



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3365

Introduced 2/18/2025, by Rep. Dave Vella

#### SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-3	from Ch. 37, par. 801-3
705 ILCS 405/2-3	from Ch. 37, par. 802-3
705 ILCS 405/2-10	from Ch. 37, par. 802-10
705 ILCS 405/2-18	from Ch. 37, par. 802-18
705 ILCS 405/2-21	from Ch. 37, par. 802-21
705 ILCS 405/2-27	from Ch. 37, par. 802-27

Amends the Juvenile Court Act of 1987. In the Abused, Neglected, or Dependent Minors Article of the Act, provides that an environment is injurious to the minor's welfare if conditions in the child's environment create a real, significant and imminent likelihood of harm to the child's health, well-being, or welfare and the parent or caretaker blatantly disregarded his or her parental responsibility to prevent or mitigate such harm consistent with the health, safety, and best interests of the minor to remain in the custody of a parent, guardian, or custodian who experienced domestic violence unless the court determines the parent, guardian, or custodian who experienced domestic violence has committed acts or omissions unrelated to domestic violence against that parent, guardian, or custodian resulting in a determination of abuse or neglect under the Act. Provides that in making a custody determination, the court shall presume that it is consistent with the health, safety, and best interests of the minor to remain in the custody of a parent, guardian, or custodian who experienced domestic violence, unless the court has determined that the parent, guardian, or custodian who experienced domestic violence has committed acts or omissions unrelated to domestic violence against that parent, guardian, or custodian that is sufficient to independently support a determination of abuse or neglect under the Act. Defines "domestic violence".

LRB104 10403 RLC 20478 b

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 Sections 1-3, 2-3, 2-10, 2-18, 2-21, and 2-27 as  
6 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,  
13 3-15, or 4-12 that a minor under 18 years of age is abused,  
14 neglected, or dependent, or requires authoritative  
15 intervention, or addicted, respectively, are supported by a  
16 preponderance of the evidence or whether the allegations of a  
17 petition under Section 5-520 that a minor is delinquent are  
18 proved beyond a reasonable doubt.

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

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

1           (4) "Association" means any organization, public or  
2 private, engaged in welfare functions which include services  
3 to 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 (6.5) "Dissemination" or "disseminate" means to publish,  
17 produce, print, manufacture, distribute, sell, lease, exhibit,  
18 broadcast, display, transmit, or otherwise share information  
19 in any format so as to make the information accessible to  
20 others.

21 (6.6) "Domestic violence" has the meaning ascribed to it  
22 in paragraphs (1) and (3) of Section 103 of the Illinois  
23 Domestic Violence Act of 1986 and includes a violation of  
24 Section 12-4.4a of the Criminal Code of 2012.

25 (7) "Emancipated minor" means any minor 16 years of age or  
26 over who has been completely or partially emancipated under

1 the Emancipation of Minors Act or under this Act.

2 (7.03) "Expunge" means to physically destroy the records  
3 and to obliterate the minor's name from any official index,  
4 public record, or electronic database.

5 (7.05) "Foster parent" includes a relative caregiver  
6 selected by the Department of Children and Family Services to  
7 provide care for the minor.

8 (8) "Guardianship of the person" of a minor means the duty  
9 and authority to act in the best interests of the minor,  
10 subject to residual parental rights and responsibilities, to  
11 make important decisions in matters having a permanent effect  
12 on the life and development of the minor and to be concerned  
13 with the minor's general welfare. It includes but is not  
14 necessarily limited to:

15 (a) the authority to consent to marriage, to  
16 enlistment in the armed forces of the United States, or to  
17 a major medical, psychiatric, and surgical treatment; to  
18 represent the minor in legal actions; and to make other  
19 decisions of substantial legal significance concerning the  
20 minor;

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

24 (c) the rights and responsibilities of legal custody  
25 except where legal custody has been vested in another  
26 person or agency; and

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

4           (8.1) "Juvenile court record" includes, but is not limited  
5           to:

6           (a) all documents filed in or maintained by the  
7           juvenile court pertaining to a specific incident,  
8           proceeding, or individual;

9           (b) all documents relating to a specific incident,  
10          proceeding, or individual made available to or maintained  
11          by probation officers;

12          (c) all documents, video or audio tapes, photographs,  
13          and exhibits admitted into evidence at juvenile court  
14          hearings; or

15          (d) all documents, transcripts, records, reports, or  
16          other evidence prepared by, maintained by, or released by  
17          any municipal, county, or State agency or department, in  
18          any format, if indicating involvement with the juvenile  
19          court relating to a specific incident, proceeding, or  
20          individual.

21          (8.2) "Juvenile law enforcement record" includes records  
22          of arrest, station adjustments, fingerprints, probation  
23          adjustments, the issuance of a notice to appear, or any other  
24          records or documents maintained by any law enforcement agency  
25          relating to a minor suspected of committing an offense, and  
26          records maintained by a law enforcement agency that identifies

1 a juvenile as a suspect in committing an offense, but does not  
2 include records identifying a juvenile as a victim, witness,  
3 or missing juvenile and any records created, maintained, or  
4 used for purposes of referral to programs relating to  
5 diversion as defined in subsection (6) of Section 5-105.

6 (9) "Legal custody" means the relationship created by an  
7 order of court in the best interests of the minor which imposes  
8 on the custodian the responsibility of physical possession of  
9 a minor and the duty to protect, train and discipline the minor  
10 and to provide the minor with food, shelter, education, and  
11 ordinary medical care, except as these are limited by residual  
12 parental rights and responsibilities and the rights and  
13 responsibilities of the guardian of the person, if any.

14 (9.1) "Mentally capable adult relative" means a person 21  
15 years of age or older who is not suffering from a mental  
16 illness that prevents the person from providing the care  
17 necessary to safeguard the physical safety and welfare of a  
18 minor who is left in that person's care by the parent or  
19 parents or other person responsible for the minor's welfare.

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

22 (11) "Parent" means a father or mother of a child and  
23 includes any adoptive parent. It also includes a person (i)  
24 whose parentage is presumed or has been established under the  
25 law of this or another jurisdiction or (ii) who has registered  
26 with the Putative Father Registry in accordance with Section

1 12.1 of the Adoption Act and whose paternity has not been ruled  
2 out under the law of this or another jurisdiction. It does not  
3 include a parent whose rights in respect to the minor have been  
4 terminated in any manner provided by law. It does not include a  
5 person who has been or could be determined to be a parent under  
6 the Illinois Parentage Act of 1984 or the Illinois Parentage  
7 Act of 2015, or similar parentage law in any other state, if  
8 that person has been convicted of or pled nolo contendere to a  
9 crime that resulted in the conception of the child under  
10 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,  
11 12-14.1, subsection (a) or (b) (but not subsection (c)) of  
12 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or  
13 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the  
14 Criminal Code of 1961 or the Criminal Code of 2012, or similar  
15 statute in another jurisdiction unless upon motion of any  
16 party, other than the offender, to the juvenile court  
17 proceedings the court finds it is in the child's best interest  
18 to deem the offender a parent for purposes of the juvenile  
19 court proceedings.

20 (11.1) "Permanency goal" means a goal set by the court as  
21 defined in subdivision (2) of Section 2-28.

22 (11.2) "Permanency hearing" means a hearing to set the  
23 permanency goal and to review and determine (i) the  
24 appropriateness of the services contained in the plan and  
25 whether those services have been provided, (ii) whether  
26 reasonable efforts have been made by all the parties to the

1 service plan to achieve the goal, and (iii) whether the plan  
2 and goal have been achieved.

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

6 (12.1) "Physically capable adult relative" means a person  
7 21 years of age or older who does not have a severe physical  
8 disability or medical condition, or is not suffering from  
9 alcoholism or drug addiction, that prevents the person from  
10 providing the care necessary to safeguard the physical safety  
11 and welfare of a minor who is left in that person's care by the  
12 parent or parents or other person responsible for the minor's  
13 welfare.

14 (12.2) "Post Permanency Sibling Contact Agreement" has the  
15 meaning ascribed to the term in Section 7.4 of the Children and  
16 Family Services Act.

17 (12.3) "Residential treatment center" means a licensed  
18 setting that provides 24-hour care to children in a group home  
19 or institution, including a facility licensed as a child care  
20 institution under Section 2.06 of the Child Care Act of 1969, a  
21 licensed group home under Section 2.16 of the Child Care Act of  
22 1969, a qualified residential treatment program under Section  
23 2.35 of the Child Care Act of 1969, a secure child care  
24 facility as defined in paragraph (18) of this Section, or any  
25 similar facility in another state. "Residential treatment  
26 center" does not include a relative foster home or a licensed

1 foster family home.

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

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

14 (14.05) "Shelter placement" means a temporary or emergency  
15 placement for a minor, including an emergency foster home  
16 placement.

17 (14.1) "Sibling Contact Support Plan" has the meaning  
18 ascribed to the term in Section 7.4 of the Children and Family  
19 Services Act.

20 (14.2) "Significant event report" means a written document  
21 describing an occurrence or event beyond the customary  
22 operations, routines, or relationships in the Department of  
23 Children of Family Services, a child care facility, or other  
24 entity that is licensed or regulated by the Department of  
25 Children of Family Services or that provides services for the  
26 Department of Children of Family Services under a grant,

1 contract, or purchase of service agreement; involving children  
2 or youth, employees, foster parents, or relative caregivers;  
3 allegations of abuse or neglect or any other incident raising  
4 a concern about the well-being of a minor under the  
5 jurisdiction of the court under Article II of the Juvenile  
6 Court Act of 1987; incidents involving damage to property,  
7 allegations of criminal activity, misconduct, or other  
8 occurrences affecting the operations of the Department of  
9 Children of Family Services or a child care facility; any  
10 incident that could have media impact; and unusual incidents  
11 as defined by Department of Children and Family Services rule.

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

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

18 (17) "Juvenile police officer" means a sworn police  
19 officer who has completed a Basic Recruit Training Course, has  
20 been assigned to the position of juvenile police officer by  
21 the officer's chief law enforcement officer and has completed  
22 the necessary juvenile officers training as prescribed by the  
23 Illinois Law Enforcement Training Standards Board, or in the  
24 case of a State police officer, juvenile officer training  
25 approved by the Director of the Illinois State Police.

26 (18) "Secure child care facility" means any child care

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

14 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;  
15 103-564, eff. 11-17-23.)

16 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

17 Sec. 2-3. Neglected or abused minor.

18 (1) Those who are neglected include any minor under 18  
19 years of age or a minor 18 years of age or older for whom the  
20 court has made a finding of probable cause to believe that the  
21 minor is abused, neglected, or dependent under subsection (1)  
22 of Section 2-10 prior to the minor's 18th birthday:

23 (a) who is not receiving the proper or necessary  
24 support, education as required by law, or medical or other  
25 remedial care recognized under State law as necessary for

1 a minor's well-being, or other care necessary for the  
2 minor's well-being, including adequate food, clothing, and  
3 shelter, or who is abandoned by the minor's parent or  
4 parents or other person or persons responsible for the  
5 minor's welfare, except that a minor shall not be  
6 considered neglected for the sole reason that the minor's  
7 parent or parents or other person or persons responsible  
8 for the minor's welfare have left the minor in the care of  
9 an adult relative for any period of time, who the parent or  
10 parents or other person responsible for the minor's  
11 welfare know is both a mentally capable adult relative and  
12 physically capable adult relative, as defined by this Act;  
13 or

14 (b) whose environment is injurious to the minor's  
15 welfare. An environment is injurious if conditions in the  
16 child's environment create a real, significant and  
17 imminent likelihood of harm to the child's health,  
18 well-being, or welfare and the parent or caretaker  
19 blatantly disregarded his or her parental responsibility  
20 to prevent or mitigate such harm consistent with the  
21 health, safety, and best interests of the minor to remain  
22 in the custody of a parent, guardian, or custodian who  
23 experienced domestic violence unless the court determines  
24 the parent, guardian, or custodian who experienced  
25 domestic violence has committed acts or omissions  
26 unrelated to domestic violence against that parent,

1 guardian, or custodian resulting in a determination of  
2 abuse or neglect under this Act; or

3 (c) who is a newborn infant whose blood, urine, or  
4 meconium contains any amount of a controlled substance as  
5 defined in subsection (f) of Section 102 of the Illinois  
6 Controlled Substances Act or a metabolite of a controlled  
7 substance, with the exception of controlled substances or  
8 metabolites of such substances, the presence of which in  
9 the newborn infant is the result of medical treatment  
10 administered to the person who gave birth or the newborn  
11 infant; or

12 (d) whose parent or other person responsible for the  
13 minor's welfare leaves the minor without supervision for  
14 an unreasonable period of time without regard for the  
15 mental or physical health, safety, or welfare of that  
16 minor. Whether the minor was left without regard for the  
17 mental or physical health, safety, or welfare of that  
18 minor or the period of time was unreasonable shall be  
19 determined by considering factors including, but not  
20 limited to, the following:

21 (1) the age of the minor;

22 (2) the number of minors left at the location;

23 (3) the special needs of the minor, including  
24 whether the minor is a person with a physical or mental  
25 disability or is otherwise in need of ongoing  
26 prescribed medical treatment, such as periodic doses

1 of insulin or other medications;

2 (4) the duration of time in which the minor was  
3 left without supervision;

4 (5) the condition and location of the place where  
5 the minor was left without supervision;

6 (6) the time of day or night when the minor was  
7 left without supervision;

8 (7) the weather conditions, including whether the  
9 minor was left in a location with adequate protection  
10 from the natural elements, such as adequate heat or  
11 light;

12 (8) the location of the parent or guardian at the  
13 time the minor was left without supervision and the  
14 physical distance the minor was from the parent or  
15 guardian at the time the minor was without  
16 supervision;

17 (9) whether the minor's movement was restricted or  
18 the minor was otherwise locked within a room or other  
19 structure;

20 (10) whether the minor was given a phone number of  
21 a person or location to call in the event of an  
22 emergency and whether the minor was capable of making  
23 an emergency call;

24 (11) whether there was food and other provision  
25 left for the minor;

26 (12) whether any of the conduct is attributable to

1 economic hardship or illness and the parent, guardian,  
2 or other person having physical custody or control of  
3 the child made a good faith effort to provide for the  
4 health and safety of the minor;

5 (13) the age and physical and mental capabilities  
6 of the person or persons who provided supervision for  
7 the minor;

8 (14) whether the minor was left under the  
9 supervision of another person;

10 (15) any other factor that would endanger the  
11 health and safety of that particular minor; or

12 (e) who has been provided with interim crisis  
13 intervention services under Section 3-5 of this Act and  
14 whose parent, guardian, or custodian refuses to permit the  
15 minor to return home unless the minor is an immediate  
16 physical danger to the minor or others living in the home.

17 A minor shall not be considered neglected for the sole  
18 reason that the minor has been relinquished in accordance with  
19 the Abandoned Newborn Infant Protection Act.

20 (1.5) A minor shall not be considered neglected for the  
21 sole reason that the minor's parent or other person  
22 responsible for the minor's welfare permits the minor to  
23 engage in independent activities unless the minor was  
24 permitted to engage in independent activities under  
25 circumstances presenting unreasonable risk of harm to the  
26 minor's mental or physical health, safety, or well-being.

1 "Independent activities" includes, but is not limited to:

2 (a) traveling to and from school, including by  
3 walking, running, or bicycling;

4 (b) traveling to and from nearby commercial or  
5 recreational facilities;

6 (c) engaging in outdoor play;

7 (d) remaining in a vehicle unattended, except as  
8 otherwise provided by law;

9 (e) remaining at home or at a similarly appropriate  
10 location unattended; or

11 (f) engaging in a similar independent activity alone  
12 or with other children.

13 In determining whether an independent activity presented  
14 unreasonable risk of harm, the court shall consider:

15 (1) whether the activity is accepted as suitable for  
16 minors of the same age, maturity level, and developmental  
17 capacity as the involved minor;

18 (2) the factors listed in items (1) through (15) of  
19 paragraph (d) of subsection (1); and

20 (3) any other factor the court deems relevant.

21 (2) Those who are abused include any minor under 18 years  
22 of age or a minor 18 years of age or older for whom the court  
23 has made a finding of probable cause to believe that the minor  
24 is abused, neglected, or dependent under subsection (1) of  
25 Section 2-10 prior to the minor's 18th birthday whose parent  
26 or immediate family member, or any person responsible for the

1 minor's welfare, or any person who is in the same family or  
2 household as the minor, or any individual residing in the same  
3 home as the minor, or a paramour of the minor's parent:

4 (i) inflicts, causes to be inflicted, or allows to be  
5 inflicted upon such minor physical injury, by other than  
6 accidental means, which causes death, disfigurement,  
7 impairment of physical or emotional health, or loss or  
8 impairment of any bodily function;

9 (ii) creates a substantial risk of physical injury to  
10 such minor by other than accidental means which would be  
11 likely to cause death, disfigurement, impairment of  
12 emotional health, or loss or impairment of any bodily  
13 function;

14 (iii) commits or allows to be committed any sex  
15 offense against such minor, as such sex offenses are  
16 defined in the Criminal Code of 1961 or the Criminal Code  
17 of 2012, or in the Wrongs to Children Act, and extending  
18 those definitions of sex offenses to include minors under  
19 18 years of age;

20 (iv) commits or allows to be committed an act or acts  
21 of torture upon such minor;

22 (v) inflicts excessive corporal punishment;

23 (vi) commits or allows to be committed the offense of  
24 involuntary servitude, involuntary sexual servitude of a  
25 minor, or trafficking in persons as defined in Section  
26 10-9 of the Criminal Code of 1961 or the Criminal Code of

1           2012, upon such minor; or

2           (vii) allows, encourages, or requires a minor to  
3           commit any act of prostitution, as defined in the Criminal  
4           Code of 1961 or the Criminal Code of 2012, and extending  
5           those definitions to include minors under 18 years of age.

6           A minor shall not be considered abused for the sole reason  
7           that the minor has been relinquished in accordance with the  
8           Abandoned Newborn Infant Protection Act.

9           (3) This Section does not apply to a minor who would be  
10          included herein solely for the purpose of qualifying for  
11          financial assistance for the minor or the minor's parents,  
12          guardian, or custodian.

13          (4) The changes made by Public Act 101-79 apply to a case  
14          that is pending on or after July 12, 2019 (the effective date  
15          of Public Act 101-79).

16          (Source: P.A. 103-22, eff. 8-8-23; 103-233, eff. 6-30-23;  
17          103-605, eff. 7-1-24.)

18           (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

19          Sec. 2-10. Temporary custody hearing. At the appearance of  
20          the minor before the court at the temporary custody hearing,  
21          all witnesses present shall be examined before the court in  
22          relation to any matter connected with the allegations made in  
23          the petition.

24          (1) If the court finds that there is not probable cause to  
25          believe that the minor is abused, neglected, or dependent it

1 shall release the minor and dismiss the petition.

2 (2) If the court finds that there is probable cause to  
3 believe that the minor is abused, neglected, or dependent, the  
4 court shall state in writing the factual basis supporting its  
5 finding and the minor, the minor's parent, guardian, or  
6 custodian, and other persons able to give relevant testimony  
7 shall be examined before the court. The Department of Children  
8 and Family Services shall give testimony concerning indicated  
9 reports of abuse and neglect, of which they are aware through  
10 the central registry, involving the minor's parent, guardian,  
11 or custodian. After such testimony, the court may, consistent  
12 with the health, safety, and best interests of the minor,  
13 enter an order that the minor shall be released upon the  
14 request of parent, guardian, or custodian if the parent,  
15 guardian, or custodian appears to take custody. It shall be  
16 presumed to be consistent with the health, safety, and best  
17 interest of the minor to be released to a parent, guardian, or  
18 custodian who experienced domestic violence unless the court  
19 has determined that this parent, guardian, or custodian who  
20 experienced domestic violence has committed acts or omissions  
21 unrelated to incidents of domestic violence against the  
22 parent, guardian, or custodian that is sufficient to  
23 independently support a determination of abuse or neglect  
24 under this Act. If it is determined that a parent's,  
25 guardian's, or custodian's compliance with critical services  
26 mitigates the necessity for removal of the minor from the

1 minor's home, the court may enter an Order of Protection  
2 setting forth reasonable conditions of behavior that a parent,  
3 guardian, or custodian must observe for a specified period of  
4 time, not to exceed 12 months, without a violation; provided,  
5 however, that the 12-month period shall begin anew after any  
6 violation. "Custodian" includes the Department of Children and  
7 Family Services, if it has been given custody of the child, or  
8 any other agency of the State which has been given custody or  
9 wardship of the child. If it is consistent with the health,  
10 safety, and best interests of the minor, the court may also  
11 prescribe shelter care and order that the minor be kept in a  
12 suitable place designated by the court or in a shelter care  
13 facility designated by the Department of Children and Family  
14 Services or a licensed child welfare agency; however, on and  
15 after January 1, 2015 (the effective date of Public Act  
16 98-803) and before January 1, 2017, a minor charged with a  
17 criminal offense under the Criminal Code of 1961 or the  
18 Criminal Code of 2012 or adjudicated delinquent shall not be  
19 placed in the custody of or committed to the Department of  
20 Children and Family Services by any court, except a minor less  
21 than 16 years of age and committed to the Department of  
22 Children and Family Services under Section 5-710 of this Act  
23 or a minor for whom an independent basis of abuse, neglect, or  
24 dependency exists; and on and after January 1, 2017, a minor  
25 charged with a criminal offense under the Criminal Code of  
26 1961 or the Criminal Code of 2012 or adjudicated delinquent

1 shall not be placed in the custody of or committed to the  
2 Department of Children and Family Services by any court,  
3 except a minor less than 15 years of age and committed to the  
4 Department of Children and Family Services under Section 5-710  
5 of this Act or a minor for whom an independent basis of abuse,  
6 neglect, or dependency exists. An independent basis exists  
7 when the allegations or adjudication of abuse, neglect, or  
8 dependency do not arise from the same facts, incident, or  
9 circumstances which give rise to a charge or adjudication of  
10 delinquency.

11 In placing the minor, the Department or other agency  
12 shall, to the extent compatible with the court's order, comply  
13 with Section 7 of the Children and Family Services Act. In  
14 determining the health, safety, and best interests of the  
15 minor to prescribe shelter care, the court must find that it is  
16 a matter of immediate and urgent necessity for the safety, and  
17 protection of the minor or of the person or property of another  
18 that the minor be placed in a shelter care facility or that the  
19 minor is likely to flee the jurisdiction of the court, and must  
20 further find that reasonable efforts have been made or that,  
21 consistent with the health, safety and best interests of the  
22 minor, no efforts reasonably can be made to prevent or  
23 eliminate the necessity of removal of the minor from the  
24 minor's home. The court shall require documentation from the  
25 Department of Children and Family Services as to the  
26 reasonable efforts that were made to prevent or eliminate the

1 necessity of removal of the minor from the minor's home or the  
2 reasons why no efforts reasonably could be made to prevent or  
3 eliminate the necessity of removal. When a minor is placed in  
4 the home of a relative, the Department of Children and Family  
5 Services shall complete a preliminary background review of the  
6 members of the minor's custodian's household in accordance  
7 with Section 4.3 of the Child Care Act of 1969 within 90 days  
8 of that placement. If the minor is ordered placed in a shelter  
9 care facility of the Department of Children and Family  
10 Services or a licensed child welfare agency, the court shall,  
11 upon request of the appropriate Department or other agency,  
12 appoint the Department of Children and Family Services  
13 Guardianship Administrator or other appropriate agency  
14 executive temporary custodian of the minor and the court may  
15 enter such other orders related to the temporary custody as it  
16 deems fit and proper, including the provision of services to  
17 the minor or the minor's family to ameliorate the causes  
18 contributing to the finding of probable cause or to the  
19 finding of the existence of immediate and urgent necessity.

20 Where the Department of Children and Family Services  
21 Guardianship Administrator is appointed as the executive  
22 temporary custodian, the Department of Children and Family  
23 Services shall file with the court and serve on the parties a  
24 parent-child visiting plan, within 10 days, excluding weekends  
25 and holidays, after the appointment. The parent-child visiting  
26 plan shall set out the time and place of visits, the frequency

1 of visits, the length of visits, who shall be present at the  
2 visits, and where appropriate, the minor's opportunities to  
3 have telephone and mail communication with the parents.

4 Where the Department of Children and Family Services  
5 Guardianship Administrator is appointed as the executive  
6 temporary custodian, and when the child has siblings in care,  
7 the Department of Children and Family Services shall file with  
8 the court and serve on the parties a sibling placement and  
9 contact plan within 10 days, excluding weekends and holidays,  
10 after the appointment. The sibling placement and contact plan  
11 shall set forth whether the siblings are placed together, and  
12 if they are not placed together, what, if any, efforts are  
13 being made to place them together. If the Department has  
14 determined that it is not in a child's best interest to be  
15 placed with a sibling, the Department shall document in the  
16 sibling placement and contact plan the basis for its  
17 determination. For siblings placed separately, the sibling  
18 placement and contact plan shall set the time and place for  
19 visits, the frequency of the visits, the length of visits, who  
20 shall be present for the visits, and where appropriate, the  
21 child's opportunities to have contact with their siblings in  
22 addition to in person contact. If the Department determines it  
23 is not in the best interest of a sibling to have contact with a  
24 sibling, the Department shall document in the sibling  
25 placement and contact plan the basis for its determination.  
26 The sibling placement and contact plan shall specify a date

1 for development of the Sibling Contact Support Plan, under  
2 subsection (f) of Section 7.4 of the Children and Family  
3 Services Act, and shall remain in effect until the Sibling  
4 Contact Support Plan is developed.

5 For good cause, the court may waive the requirement to  
6 file the parent-child visiting plan or the sibling placement  
7 and contact plan, or extend the time for filing either plan.  
8 Any party may, by motion, request the court to review the  
9 parent-child visiting plan to determine whether it is  
10 reasonably calculated to expeditiously facilitate the  
11 achievement of the permanency goal. A party may, by motion,  
12 request the court to review the parent-child visiting plan or  
13 the sibling placement and contact plan to determine whether it  
14 is consistent with the minor's best interest. The court may  
15 refer the parties to mediation where available. The frequency,  
16 duration, and locations of visitation shall be measured by the  
17 needs of the child and family, and not by the convenience of  
18 Department personnel. Child development principles shall be  
19 considered by the court in its analysis of how frequent  
20 visitation should be, how long it should last, where it should  
21 take place, and who should be present. If upon motion of the  
22 party to review either plan and after receiving evidence, the  
23 court determines that the parent-child visiting plan is not  
24 reasonably calculated to expeditiously facilitate the  
25 achievement of the permanency goal or that the restrictions  
26 placed on parent-child contact or sibling placement or contact

1 are contrary to the child's best interests, the court shall  
2 put in writing the factual basis supporting the determination  
3 and enter specific findings based on the evidence. The court  
4 shall enter an order for the Department to implement changes  
5 to the parent-child visiting plan or sibling placement or  
6 contact plan, consistent with the court's findings. At any  
7 stage of proceeding, any party may by motion request the court  
8 to enter any orders necessary to implement the parent-child  
9 visiting plan, sibling placement or contact plan, or  
10 subsequently developed Sibling Contact Support Plan. Nothing  
11 under this subsection (2) shall restrict the court from  
12 granting discretionary authority to the Department to increase  
13 opportunities for additional parent-child contacts or sibling  
14 contacts, without further court orders. Nothing in this  
15 subsection (2) shall restrict the Department from immediately  
16 restricting or terminating parent-child contact or sibling  
17 contacts, without either amending the parent-child visiting  
18 plan or the sibling contact plan or obtaining a court order,  
19 where the Department or its assigns reasonably believe there  
20 is an immediate need to protect the child's health, safety,  
21 and welfare. Such restrictions or terminations must be based  
22 on available facts to the Department and its assigns when  
23 viewed in light of the surrounding circumstances and shall  
24 only occur on an individual case-by-case basis. The Department  
25 shall file with the court and serve on the parties any  
26 amendments to the plan within 10 days, excluding weekends and

1 holidays, of the change of the visitation.

2 Acceptance of services shall not be considered an  
3 admission of any allegation in a petition made pursuant to  
4 this Act, nor may a referral of services be considered as  
5 evidence in any proceeding pursuant to this Act, except where  
6 the issue is whether the Department has made reasonable  
7 efforts to reunite the family. In making its findings that it  
8 is consistent with the health, safety, and best interests of  
9 the minor to prescribe shelter care, the court shall state in  
10 writing (i) the factual basis supporting its findings  
11 concerning the immediate and urgent necessity for the  
12 protection of the minor or of the person or property of another  
13 and (ii) the factual basis supporting its findings that  
14 reasonable efforts were made to prevent or eliminate the  
15 removal of the minor from the minor's home or that no efforts  
16 reasonably could be made to prevent or eliminate the removal  
17 of the minor from the minor's home. The parents, guardian,  
18 custodian, temporary custodian, and minor shall each be  
19 furnished a copy of such written findings. The temporary  
20 custodian shall maintain a copy of the court order and written  
21 findings in the case record for the child. The order together  
22 with the court's findings of fact in support thereof shall be  
23 entered of record in the court.

24 Once the court finds that it is a matter of immediate and  
25 urgent necessity for the protection of the minor that the  
26 minor be placed in a shelter care facility, the minor shall not

1 be returned to the parent, custodian, or guardian until the  
2 court finds that such placement is no longer necessary for the  
3 protection of the minor.

4 If the child is placed in the temporary custody of the  
5 Department of Children and Family Services for the minor's  
6 protection, the court shall admonish the parents, guardian,  
7 custodian, or responsible relative that the parents must  
8 cooperate with the Department of Children and Family Services,  
9 comply with the terms of the service plans, and correct the  
10 conditions which require the child to be in care, or risk  
11 termination of their parental rights. The court shall ensure,  
12 by inquiring in open court of each parent, guardian,  
13 custodian, or responsible relative, that the parent, guardian,  
14 custodian, or responsible relative has had the opportunity to  
15 provide the Department with all known names, addresses, and  
16 telephone numbers of each of the minor's living adult  
17 relatives, including, but not limited to, grandparents,  
18 siblings of the minor's parents, and siblings. The court shall  
19 advise the parents, guardian, custodian, or responsible  
20 relative to inform the Department if additional information  
21 regarding the minor's adult relatives becomes available.

22 (3) If prior to the shelter care hearing for a minor  
23 described in Sections 2-3, 2-4, 3-3, and 4-3 the moving party  
24 is unable to serve notice on the party respondent, the shelter  
25 care hearing may proceed ex parte. A shelter care order from an  
26 ex parte hearing shall be endorsed with the date and hour of

1 issuance and shall be filed with the clerk's office and  
 2 entered of record. The order shall expire after 10 days from  
 3 the time it is issued unless before its expiration it is  
 4 renewed, at a hearing upon appearance of the party respondent,  
 5 or upon an affidavit of the moving party as to all diligent  
 6 efforts to notify the party respondent by notice as herein  
 7 prescribed. The notice prescribed shall be in writing and  
 8 shall be personally delivered to the minor or the minor's  
 9 attorney and to the last known address of the other person or  
 10 persons entitled to notice. The notice shall also state the  
 11 nature of the allegations, the nature of the order sought by  
 12 the State, including whether temporary custody is sought, and  
 13 the consequences of failure to appear and shall contain a  
 14 notice that the parties will not be entitled to further  
 15 written notices or publication notices of proceedings in this  
 16 case, including the filing of an amended petition or a motion  
 17 to terminate parental rights, except as required by Supreme  
 18 Court Rule 11; and shall explain the right of the parties and  
 19 the procedures to vacate or modify a shelter care order as  
 20 provided in this Section. The notice for a shelter care  
 21 hearing shall be substantially as follows:

22 NOTICE TO PARENTS AND CHILDREN  
 23 OF SHELTER CARE HEARING

24 On ..... at ....., before the Honorable  
 25 ....., (address:) ....., the State  
 26 of Illinois will present evidence (1) that (name of child

1 or children) ..... are abused,  
 2 neglected, or dependent for the following reasons:  
 3 ..... and (2)  
 4 whether there is "immediate and urgent necessity" to  
 5 remove the child or children from the responsible  
 6 relative.

7 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN  
 8 PLACEMENT of the child or children in foster care until a  
 9 trial can be held. A trial may not be held for up to 90  
 10 days. You will not be entitled to further notices of  
 11 proceedings in this case, including the filing of an  
 12 amended petition or a motion to terminate parental rights.

13 At the shelter care hearing, parents have the  
 14 following rights:

15 1. To ask the court to appoint a lawyer if they  
 16 cannot afford one.

17 2. To ask the court to continue the hearing to  
 18 allow them time to prepare.

19 3. To present evidence concerning:

20 a. Whether or not the child or children were  
 21 abused, neglected or dependent.

22 b. Whether or not there is "immediate and  
 23 urgent necessity" to remove the child from home  
 24 (including: their ability to care for the child,  
 25 conditions in the home, alternative means of  
 26 protecting the child other than removal).

1 c. The best interests of the child.

2 4. To cross examine the State's witnesses.

3 The Notice for rehearings shall be substantially as  
4 follows:

5 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS  
6 TO REHEARING ON TEMPORARY CUSTODY

7 If you were not present at and did not have adequate  
8 notice of the Shelter Care Hearing at which temporary  
9 custody of ..... was awarded to  
10 ....., you have the right to request a full  
11 rehearing on whether the State should have temporary  
12 custody of ..... To request this rehearing,  
13 you must file with the Clerk of the Juvenile Court  
14 (address): ....., in person or by  
15 mailing a statement (affidavit) setting forth the  
16 following:

17 1. That you were not present at the shelter care  
18 hearing.

19 2. That you did not get adequate notice  
20 (explaining how the notice was inadequate).

21 3. Your signature.

22 4. Signature must be notarized.

23 The rehearing should be scheduled within 48 hours of  
24 your filing this affidavit.

25 At the rehearing, your rights are the same as at the

1 initial shelter care hearing. The enclosed notice explains  
2 those rights.

3 At the Shelter Care Hearing, children have the  
4 following rights:

5 1. To have a guardian ad litem appointed.

6 2. To be declared competent as a witness and to  
7 present testimony concerning:

8 a. Whether they are abused, neglected or  
9 dependent.

10 b. Whether there is "immediate and urgent  
11 necessity" to be removed from home.

12 c. Their best interests.

13 3. To cross examine witnesses for other parties.

14 4. To obtain an explanation of any proceedings and  
15 orders of the court.

16 (4) If the parent, guardian, legal custodian, responsible  
17 relative, minor age 8 or over, or counsel of the minor did not  
18 have actual notice of or was not present at the shelter care  
19 hearing, the parent, guardian, legal custodian, responsible  
20 relative, minor age 8 or over, or counsel of the minor may file  
21 an affidavit setting forth these facts, and the clerk shall  
22 set the matter for rehearing not later than 48 hours,  
23 excluding Sundays and legal holidays, after the filing of the  
24 affidavit. At the rehearing, the court shall proceed in the  
25 same manner as upon the original hearing.

26 (5) Only when there is reasonable cause to believe that

1 the minor taken into custody is a person described in  
2 subsection (3) of Section 5-105 may the minor be kept or  
3 detained in a detention home or county or municipal jail. This  
4 Section shall in no way be construed to limit subsection (6).

5 (6) No minor under 16 years of age may be confined in a  
6 jail or place ordinarily used for the confinement of prisoners  
7 in a police station. Minors under 18 years of age must be kept  
8 separate from confined adults and may not at any time be kept  
9 in the same cell, room, or yard with adults confined pursuant  
10 to the criminal law.

11 (7) If the minor is not brought before a judicial officer  
12 within the time period as specified in Section 2-9, the minor  
13 must immediately be released from custody.

14 (8) If neither the parent, guardian, or custodian appears  
15 within 24 hours to take custody of a minor released upon  
16 request pursuant to subsection (2) of this Section, then the  
17 clerk of the court shall set the matter for rehearing not later  
18 than 7 days after the original order and shall issue a summons  
19 directed to the parent, guardian, or custodian to appear. At  
20 the same time the probation department shall prepare a report  
21 on the minor. If a parent, guardian, or custodian does not  
22 appear at such rehearing, the judge may enter an order  
23 prescribing that the minor be kept in a suitable place  
24 designated by the Department of Children and Family Services  
25 or a licensed child welfare agency.

26 (9) Notwithstanding any other provision of this Section

1 any interested party, including the State, the temporary  
2 custodian, an agency providing services to the minor or family  
3 under a service plan pursuant to Section 8.2 of the Abused and  
4 Neglected Child Reporting Act, foster parent, or any of their  
5 representatives, on notice to all parties entitled to notice,  
6 may file a motion that it is in the best interests of the minor  
7 to modify or vacate a temporary custody order on any of the  
8 following grounds:

9 (a) It is no longer a matter of immediate and urgent  
10 necessity that the minor remain in shelter care; or

11 (b) There is a material change in the circumstances of  
12 the natural family from which the minor was removed and  
13 the child can be cared for at home without endangering the  
14 child's health or safety; or

15 (c) A person not a party to the alleged abuse, neglect  
16 or dependency, including a parent, relative, or legal  
17 guardian, is capable of assuming temporary custody of the  
18 minor; or

19 (d) Services provided by the Department of Children  
20 and Family Services or a child welfare agency or other  
21 service provider have been successful in eliminating the  
22 need for temporary custody and the child can be cared for  
23 at home without endangering the child's health or safety.

24 In ruling on the motion, the court shall determine whether  
25 it is consistent with the health, safety, and best interests  
26 of the minor to modify or vacate a temporary custody order. If

1 the minor is being restored to the custody of a parent, legal  
2 custodian, or guardian who lives outside of Illinois, and an  
3 Interstate Compact has been requested and refused, the court  
4 may order the Department of Children and Family Services to  
5 arrange for an assessment of the minor's proposed living  
6 arrangement and for ongoing monitoring of the health, safety,  
7 and best interest of the minor and compliance with any order of  
8 protective supervision entered in accordance with Section 2-20  
9 or 2-25.

10 The clerk shall set the matter for hearing not later than  
11 14 days after such motion is filed. In the event that the court  
12 modifies or vacates a temporary custody order but does not  
13 vacate its finding of probable cause, the court may order that  
14 appropriate services be continued or initiated in behalf of  
15 the minor and the minor's family.

16 (10) When the court finds or has found that there is  
17 probable cause to believe a minor is an abused minor as  
18 described in subsection (2) of Section 2-3 and that there is an  
19 immediate and urgent necessity for the abused minor to be  
20 placed in shelter care, immediate and urgent necessity shall  
21 be presumed for any other minor residing in the same household  
22 as the abused minor provided:

23 (a) Such other minor is the subject of an abuse or  
24 neglect petition pending before the court; and

25 (b) A party to the petition is seeking shelter care  
26 for such other minor.

1           Once the presumption of immediate and urgent necessity has  
2           been raised, the burden of demonstrating the lack of immediate  
3           and urgent necessity shall be on any party that is opposing  
4           shelter care for the other minor.

5           (11) The changes made to this Section by Public Act 98-61  
6           apply to a minor who has been arrested or taken into custody on  
7           or after January 1, 2014 (the effective date of Public Act  
8           98-61).

9           (12) After the court has placed a minor in the care of a  
10          temporary custodian pursuant to this Section, any party may  
11          file a motion requesting the court to grant the temporary  
12          custodian the authority to serve as a surrogate decision maker  
13          for the minor under the Health Care Surrogate Act for purposes  
14          of making decisions pursuant to paragraph (1) of subsection  
15          (b) of Section 20 of the Health Care Surrogate Act. The court  
16          may grant the motion if it determines by clear and convincing  
17          evidence that it is in the best interests of the minor to grant  
18          the temporary custodian such authority. In making its  
19          determination, the court shall weigh the following factors in  
20          addition to considering the best interests factors listed in  
21          subsection (4.05) of Section 1-3 of this Act:

22                 (a) the efforts to identify and locate the respondents  
23                 and adult family members of the minor and the results of  
24                 those efforts;

25                 (b) the efforts to engage the respondents and adult  
26                 family members of the minor in decision making on behalf

1 of the minor;

2 (c) the length of time the efforts in paragraphs (a)  
3 and (b) have been ongoing;

4 (d) the relationship between the respondents and adult  
5 family members and the minor;

6 (e) medical testimony regarding the extent to which  
7 the minor is suffering and the impact of a delay in  
8 decision-making on the minor; and

9 (f) any other factor the court deems relevant.

10 If the Department of Children and Family Services is the  
11 temporary custodian of the minor, in addition to the  
12 requirements of paragraph (1) of subsection (b) of Section 20  
13 of the Health Care Surrogate Act, the Department shall follow  
14 its rules and procedures in exercising authority granted under  
15 this subsection.

16 (Source: P.A. 102-489, eff. 8-20-21; 102-502, eff. 1-1-22;  
17 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-605, eff.  
18 7-1-24.)

19 (705 ILCS 405/2-18) (from Ch. 37, par. 802-18)

20 Sec. 2-18. Evidence.

21 (1) At the adjudicatory hearing, the court shall first  
22 consider only the question whether the minor is abused,  
23 neglected or dependent. The standard of proof and the rules of  
24 evidence in the nature of civil proceedings in this State are  
25 applicable to proceedings under this Article. If the petition

1 also seeks the appointment of a guardian of the person with  
2 power to consent to adoption of the minor under Section 2-29,  
3 the court may also consider legally admissible evidence at the  
4 adjudicatory hearing that one or more grounds of unfitness  
5 exists under subdivision D of Section 1 of the Adoption Act.

6 (2) In any hearing under this Act, the following shall  
7 constitute prima facie evidence of abuse or neglect, as the  
8 case may be:

9 (a) proof that a minor has a medical diagnosis of  
10 battered child syndrome is prima facie evidence of abuse;

11 (b) proof that a minor has a medical diagnosis of  
12 failure to thrive syndrome is prima facie evidence of  
13 neglect;

14 (c) proof that a minor has a medical diagnosis of  
15 fetal alcohol syndrome is prima facie evidence of neglect;

16 (d) proof that a minor has a medical diagnosis at  
17 birth of withdrawal symptoms from narcotics or  
18 barbiturates is prima facie evidence of neglect;

19 (e) proof of injuries sustained by a minor or of the  
20 condition of a minor of such a nature as would ordinarily  
21 not be sustained or exist except by reason of the acts or  
22 omissions of the parent, custodian or guardian of such  
23 minor shall be prima facie evidence of abuse or neglect,  
24 as the case may be;

25 (f) proof that a parent, custodian or guardian of a  
26 minor repeatedly used a drug, to the extent that it has or

1 would ordinarily have the effect of producing in the user  
2 a substantial state of stupor, unconsciousness,  
3 intoxication, hallucination, disorientation or  
4 incompetence, or a substantial impairment of judgment, or  
5 a substantial manifestation of irrationality, shall be  
6 prima facie evidence of neglect;

7 (g) proof that a parent, custodian, or guardian of a  
8 minor repeatedly used a controlled substance, as defined  
9 in subsection (f) of Section 102 of the Illinois  
10 Controlled Substances Act, in the presence of the minor or  
11 a sibling of the minor is prima facie evidence of neglect.  
12 "Repeated use", for the purpose of this subsection, means  
13 more than one use of a controlled substance as defined in  
14 subsection (f) of Section 102 of the Illinois Controlled  
15 Substances Act;

16 (h) proof that a newborn infant's blood, urine, or  
17 meconium contains any amount of a controlled substance as  
18 defined in subsection (f) of Section 102 of the Illinois  
19 Controlled Substances Act, or a metabolite of a controlled  
20 substance, with the exception of controlled substances or  
21 metabolites of those substances, the presence of which is  
22 the result of medical treatment administered to the mother  
23 or the newborn, is prime facie evidence of neglect;

24 (i) proof that a minor was present in a structure or  
25 vehicle in which the minor's parent, custodian, or  
26 guardian was involved in the manufacture of

1 methamphetamine constitutes prima facie evidence of abuse  
2 and neglect;

3 (j) proof that a parent, custodian, or guardian of a  
4 minor allows, encourages, or requires a minor to perform,  
5 offer, or agree to perform any act of sexual penetration  
6 as defined in Section 11-0.1 of the Criminal Code of 2012  
7 for any money, property, token, object, or article or  
8 anything of value, or any touching or fondling of the sex  
9 organs of one person by another person, for any money,  
10 property, token, object, or article or anything of value,  
11 for the purpose of sexual arousal or gratification,  
12 constitutes prima facie evidence of abuse and neglect;

13 (k) proof that a parent, custodian, or guardian of a  
14 minor commits or allows to be committed the offense of  
15 involuntary servitude, involuntary sexual servitude of a  
16 minor, or trafficking in persons as defined in Section  
17 10-9 of the Criminal Code of 1961 or the Criminal Code of  
18 2012, upon such minor, constitutes prima facie evidence of  
19 abuse and neglect.

20 (3) In any hearing under this Act, proof of the abuse,  
21 neglect or dependency of one minor shall be admissible  
22 evidence on the issue of the abuse, neglect or dependency of  
23 any other minor for whom the respondent is responsible.

24 (4) (a) Any writing, record, photograph or x-ray of any  
25 hospital or public or private agency, whether in the form of an  
26 entry in a book or otherwise, made as a memorandum or record of

1 any condition, act, transaction, occurrence or event relating  
2 to a minor in an abuse, neglect or dependency proceeding,  
3 shall be admissible in evidence as proof of that condition,  
4 act, transaction, occurrence or event, if the court finds that  
5 the document was made in the regular course of the business of  
6 the hospital or agency at the time of the act, transaction,  
7 occurrence or event, or within a reasonable time thereafter. A  
8 certification by the head or responsible employee or agent of  
9 the hospital or agency having knowledge of the creation and  
10 maintenance of or of the matters stated in the writing,  
11 record, photograph or x-ray attesting that the document is the  
12 full and complete record of the condition, act, transaction,  
13 occurrence or event and that it satisfies the conditions of  
14 this paragraph shall be prima facie evidence of the facts  
15 contained in such certification. All other circumstances of  
16 the making of the memorandum, record, photograph or x-ray,  
17 including lack of personal knowledge of the maker, may be  
18 proved to affect the weight to be accorded such evidence, but  
19 shall not affect its admissibility.

20 (b) Any indicated report filed pursuant to the Abused and  
21 Neglected Child Reporting Act shall be admissible in evidence.

22 (c) Previous statements made by the minor relating to any  
23 allegations of abuse or neglect shall be admissible in  
24 evidence. However, no such statement, if uncorroborated and  
25 not subject to cross-examination, shall be sufficient in  
26 itself to support a finding of abuse or neglect.

1 (d) There shall be a rebuttable presumption that a minor  
2 is competent to testify in abuse or neglect proceedings. The  
3 court shall determine how much weight to give to the minor's  
4 testimony, and may allow the minor to testify in chambers with  
5 only the court, the court reporter and attorneys for the  
6 parties present.

7 (e) The privileged character of communication between any  
8 professional person and patient or client, except privilege  
9 between attorney and client or the privilege between a  
10 domestic violence advocate or counselor and victim under  
11 Section 227 of the Illinois Domestic Violence Act, and  
12 privilege between a rape counselor and victim under the  
13 Section 8-802.1 of the Code of Civil Procedure, shall not  
14 apply to proceedings subject to this Article.

15 (f) Proof of the impairment of emotional health or  
16 impairment of mental or emotional condition as a result of the  
17 failure of the respondent to exercise a minimum degree of care  
18 toward a minor may include competent opinion or expert  
19 testimony, and may include proof that such impairment lessened  
20 during a period when the minor was in the care, custody or  
21 supervision of a person or agency other than the respondent.

22 (5) In any hearing under this Act alleging neglect for  
23 failure to provide education as required by law under  
24 subsection (1) of Section 2-3, proof that a minor under 13  
25 years of age who is subject to compulsory school attendance  
26 under the School Code is a chronic truant as defined under the

1 School Code shall be prima facie evidence of neglect by the  
2 parent or guardian in any hearing under this Act and proof that  
3 a minor who is 13 years of age or older who is subject to  
4 compulsory school attendance under the School Code is a  
5 chronic truant shall raise a rebuttable presumption of neglect  
6 by the parent or guardian. This subsection (5) shall not apply  
7 in counties with 2,000,000 or more inhabitants.

8 (6) In any hearing under this Act, the court may take  
9 judicial notice of prior sworn testimony or evidence admitted  
10 in prior proceedings involving the same minor if (a) the  
11 parties were either represented by counsel at such prior  
12 proceedings or the right to counsel was knowingly waived and  
13 (b) the taking of judicial notice would not result in  
14 admitting hearsay evidence at a hearing where it would  
15 otherwise be prohibited.

16 (Source: P.A. 103-124, eff. 1-1-24.)

17 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)

18 Sec. 2-21. Findings and adjudication.

19 (1) The court shall state for the record the manner in  
20 which the parties received service of process and shall note  
21 whether the return or returns of service, postal return  
22 receipt or receipts for notice by certified mail, or  
23 certificate or certificates of publication have been filed in  
24 the court record. The court shall enter any appropriate orders  
25 of default against any parent who has been properly served in

1 any manner and fails to appear.

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

6 The caseworker shall testify about the diligent search  
7 conducted for the parent.

8 After hearing the evidence the court shall determine  
9 whether or not the minor is abused, neglected, or dependent.  
10 If it finds that the minor is not such a person, the court  
11 shall order the petition dismissed and the minor discharged.  
12 The court's determination of whether the minor is abused,  
13 neglected, or dependent shall be stated in writing with the  
14 factual basis supporting that determination.

15 If the court finds that the minor is abused, neglected, or  
16 dependent, the court shall then determine and put in writing  
17 the factual basis supporting that determination, and specify,  
18 to the extent possible, the acts or omissions or both of each  
19 parent, guardian, or legal custodian that form the basis of  
20 the court's findings. In making such findings, domestic  
21 violence against a parent, guardian, or custodian even in the  
22 presence of the minor shall not be construed as the acts or  
23 omissions of the parent, guardian, or custodian who  
24 experienced domestic violence and any findings must be based  
25 upon acts or omissions of that parent, guardian, or custodian  
26 unrelated to incidents of domestic violence against the

1 parent, guardian, or custodian that are sufficient to  
2 independently support a determination of abuse or neglect  
3 under this Act. That finding shall appear in the order of the  
4 court.

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

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

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

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

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

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

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

26 (i) the original or amended petition contains a

1 request for termination of parental rights and appointment  
2 of a guardian with power to consent to adoption; and

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

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

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

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

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

20 (B) termination of parental rights and appointment  
21 of a guardian with power to consent to adoption is in  
22 the best interest of the child pursuant to Section  
23 2-29.

24 (Source: P.A. 102-538, eff. 8-20-21.)

25 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

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

2           (1) If the court determines and puts in writing the  
3 factual basis supporting the determination of whether a parent  
4 ~~the parents~~, guardian, or legal custodian of a minor adjudged  
5 a ward of the court is are unfit or is are unable, for a reason  
6 sufficient and independent from financial circumstances or  
7 domestic violence against a parent, guardian, or custodian who  
8 experienced domestic violence, ~~for some reason other than~~  
9 ~~financial circumstances alone,~~ to care for, protect, train or  
10 discipline the minor or are unwilling to do so, and that the  
11 health, safety, and best interest of the minor will be  
12 jeopardized if the minor remains in the custody of the minor's  
13 parents, guardian or custodian, the court may at this hearing  
14 and at any later point:

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

17           (a-5) with the approval of the Department of Children  
18 and Family Services, place the minor in the subsidized  
19 guardianship of a suitable relative or other person as  
20 legal guardian; "subsidized guardianship" means a private  
21 guardianship arrangement for children for whom the  
22 permanency goals of return home and adoption have been  
23 ruled out and who meet the qualifications for subsidized  
24 guardianship as defined by the Department of Children and  
25 Family Services in administrative rules;

26           (b) place the minor under the guardianship of a

1           probation officer;

2           (c) commit the minor to an agency for care or  
3 placement, except an institution under the authority of  
4 the Department of Corrections or of the Department of  
5 Children and Family Services;

6           (d) on and after the effective date of this amendatory  
7 Act of the 98th General Assembly and before January 1,  
8 2017, commit the minor to the Department of Children and  
9 Family Services for care and service; however, a minor  
10 charged with a criminal offense under the Criminal Code of  
11 1961 or the Criminal Code of 2012 or adjudicated  
12 delinquent shall not be placed in the custody of or  
13 committed to the Department of Children and Family  
14 Services by any court, except (i) a minor less than 16  
15 years of age and committed to the Department of Children  
16 and Family Services under Section 5-710 of this Act, (ii)  
17 a minor under the age of 18 for whom an independent basis  
18 of abuse, neglect, or dependency exists, or (iii) a minor  
19 for whom the court has granted a supplemental petition to  
20 reinstate wardship pursuant to subsection (2) of Section  
21 2-33 of this Act. On and after January 1, 2017, commit the  
22 minor to the Department of Children and Family Services  
23 for care and service; however, a minor charged with a  
24 criminal offense under the Criminal Code of 1961 or the  
25 Criminal Code of 2012 or adjudicated delinquent shall not  
26 be placed in the custody of or committed to the Department

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

1 the Guardianship Administrator is unable to perform the  
2 duties of the Guardianship Administrator office. The  
3 signature authorization shall include but not be limited  
4 to matters of consent of marriage, enlistment in the armed  
5 forces, legal proceedings, adoption, major medical and  
6 surgical treatment and application for driver's license.  
7 Signature authorizations made pursuant to the provisions  
8 of this paragraph shall be filed with the Secretary of  
9 State and the Secretary of State shall provide upon  
10 payment of the customary fee, certified copies of the  
11 authorization to any court or individual who requests a  
12 copy.

13 (1.5) In making a determination under this Section, the  
14 court shall also consider whether, based on health, safety,  
15 and the best interests of the minor,

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

21 (b) no family preservation or family reunification  
22 services would be appropriate,  
23 and if the petition or amended petition contained an  
24 allegation that the parent is an unfit person as defined in  
25 subdivision (D) of Section 1 of the Adoption Act, and the order  
26 of adjudication recites that parental unfitness was

1 established by clear and convincing evidence, the court shall,  
2 when appropriate and in the best interest of the minor, enter  
3 an order terminating parental rights and appointing a guardian  
4 with power to consent to adoption in accordance with Section  
5 2-29.

6 (1.7) In making a determination under this Section, the  
7 court shall presume that it is consistent with the health,  
8 safety, and best interests of the minor to remain in the  
9 custody of a parent, guardian, or custodian who experienced  
10 domestic violence, unless the court has determined that the  
11 parent, guardian, or custodian who experienced domestic  
12 violence has committed acts or omissions unrelated to domestic  
13 violence against that parent, guardian, or custodian that is  
14 sufficient to independently support a determination of abuse  
15 or neglect under this Act.

16 When making a placement, the court, wherever possible,  
17 shall require the Department of Children and Family Services  
18 to select a person holding the same religious belief as that of  
19 the minor or a private agency controlled by persons of like  
20 religious faith of the minor and shall require the Department  
21 to otherwise comply with Section 7 of the Children and Family  
22 Services Act in placing the child. In addition, whenever  
23 alternative plans for placement are available, the court shall  
24 ascertain and consider, to the extent appropriate in the  
25 particular case, the views and preferences of the minor.

26 (2) When a minor is placed with a suitable relative or

1 other person pursuant to item (a) of subsection (1), the court  
2 shall appoint the suitable relative or other person the legal  
3 custodian or guardian of the person of the minor. When a minor  
4 is committed to any agency, the court shall appoint the proper  
5 officer or representative thereof as legal custodian or  
6 guardian of the person of the minor. Legal custodians and  
7 guardians of the person of the minor have the respective  
8 rights and duties set forth in subsection (9) of Section 1-3  
9 except as otherwise provided by order of court; but no  
10 guardian of the person may consent to adoption of the minor  
11 unless that authority is conferred upon the guardian in  
12 accordance with Section 2-29. An agency whose representative  
13 is appointed guardian of the person or legal custodian of the  
14 minor may place the minor in any child care facility, but the  
15 facility must be licensed under the Child Care Act of 1969 or  
16 have been approved by the Department of Children and Family  
17 Services as meeting the standards established for such  
18 licensing. No agency may place a minor adjudicated under  
19 Sections 2-3 or 2-4 in a child care facility unless the  
20 placement is in compliance with the rules and regulations for  
21 placement under this Section promulgated by the Department of  
22 Children and Family Services under Section 5 of the Children  
23 and Family Services Act. Like authority and restrictions shall  
24 be conferred by the court upon any probation officer who has  
25 been appointed guardian of the person of a minor.

26 (3) No placement by any probation officer or agency whose

1 representative is appointed guardian of the person or legal  
2 custodian of a minor may be made in any out of State child care  
3 facility unless it complies with the Interstate Compact on the  
4 Placement of Children. Placement with a parent, however, is  
5 not subject to that Interstate Compact.

6 (4) The clerk of the court shall issue to the legal  
7 custodian or guardian of the person a certified copy of the  
8 order of court, as proof of the legal custodian's or  
9 guardian's authority. No other process is necessary as  
10 authority for the keeping of the minor.

11 (5) Custody or guardianship granted under this Section  
12 continues until the court otherwise directs, but not after the  
13 minor reaches the age of 19 years except as set forth in  
14 Section 2-31, or if the minor was previously committed to the  
15 Department of Children and Family Services for care and  
16 service and the court has granted a supplemental petition to  
17 reinstate wardship pursuant to subsection (2) of Section 2-33.

18 (6) (Blank).

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