services shall file updated
20 case plans with the court every 6 months.

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

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

4 (b) If the permanency goal of the minor cannot be
5 achieved immediately, the specific reasons for continuing
6 the minor in the care of the Department of Children and
7 Family Services or other agency for short term placement,
8 and the following determinations:

9 (i) (Blank).

10 (ii) Whether the services required by the court and
11 by any service plan prepared within the prior 6 months
12 have been provided and (A) if so, whether the services
13 were reasonably calculated to facilitate the
14 achievement of the permanency goal or (B) if not
15 provided, why the services were not provided.

16 (iii) Whether the minor's placement is necessary,
17 and appropriate to the plan and goal, recognizing the
18 right of minors to the least restrictive (most
19 family-like) setting available and in close proximity
20 to the parents' home consistent with the health,
21 safety, best interest and special needs of the minor
22 and, if the minor is placed out-of-State, whether the
23 out-of-State placement continues to be appropriate and
24 consistent with the health, safety, and best interest
25 of the minor.

26 (iv) (Blank).

1 (v) (Blank).

2 (4) The minor or any person interested in the minor may
3 apply to the court for a change in custody of the minor and the
4 appointment of a new custodian or guardian of the person or for
5 the restoration of the minor to the custody of his parents or
6 former guardian or custodian.

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

8 (a) The Department, the minor, or the current foster
9 parent or relative caregiver seeking private guardianship
10 may file a motion for private guardianship of the minor.
11 Appointment of a guardian under this Section requires
12 approval of the court.

13 (b) The State's Attorney may file a motion to terminate
14 parental rights of any parent who has failed to make
15 reasonable efforts to correct the conditions which led to
16 the removal of the child or reasonable progress toward the
17 return of the child, as defined in subdivision (D)(m) of
18 Section 1 of the Adoption Act or for whom any other
19 unfitness ground for terminating parental rights as
20 defined in subdivision (D) of Section 1 of the Adoption Act
21 exists.

22 When parental rights have been terminated for a minimum
23 of 3 years and the child who is the subject of the
24 permanency hearing is 13 years old or older and is not
25 currently placed in a placement likely to achieve
26 permanency, the Department of Children and Family Services

1 shall make reasonable efforts to locate parents whose
2 rights have been terminated, except when the Court
3 determines that those efforts would be futile or
4 inconsistent with the subject child's best interests. The
5 Department of Children and Family Services shall assess the
6 appropriateness of the parent whose rights have been
7 terminated, and shall, as appropriate, foster and support
8 connections between the parent whose rights have been
9 terminated and the youth. The Department of Children and
10 Family Services shall document its determinations and
11 efforts to foster connections in the child's case plan.

12 Custody of the minor shall not be restored to any parent,
13 guardian or legal custodian in any case in which the minor is
14 found to be neglected or abused under Section 2-3 or dependent
15 under Section 2-4 of this Act, unless the minor can be cared
16 for at home without endangering his or her health or safety and
17 it is in the best interest of the minor, and if such neglect,
18 abuse, or dependency is found by the court under paragraph (1)
19 of Section 2-21 of this Act to have come about due to the acts
20 or omissions or both of such parent, guardian or legal
21 custodian, until such time as an investigation is made as
22 provided in paragraph (5) and a hearing is held on the issue of
23 the health, safety and best interest of the minor and the
24 fitness of such parent, guardian or legal custodian to care for
25 the minor and the court enters an order that such parent,
26 guardian or legal custodian is fit to care for the minor. In

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

9 When the court orders a child restored to the custody of
10 the parent or parents, the court shall order the parent or
11 parents to cooperate with the Department of Children and Family
12 Services and comply with the terms of an after-care plan, or
13 risk the loss of custody of the child and possible termination
14 of their parental rights. The court may also enter an order of
15 protective supervision in accordance with Section 2-24.

16 (5) Whenever a parent, guardian, or legal custodian files a
17 motion for restoration of custody of the minor, and the minor
18 was adjudicated neglected, abused, or dependent as a result of
19 physical abuse, the court shall cause to be made an
20 investigation as to whether the movant has ever been charged
21 with or convicted of any criminal offense which would indicate
22 the likelihood of any further physical abuse to the minor.
23 Evidence of such criminal convictions shall be taken into
24 account in determining whether the minor can be cared for at
25 home without endangering his or her health or safety and
26 fitness of the parent, guardian, or legal custodian.

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

4 (b) The information derived from the investigation and
5 any conclusions or recommendations derived from the
6 information shall be provided to the parent, guardian, or
7 legal custodian seeking restoration of custody prior to the
8 hearing on fitness and the movant shall have an opportunity
9 at the hearing to refute the information or contest its
10 significance.

11 (c) All information obtained from any investigation
12 shall be confidential as provided in Section 5-150 of this
13 Act.

14 (Source: P.A. 96-600, eff. 8-21-09; 96-1375, eff. 7-29-10;
15 97-425, eff. 8-16-11; 97-1076, eff. 8-24-12; revised
16 11-22-13.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."