

AN ACT concerning children.

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

Section 5. The Juvenile Court Act of 1987 is amended by changing Section 2-4b as follows:

(705 ILCS 405/2-4b)

Sec. 2-4b. Publicly funded community and residential  
~~Family Support Program~~ services; hearing.

(a) The purpose of this Section is to ensure that minors who come to the attention of the court because they need treatment for complex behavioral and mental health needs are removed from the custody of their parents only as a last resort unless abuse or neglect is alleged, based upon facts other than the minor was left at a psychiatric hospital beyond medical necessity. If the respondent was in the process of attempting to obtain publicly funded services before the minor comes to the court's attention and those services become available, this Section will allow the court (i) to determine whether the parent is able to address all of the minor's needs without the minor being placed in or continuing in the custody or guardianship of the Department and (ii) to consider whether the minor should be returned to the respondent with such services in place, consistent with the minor's best interest.

Any minor who is placed in the custody or guardianship of the Department of Children and Family Services under Article II of this Act on the basis of a petition alleging that the minor is neglected or dependent because the minor was left at a psychiatric hospital beyond medical necessity, and for whom an eligibility determination for publicly funded community or residential services is pending or under active review ~~application for the Family Support Program was pending with the Department of Healthcare and Family Services or an active application was being reviewed by the Department of Healthcare and Family Services~~ at the time the petition was filed, shall be able to continue with the eligibility determination process for such publicly funded community or residential ~~continue to be considered eligible for services if all other eligibility criteria are met.~~

(b) If the minor is determined eligible for publicly funded community or residential services and the necessary publicly funded community or residential services are available for the minor, the ~~The~~ court shall conduct a hearing within 14 days upon notification to all parties:

(1) For minors in the temporary custody of the Department, the court shall determine whether urgent and immediate necessity exists pursuant to paragraph (9) of Section 2-10 to continue the minor in the custody of the Department and whether the Department's custody of the minor should be vacated.

(2) For minors in the guardianship of the Department,  
the court shall determine whether the respondent is fit,  
willing, and able to care for the minor and whether it is  
in the minor's best interest to return to the custody of  
the respondent. ~~that an application for the Family Support~~  
~~Program services has been approved and services are~~  
~~available. At the hearing, the court shall determine~~  
~~whether to vacate the custody or guardianship of the~~  
~~Department of Children and Family Services and return the~~  
~~minor to the custody of the respondent with Family Support~~  
~~Program services or whether the minor shall continue to be~~  
~~in the custody or guardianship of the Department of~~  
~~Children and Family Services and decline the Family~~  
~~Support Program services.~~

In making its determination pursuant to paragraphs (1) and  
(2), the court shall consider the minor's best interest, the  
availability of publicly funded community or residential  
services for the minor, the involvement of the respondent in  
proceedings under this Act, the involvement of the respondent  
in the minor's treatment, the relationship between the minor  
and the respondent, whether placement of the minor in the  
custody of the Department is the least restrictive means to  
support the minor and the minor's relationship with the  
respondent, and any other factor the court deems relevant.

(b-1) If the court vacates the Department's temporary  
custody of the minor pursuant to paragraph (1) of subsection

(b) and Section 2-10, or vacates the Department's or  
guardianship of the minor pursuant paragraph (2) of subsection  
(b) or Section 2-23 Department of Children and Family Services  
and returns the minor to the custody and guardianship of the  
respondent with publicly funded community or residential  
services, the State agency affiliated with the services Family  
Support Services, the Department of Healthcare and Family  
Services shall become fiscally responsible for providing  
services to the minor. If the court determines that the minor  
shall continue in the custody of the Department of Children  
and Family Services, the Department of Children and Family  
Services shall remain fiscally responsible for providing  
services to the minor, ~~the Family Support Services shall be~~  
~~declined, and the minor shall no longer be eligible for Family~~  
~~Support Services.~~

(c) This Section does not apply to ~~a minor~~:

(1) a minor for whom the court has not yet completed an  
adjudicatory hearing and for whom a petition has been  
filed under this Act alleging that the minor is a ~~an abused~~  
~~or~~ neglected minor, other than a minor left at a  
psychiatric hospital beyond medical necessity, or an  
abused minor;

(2) a minor who ~~for whom~~ the court has adjudicated  
under this Act as either (i) a neglected minor, unless the  
primary basis for the finding is that the respondent left  
the minor at a psychiatric hospital beyond medical

necessity, or (ii) an abused minor ~~made a finding that the  
minor is an abused or neglected minor~~ under this Act; or

(3) a minor who is in the temporary custody of the Department of Children and Family Services and the minor has been the subject of an indicated allegation of abuse or neglect, other than for psychiatric lockout, where a respondent was the perpetrator within 5 years of the filing of the pending petition.

(Source: P.A. 103-22, eff. 8-8-23.)