



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1305

Introduced 1/28/2025, by Sen. Lakesia Collins

SYNOPSIS AS INTRODUCED:

705 ILCS 405/1-2	from Ch. 37, par. 801-2
705 ILCS 405/1-3	from Ch. 37, par. 801-3
705 ILCS 405/2-10	from Ch. 37, par. 802-10
705 ILCS 405/2-13	from Ch. 37, par. 802-13
705 ILCS 405/2-13.1	
705 ILCS 405/2-21	from Ch. 37, par. 802-21
705 ILCS 405/2-28	
750 ILCS 50/1	

Amends the Juvenile Court Act of 1987. Changes all references in the General Provisions Article and the Abused, Neglected or Dependent Minors Article of the Act from "reasonable efforts" to "active efforts" in cases that involve reunification by the Department of Children and Family Services. Defines "active efforts" as efforts that are affirmative, active, thorough, timely and intended to maintain or reunite a child with the child's family and represent a higher standard of conduct than reasonable efforts. Provides that "active efforts" includes the provision of reasonable efforts as required by Title IV-E of the Social Security Act (42 U.S.C. 670 through 679c). In the court review provisions, provides that if the court makes findings that the Department of Children and Family Services has failed to make active efforts to provide services as provided in the service plan, the court's order shall specify each party that failure applies to and the applicable time period. Amends the Adoption Act. Provides that a person shall not be considered an unfit person for the sole reason that the Department of Children and Family Services or its assign has been found to have not made active efforts as defined in the Juvenile Court Act of 1987 during any period during the pendency of the case at hand. Provides that a parent shall not be found unfit for failure to make reasonable efforts or reasonable progress for any 9-month period during which a court, hearing a case under the Abused, Neglected or Dependent Minors Article of the Juvenile Court Act of 1987, found that the Department failed to make active efforts, as defined in the Juvenile Court Act of 1987 with respect to that parent. Provides that this provision applies to findings of failure to make active efforts made on or after the effective date of the amendatory Act.

LRB104 08409 RLC 18460 b

A BILL FOR

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 1-2, 1-3, 2-10, 2-13, 2-13.1, 2-21, and 2-28
6 as follows:

7 (705 ILCS 405/1-2) (from Ch. 37, par. 801-2)

8 Sec. 1-2. Purpose and policy.

9 (1) The purpose of this Act is to secure for each minor
10 subject hereto such care and guidance, preferably in the
11 minor's own home, as will serve the safety and moral,
12 emotional, mental, and physical welfare of the minor and the
13 best interests of the community; to preserve and strengthen
14 the minor's family ties whenever possible, removing the minor
15 from the custody of the minor's parents only when the minor's
16 safety or welfare or the protection of the public cannot be
17 adequately safeguarded without removal; if the child is
18 removed from the custody of the minor's parent, the Department
19 of Children and Family Services immediately shall consider
20 concurrent planning, as described in Section 5 of the Children
21 and Family Services Act so that permanency may occur at the
22 earliest opportunity; consideration should be given so that if
23 reunification fails or is delayed, the placement made is the

1 best available placement to provide permanency for the child;
2 and, when the minor is removed from the minor's own family, to
3 secure for the minor custody, care and discipline as nearly as
4 possible equivalent to that which should be given by the
5 minor's parents, and in cases where it should and can properly
6 be done to place the minor in a family home so that the minor
7 may become a member of the family by legal adoption or
8 otherwise. Provided that a ground for unfitness under the
9 Adoption Act can be met, it may be appropriate to expedite
10 termination of parental rights:

11 (a) when active ~~reasonable~~ efforts are inappropriate,
12 or have been provided and were unsuccessful, and there are
13 aggravating circumstances including, but not limited to,
14 those cases in which (i) the child or another child of that
15 child's parent was (A) abandoned, (B) tortured, or (C)
16 chronically abused or (ii) the parent is criminally
17 convicted of (A) first degree murder or second degree
18 murder of any child, (B) attempt or conspiracy to commit
19 first degree murder or second degree murder of any child,
20 (C) solicitation to commit murder, solicitation to commit
21 murder for hire, solicitation to commit second degree
22 murder of any child, or aggravated assault in violation of
23 subdivision (a)(13) of Section 12-2 of the Criminal Code
24 of 1961 or the Criminal Code of 2012, or (D) aggravated
25 criminal sexual assault in violation of Section
26 11-1.40(a)(1) or 12-14.1(a)(1) of the Criminal Code of

1 1961 or the Criminal Code of 2012; or

2 (b) when the parental rights of a parent with respect
3 to another child of the parent have been involuntarily
4 terminated; or

5 (c) in those extreme cases in which the parent's
6 incapacity to care for the child, combined with an
7 extremely poor prognosis for treatment or rehabilitation,
8 justifies expedited termination of parental rights.

9 (2) In all proceedings under this Act the court may direct
10 the course thereof so as promptly to ascertain the
11 jurisdictional facts and fully to gather information bearing
12 upon the current condition and future welfare of persons
13 subject to this Act. This Act shall be administered in a spirit
14 of humane concern, not only for the rights of the parties, but
15 also for the fears and the limits of understanding of all who
16 appear before the court.

17 (3) In all procedures under this Act, the following shall
18 apply:

19 (a) The procedural rights assured to the minor shall
20 be the rights of adults unless specifically precluded by
21 laws which enhance the protection of such minors.

22 (b) Every child has a right to services necessary to
23 the child's safety and proper development, including
24 health, education and social services.

25 (c) The parents' right to the custody of their child
26 shall not prevail when the court determines that it is

1 contrary to the health, safety, and best interests of the
2 child.

3 (4) This Act shall be liberally construed to carry out the
4 foregoing purpose and policy.

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

6 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

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

10 (0.5) (a) "Active efforts" means efforts that are
11 affirmative, active, thorough, timely, and intended to
12 maintain or reunite a child with the child's family and
13 represent a higher standard of conduct than reasonable
14 efforts.

15 (b) "Active efforts" includes the provision of reasonable
16 efforts as required by Title IV-E of the Social Security Act
17 (42 U.S.C. 670 through 679c).

18 (1) "Adjudicatory hearing" means a hearing to determine
19 whether the allegations of a petition under Section 2-13,
20 3-15, or 4-12 that a minor under 18 years of age is abused,
21 neglected, or dependent, or requires authoritative
22 intervention, or addicted, respectively, are supported by a
23 preponderance of the evidence or whether the allegations of a
24 petition under Section 5-520 that a minor is delinquent are
25 proved beyond a reasonable doubt.

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

2 (3) "Agency" means a public or private child care facility
3 legally authorized or licensed by this State for placement or
4 institutional care or for both placement and institutional
5 care.

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

10 (4.05) Whenever a "best interest" determination is
11 required, the following factors shall be considered in the
12 context of the child's age and developmental needs:

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

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

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

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

19 (i) where the child actually feels love,
20 attachment, and a sense of being valued (as opposed to
21 where adults believe the child should feel such love,
22 attachment, and a sense of being valued);

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

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

25 (iv) continuity of affection for the child;

26 (v) the least disruptive placement alternative for

1 the child;

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

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

5 (g) the child's need for permanence which includes the
6 child's need for stability and continuity of relationships
7 with parent figures and with siblings and other relatives;

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

9 (i) the risks attendant to entering and being in
10 substitute care; and

11 (j) the preferences of the persons available to care
12 for the child.

13 (4.1) "Chronic truant" shall have the definition ascribed
14 to it in Section 26-2a of the School Code.

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

17 (6) "Dispositional hearing" means a hearing to determine
18 whether a minor should be adjudged to be a ward of the court,
19 and to determine what order of disposition should be made in
20 respect to a minor adjudged to be a ward of the court.

21 (6.5) "Dissemination" or "disseminate" means to publish,
22 produce, print, manufacture, distribute, sell, lease, exhibit,
23 broadcast, display, transmit, or otherwise share information
24 in any format so as to make the information accessible to
25 others.

26 (7) "Emancipated minor" means any minor 16 years of age or

1 over who has been completely or partially emancipated under
2 the Emancipation of Minors Act or under this Act.

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

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

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

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

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

25 (c) the rights and responsibilities of legal custody
26 except where legal custody has been vested in another

1 person or agency; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 reasonable efforts have been made by all the parties to the
2 service plan to achieve the goal, and (iii) whether the plan
3 and goal have been achieved.

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

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

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

18 (12.3) "Residential treatment center" means a licensed
19 setting that provides 24-hour care to children in a group home
20 or institution, including a facility licensed as a child care
21 institution under Section 2.06 of the Child Care Act of 1969, a
22 licensed group home under Section 2.16 of the Child Care Act of
23 1969, a qualified residential treatment program under Section
24 2.35 of the Child Care Act of 1969, a secure child care
25 facility as defined in paragraph (18) of this Section, or any
26 similar facility in another state. "Residential treatment

1 center" does not include a relative foster home or a licensed
2 foster family home.

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

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

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

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

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

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

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

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

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

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

15 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;
16 103-564, eff. 11-17-23.)

17 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

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

23 (1) If the court finds that there is not probable cause to
24 believe that the minor is abused, neglected, or dependent it
25 shall release the minor and dismiss the petition.

1 (2) If the court finds that there is probable cause to
2 believe that the minor is abused, neglected, or dependent, the
3 court shall state in writing the factual basis supporting its
4 finding and the minor, the minor's parent, guardian, or
5 custodian, and other persons able to give relevant testimony
6 shall be examined before the court. The Department of Children
7 and Family Services shall give testimony concerning indicated
8 reports of abuse and neglect, of which they are aware through
9 the central registry, involving the minor's parent, guardian,
10 or custodian. After such testimony, the court may, consistent
11 with the health, safety, and best interests of the minor,
12 enter an order that the minor shall be released upon the
13 request of parent, guardian, or custodian if the parent,
14 guardian, or custodian appears to take custody. If it is
15 determined that a parent's, guardian's, or custodian's
16 compliance with critical services mitigates the necessity for
17 removal of the minor from the minor's home, the court may enter
18 an Order of Protection setting forth reasonable conditions of
19 behavior that a parent, guardian, or custodian must observe
20 for a specified period of time, not to exceed 12 months,
21 without a violation; provided, however, that the 12-month
22 period shall begin anew after any violation. "Custodian"
23 includes the Department of Children and Family Services, if it
24 has been given custody of the child, or any other agency of the
25 State which has been given custody or wardship of the child. If
26 it is consistent with the health, safety, and best interests

1 of the minor, the court may also prescribe shelter care and
2 order that the minor be kept in a suitable place designated by
3 the court or in a shelter care facility designated by the
4 Department of Children and Family Services or a licensed child
5 welfare agency; however, on and after January 1, 2015 (the
6 effective date of Public Act 98-803) and before January 1,
7 2017, a minor charged with a criminal offense under the
8 Criminal Code of 1961 or the Criminal Code of 2012 or
9 adjudicated delinquent shall not be placed in the custody of
10 or committed to the Department of Children and Family Services
11 by any court, except a minor less than 16 years of age and
12 committed to the Department of Children and Family Services
13 under Section 5-710 of this Act or a minor for whom an
14 independent basis of abuse, neglect, or dependency exists; and
15 on and after January 1, 2017, a minor charged with a criminal
16 offense under the Criminal Code of 1961 or the Criminal Code of
17 2012 or adjudicated delinquent shall not be placed in the
18 custody of or committed to the Department of Children and
19 Family Services by any court, except a minor less than 15 years
20 of age and committed to the Department of Children and Family
21 Services under Section 5-710 of this Act or a minor for whom an
22 independent basis of abuse, neglect, or dependency exists. An
23 independent basis exists when the allegations or adjudication
24 of abuse, neglect, or dependency do not arise from the same
25 facts, incident, or circumstances which give rise to a charge
26 or adjudication of delinquency.

1 In placing the minor, the Department or other agency
2 shall, to the extent compatible with the court's order, comply
3 with Section 7 of the Children and Family Services Act. In
4 determining the health, safety, and best interests of the
5 minor to prescribe shelter care, the court must find that it is
6 a matter of immediate and urgent necessity for the safety, and
7 protection of the minor or of the person or property of another
8 that the minor be placed in a shelter care facility or that the
9 minor is likely to flee the jurisdiction of the court, and must
10 further find that active ~~reasonable~~ efforts have been made or
11 that, consistent with the health, safety and best interests of
12 the minor, no efforts reasonably can be made to prevent or
13 eliminate the necessity of removal of the minor from the
14 minor's home. The court shall require documentation from the
15 Department of Children and Family Services as to the active
16 ~~reasonable~~ efforts that were made to prevent or eliminate the
17 necessity of removal of the minor from the minor's home or the
18 reasons why no efforts reasonably could be made to prevent or
19 eliminate the necessity of removal. When a minor is placed in
20 the home of a relative, the Department of Children and Family
21 Services shall complete a preliminary background review of the
22 members of the minor's custodian's household in accordance
23 with Section 4.3 of the Child Care Act of 1969 within 90 days
24 of that placement. If the minor is ordered placed in a shelter
25 care facility of the Department of Children and Family
26 Services or a licensed child welfare agency, the court shall,

1 upon request of the appropriate Department or other agency,
2 appoint the Department of Children and Family Services
3 Guardianship Administrator or other appropriate agency
4 executive temporary custodian of the minor and the court may
5 enter such other orders related to the temporary custody as it
6 deems fit and proper, including the provision of services to
7 the minor or the minor's family to ameliorate the causes
8 contributing to the finding of probable cause or to the
9 finding of the existence of immediate and urgent necessity.

10 Where the Department of Children and Family Services
11 Guardianship Administrator is appointed as the executive
12 temporary custodian, the Department of Children and Family
13 Services shall file with the court and serve on the parties a
14 parent-child visiting plan, within 10 days, excluding weekends
15 and holidays, after the appointment. The parent-child visiting
16 plan shall set out the time and place of visits, the frequency
17 of visits, the length of visits, who shall be present at the
18 visits, and where appropriate, the minor's opportunities to
19 have telephone and mail communication with the parents.

20 Where the Department of Children and Family Services
21 Guardianship Administrator is appointed as the executive
22 temporary custodian, and when the child has siblings in care,
23 the Department of Children and Family Services shall file with
24 the court and serve on the parties a sibling placement and
25 contact plan within 10 days, excluding weekends and holidays,
26 after the appointment. The sibling placement and contact plan

1 shall set forth whether the siblings are placed together, and
2 if they are not placed together, what, if any, efforts are
3 being made to place them together. If the Department has
4 determined that it is not in a child's best interest to be
5 placed with a sibling, the Department shall document in the
6 sibling placement and contact plan the basis for its
7 determination. For siblings placed separately, the sibling
8 placement and contact plan shall set the time and place for
9 visits, the frequency of the visits, the length of visits, who
10 shall be present for the visits, and where appropriate, the
11 child's opportunities to have contact with their siblings in
12 addition to in person contact. If the Department determines it
13 is not in the best interest of a sibling to have contact with a
14 sibling, the Department shall document in the sibling
15 placement and contact plan the basis for its determination.
16 The sibling placement and contact plan shall specify a date
17 for development of the Sibling Contact Support Plan, under
18 subsection (f) of Section 7.4 of the Children and Family
19 Services Act, and shall remain in effect until the Sibling
20 Contact Support Plan is developed.

21 For good cause, the court may waive the requirement to
22 file the parent-child visiting plan or the sibling placement
23 and contact plan, or extend the time for filing either plan.
24 Any party may, by motion, request the court to review the
25 parent-child visiting plan to determine whether it is
26 reasonably calculated to expeditiously facilitate the

1 achievement of the permanency goal. A party may, by motion,
2 request the court to review the parent-child visiting plan or
3 the sibling placement and contact plan to determine whether it
4 is consistent with the minor's best interest. The court may
5 refer the parties to mediation where available. The frequency,
6 duration, and locations of visitation shall be measured by the
7 needs of the child and family, and not by the convenience of
8 Department personnel. Child development principles shall be
9 considered by the court in its analysis of how frequent
10 visitation should be, how long it should last, where it should
11 take place, and who should be present. If upon motion of the
12 party to review either plan and after receiving evidence, the
13 court determines that the parent-child visiting plan is not
14 reasonably calculated to expeditiously facilitate the
15 achievement of the permanency goal or that the restrictions
16 placed on parent-child contact or sibling placement or contact
17 are contrary to the child's best interests, the court shall
18 put in writing the factual basis supporting the determination
19 and enter specific findings based on the evidence. The court
20 shall enter an order for the Department to implement changes
21 to the parent-child visiting plan or sibling placement or
22 contact plan, consistent with the court's findings. At any
23 stage of proceeding, any party may by motion request the court
24 to enter any orders necessary to implement the parent-child
25 visiting plan, sibling placement or contact plan, or
26 subsequently developed Sibling Contact Support Plan. Nothing

1 under this subsection (2) shall restrict the court from
2 granting discretionary authority to the Department to increase
3 opportunities for additional parent-child contacts or sibling
4 contacts, without further court orders. Nothing in this
5 subsection (2) shall restrict the Department from immediately
6 restricting or terminating parent-child contact or sibling
7 contacts, without either amending the parent-child visiting
8 plan or the sibling contact plan or obtaining a court order,
9 where the Department or its assigns reasonably believe there
10 is an immediate need to protect the child's health, safety,
11 and welfare. Such restrictions or terminations must be based
12 on available facts to the Department and its assigns when
13 viewed in light of the surrounding circumstances and shall
14 only occur on an individual case-by-case basis. The Department
15 shall file with the court and serve on the parties any
16 amendments to the plan within 10 days, excluding weekends and
17 holidays, of the change of the visitation.

18 Acceptance of services shall not be considered an
19 admission of any allegation in a petition made pursuant to
20 this Act, nor may a referral of services be considered as
21 evidence in any proceeding pursuant to this Act, except where
22 the issue is whether the Department has made active ~~reasonable~~
23 efforts to reunite the family. In making its findings that it
24 is consistent with the health, safety, and best interests of
25 the minor to prescribe shelter care, the court shall state in
26 writing (i) the factual basis supporting its findings

1 concerning the immediate and urgent necessity for the
2 protection of the minor or of the person or property of another
3 and (ii) the factual basis supporting its findings that active
4 ~~reasonable~~ efforts were made to prevent or eliminate the
5 removal of the minor from the minor's home or that no efforts
6 reasonably could be made to prevent or eliminate the removal
7 of the minor from the minor's home. The parents, guardian,
8 custodian, temporary custodian, and minor shall each be
9 furnished a copy of such written findings. The temporary
10 custodian shall maintain a copy of the court order and written
11 findings in the case record for the child. The order together
12 with the court's findings of fact in support thereof shall be
13 entered of record in the court.

14 Once the court finds that it is a matter of immediate and
15 urgent necessity for the protection of the minor that the
16 minor be placed in a shelter care facility, the minor shall not
17 be returned to the parent, custodian, or guardian until the
18 court finds that such placement is no longer necessary for the
19 protection of the minor.

20 If the child is placed in the temporary custody of the
21 Department of Children and Family Services for the minor's
22 protection, the court shall admonish the parents, guardian,
23 custodian, or responsible relative that the parents must
24 cooperate with the Department of Children and Family Services,
25 comply with the terms of the service plans, and correct the
26 conditions which require the child to be in care, or risk

1 termination of their parental rights. The court shall ensure,
2 by inquiring in open court of each parent, guardian,
3 custodian, or responsible relative, that the parent, guardian,
4 custodian, or responsible relative has had the opportunity to
5 provide the Department with all known names, addresses, and
6 telephone numbers of each of the minor's living adult
7 relatives, including, but not limited to, grandparents,
8 siblings of the minor's parents, and siblings. The court shall
9 advise the parents, guardian, custodian, or responsible
10 relative to inform the Department if additional information
11 regarding the minor's adult relatives becomes available.

12 (3) If prior to the shelter care hearing for a minor
13 described in Sections 2-3, 2-4, 3-3, and 4-3 the moving party
14 is unable to serve notice on the party respondent, the shelter
15 care hearing may proceed ex parte. A shelter care order from an
16 ex parte hearing shall be endorsed with the date and hour of
17 issuance and shall be filed with the clerk's office and
18 entered of record. The order shall expire after 10 days from
19 the time it is issued unless before its expiration it is
20 renewed, at a hearing upon appearance of the party respondent,
21 or upon an affidavit of the moving party as to all diligent
22 efforts to notify the party respondent by notice as herein
23 prescribed. The notice prescribed shall be in writing and
24 shall be personally delivered to the minor or the minor's
25 attorney and to the last known address of the other person or
26 persons entitled to notice. The notice shall also state the

1 nature of the allegations, the nature of the order sought by
 2 the State, including whether temporary custody is sought, and
 3 the consequences of failure to appear and shall contain a
 4 notice that the parties will not be entitled to further
 5 written notices or publication notices of proceedings in this
 6 case, including the filing of an amended petition or a motion
 7 to terminate parental rights, except as required by Supreme
 8 Court Rule 11; and shall explain the right of the parties and
 9 the procedures to vacate or modify a shelter care order as
 10 provided in this Section. The notice for a shelter care
 11 hearing shall be substantially as follows:

12 NOTICE TO PARENTS AND CHILDREN
 13 OF SHELTER CARE HEARING

14 On at, before the Honorable
 15, (address:), the State
 16 of Illinois will present evidence (1) that (name of child
 17 or children) are abused,
 18 neglected, or dependent for the following reasons:
 19 and (2)
 20 whether there is "immediate and urgent necessity" to
 21 remove the child or children from the responsible
 22 relative.

23 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
 24 PLACEMENT of the child or children in foster care until a
 25 trial can be held. A trial may not be held for up to 90
 26 days. You will not be entitled to further notices of

1 proceedings in this case, including the filing of an
2 amended petition or a motion to terminate parental rights.

3 At the shelter care hearing, parents have the
4 following rights:

5 1. To ask the court to appoint a lawyer if they
6 cannot afford one.

7 2. To ask the court to continue the hearing to
8 allow them time to prepare.

9 3. To present evidence concerning:

10 a. Whether or not the child or children were
11 abused, neglected or dependent.

12 b. Whether or not there is "immediate and
13 urgent necessity" to remove the child from home
14 (including: their ability to care for the child,
15 conditions in the home, alternative means of
16 protecting the child other than removal).

17 c. The best interests of the child.

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

19 The Notice for rehearings shall be substantially as
20 follows:

21 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

22 TO REHEARING ON TEMPORARY CUSTODY

23 If you were not present at and did not have adequate
24 notice of the Shelter Care Hearing at which temporary
25 custody of was awarded to

1 , you have the right to request a full
 2 rehearing on whether the State should have temporary
 3 custody of To request this rehearing,
 4 you must file with the Clerk of the Juvenile Court
 5 (address): , in person or by
 6 mailing a statement (affidavit) setting forth the
 7 following:

- 8 1. That you were not present at the shelter care
- 9 hearing.
- 10 2. That you did not get adequate notice
- 11 (explaining how the notice was inadequate).
- 12 3. Your signature.
- 13 4. Signature must be notarized.

14 The rehearing should be scheduled within 48 hours of
 15 your filing this affidavit.

16 At the rehearing, your rights are the same as at the
 17 initial shelter care hearing. The enclosed notice explains
 18 those rights.

19 At the Shelter Care Hearing, children have the
 20 following rights:

- 21 1. To have a guardian ad litem appointed.
- 22 2. To be declared competent as a witness and to
- 23 present testimony concerning:
- 24 a. Whether they are abused, neglected or
- 25 dependent.
- 26 b. Whether there is "immediate and urgent

1 necessity" to be removed from home.

2 c. Their best interests.

3 3. To cross examine witnesses for other parties.

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

6 (4) If the parent, guardian, legal custodian, responsible
7 relative, minor age 8 or over, or counsel of the minor did not
8 have actual notice of or was not present at the shelter care
9 hearing, the parent, guardian, legal custodian, responsible
10 relative, minor age 8 or over, or counsel of the minor may file
11 an affidavit setting forth these facts, and the clerk shall
12 set the matter for rehearing not later than 48 hours,
13 excluding Sundays and legal holidays, after the filing of the
14 affidavit. At the rehearing, the court shall proceed in the
15 same manner as upon the original hearing.

16 (5) Only when there is reasonable cause to believe that
17 the minor taken into custody is a person described in
18 subsection (3) of Section 5-105 may the minor be kept or
19 detained in a detention home or county or municipal jail. This
20 Section shall in no way be construed to limit subsection (6).

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

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

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

16 (9) Notwithstanding any other provision of this Section
17 any interested party, including the State, the temporary
18 custodian, an agency providing services to the minor or family
19 under a service plan pursuant to Section 8.2 of the Abused and
20 Neglected Child Reporting Act, foster parent, or any of their
21 representatives, on notice to all parties entitled to notice,
22 may file a motion that it is in the best interests of the minor
23 to modify or vacate a temporary custody order on any of the
24 following grounds:

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

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

5 (c) A person not a party to the alleged abuse, neglect
6 or dependency, including a parent, relative, or legal
7 guardian, is capable of assuming temporary custody of the
8 minor; or

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

14 In ruling on the motion, the court shall determine whether
15 it is consistent with the health, safety, and best interests
16 of the minor to modify or vacate a temporary custody order. If
17 the minor is being restored to the custody of a parent, legal
18 custodian, or guardian who lives outside of Illinois, and an
19 Interstate Compact has been requested and refused, the court
20 may order the Department of Children and Family Services to
21 arrange for an assessment of the minor's proposed living
22 arrangement and for ongoing monitoring of the health, safety,
23 and best interest of the minor and compliance with any order of
24 protective supervision entered in accordance with Section 2-20
25 or 2-25.

26 The clerk shall set the matter for hearing not later than

1 14 days after such motion is filed. In the event that the court
2 modifies or vacates a temporary custody order but does not
3 vacate its finding of probable cause, the court may order that
4 appropriate services be continued or initiated in behalf of
5 the minor and the minor's family.

6 (10) When the court finds or has found that there is
7 probable cause to believe a minor is an abused minor as
8 described in subsection (2) of Section 2-3 and that there is an
9 immediate and urgent necessity for the abused minor to be
10 placed in shelter care, immediate and urgent necessity shall
11 be presumed for any other minor residing in the same household
12 as the abused minor provided:

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

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

17 Once the presumption of immediate and urgent necessity has
18 been raised, the burden of demonstrating the lack of immediate
19 and urgent necessity shall be on any party that is opposing
20 shelter care for the other minor.

21 (11) The changes made to this Section by Public Act 98-61
22 apply to a minor who has been arrested or taken into custody on
23 or after January 1, 2014 (the effective date of Public Act
24 98-61).

25 (12) After the court has placed a minor in the care of a
26 temporary custodian pursuant to this Section, any party may

1 file a motion requesting the court to grant the temporary
2 custodian the authority to serve as a surrogate decision maker
3 for the minor under the Health Care Surrogate Act for purposes
4 of making decisions pursuant to paragraph (1) of subsection
5 (b) of Section 20 of the Health Care Surrogate Act. The court
6 may grant the motion if it determines by clear and convincing
7 evidence that it is in the best interests of the minor to grant
8 the temporary custodian such authority. In making its
9 determination, the court shall weigh the following factors in
10 addition to considering the best interests factors listed in
11 subsection (4.05) of Section 1-3 of this Act:

12 (a) the efforts to identify and locate the respondents
13 and adult family members of the minor and the results of
14 those efforts;

15 (b) the efforts to engage the respondents and adult
16 family members of the minor in decision making on behalf
17 of the minor;

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

20 (d) the relationship between the respondents and adult
21 family members and the minor;

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

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

26 If the Department of Children and Family Services is the

1 temporary custodian of the minor, in addition to the
2 requirements of paragraph (1) of subsection (b) of Section 20
3 of the Health Care Surrogate Act, the Department shall follow
4 its rules and procedures in exercising authority granted under
5 this subsection.

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

9 (705 ILCS 405/2-13) (from Ch. 37, par. 802-13)

10 Sec. 2-13. Petition.

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

18 (2) The petition shall be verified but the statements may
19 be made upon information and belief. It shall allege that the
20 minor is abused, neglected, or dependent, with citations to
21 the appropriate provisions of this Act, and set forth (a)
22 facts sufficient to bring the minor under Section 2-3 or 2-4
23 and to inform respondents of the cause of action, including,
24 but not limited to, a plain and concise statement of the
25 factual allegations that form the basis for the filing of the

1 petition; (b) the name, age and residence of the minor; (c) the
2 names and residences of the minor's parents; (d) the name and
3 residence of the minor's legal guardian or the person or
4 persons having custody or control of the minor, or of the
5 nearest known relative if no parent or guardian can be found;
6 and (e) if the minor upon whose behalf the petition is brought
7 is sheltered in custody, the date on which such temporary
8 custody was ordered by the court or the date set for a
9 temporary custody hearing. If any of the facts herein required
10 are not known by the petitioner, the petition shall so state.

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

19 (4) If termination of parental rights and appointment of a
20 guardian of the person with power to consent to adoption of the
21 minor under Section 2-29 is sought, the petition shall so
22 state. If the petition includes this request, the prayer for
23 relief shall clearly and obviously state that the parents
24 could permanently lose their rights as a parent at this
25 hearing.

26 In addition to the foregoing, the petitioner, by motion,

1 may request the termination of parental rights and appointment
2 of a guardian of the person with power to consent to adoption
3 of the minor under Section 2-29 at any time after the entry of
4 a dispositional order under Section 2-22.

5 (4.5) (a) Unless good cause exists that filing a petition
6 to terminate parental rights is contrary to the child's best
7 interests, with respect to any minors committed to its care
8 pursuant to this Act, the Department of Children and Family
9 Services shall request the State's Attorney to file a petition
10 or motion for termination of parental rights and appointment
11 of guardian of the person with power to consent to adoption of
12 the minor under Section 2-29 if:

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

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

19 (iii) the parent is criminally convicted of:

20 (A) first degree murder or second degree murder of
21 any child;

22 (B) attempt or conspiracy to commit first degree
23 murder or second degree murder of any child;

24 (C) solicitation to commit murder of any child,
25 solicitation to commit murder for hire of any child,
26 or solicitation to commit second degree murder of any

1 child;

2 (D) aggravated battery, aggravated battery of a
3 child, or felony domestic battery, any of which has
4 resulted in serious injury to the minor or a sibling of
5 the minor;

6 (E) predatory criminal sexual assault of a child;

7 (E-5) aggravated criminal sexual assault;

8 (E-10) criminal sexual abuse in violation of
9 subsection (a) of Section 11-1.50 of the Criminal Code
10 of 1961 or the Criminal Code of 2012;

11 (E-15) sexual exploitation of a child;

12 (E-20) permitting sexual abuse of a child;

13 (E-25) criminal sexual assault; or

14 (F) an offense in any other state the elements of
15 which are similar and bear a substantial relationship
16 to any of the foregoing offenses.

17 (a-1) For purposes of this subsection (4.5), good cause
18 exists in the following circumstances:

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

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

23 (iii) the court has found within the preceding 12
24 months that the Department has failed to make active
25 ~~reasonable~~ efforts to reunify the child and family, or

26 (iv) the parent is incarcerated, or the parent's prior

1 incarceration is a significant factor in why the child has
2 been in foster care for 15 months out of any 22-month
3 period, the parent maintains a meaningful role in the
4 child's life, and the Department has not documented
5 another reason why it would otherwise be appropriate to
6 file a petition to terminate parental rights pursuant to
7 this Section and the Adoption Act. The assessment of
8 whether an incarcerated parent maintains a meaningful role
9 in the child's life may include consideration of the
10 following:

11 (A) the child's best interest;

12 (B) the parent's expressions or acts of
13 manifesting concern for the child, such as letters,
14 telephone calls, visits, and other forms of
15 communication with the child and the impact of the
16 communication on the child;

17 (C) the parent's efforts to communicate with and
18 work with the Department for the purpose of complying
19 with the service plan and repairing, maintaining, or
20 building the parent-child relationship; or

21 (D) limitations in the parent's access to family
22 support programs, therapeutic services, visiting
23 opportunities, telephone and mail services, and
24 meaningful participation in court proceedings.

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

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

4 (2) 60 days after the date on which the child is
5 removed from the child's parent, guardian, or legal
6 custodian.

7 (c) (Blank).

8 (d) (Blank).

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

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

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

1 (705 ILCS 405/2-13.1)

2 Sec. 2-13.1. Early termination of active ~~reasonable~~
3 efforts.

4 (1) (a) In conjunction with, or at any time subsequent to,
5 the filing of a petition on behalf of a minor in accordance
6 with Section 2-13 of this Act, the State's Attorney, the
7 guardian ad litem, or the Department of Children and Family
8 Services may file a motion requesting a finding that active
9 ~~reasonable~~ efforts to reunify that minor with the minor's
10 parent or parents are no longer required and are to cease.

11 (b) The court shall grant this motion with respect to a
12 parent of the minor if the court finds after a hearing that the
13 parent has:

14 (i) had parental rights to another child of the parent
15 involuntarily terminated; or

16 (ii) been convicted of:

17 (A) first degree or second degree murder of
18 another child of the parent;

19 (B) attempt or conspiracy to commit first degree
20 or second degree murder of another child of the
21 parent;

22 (C) solicitation to commit murder of another child
23 of the parent, solicitation to commit murder for hire
24 of another child of the parent, or solicitation to
25 commit second degree murder of another child of the

1 parent;

2 (D) aggravated battery, aggravated battery of a
3 child, or felony domestic battery, any of which has
4 resulted in serious bodily injury to the minor or
5 another child of the parent; or

6 (E) an offense in any other state the elements of
7 which are similar and bear substantial relationship to
8 any of the foregoing offenses

9 unless the court sets forth in writing a compelling reason why
10 terminating active ~~reasonable~~ efforts to reunify the minor
11 with the parent would not be in the best interests of that
12 minor.

13 (c) The court shall also grant this motion with respect to
14 a parent of the minor if:

15 (i) after a hearing it determines that further
16 reunification services would no longer be appropriate, and

17 (ii) a dispositional hearing has already taken place.

18 (2) (a) The court shall hold a permanency hearing within
19 30 days of granting a motion pursuant to this subsection. If an
20 adjudicatory or a dispositional hearing, or both, has not
21 taken place when the court grants a motion pursuant to this
22 Section, then either or both hearings shall be held as needed
23 so that both take place on or before the date a permanency
24 hearing is held pursuant to this subsection.

25 (b) Following a permanency hearing held pursuant to
26 paragraph (a) of this subsection, the appointed custodian or

1 guardian of the minor shall make reasonable efforts to place
2 the child in accordance with the permanency plan and goal set
3 by the court, and to complete the necessary steps to locate and
4 finalize a permanent placement.

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

6 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)

7 Sec. 2-21. Findings and adjudication.

8 (1) The court shall state for the record the manner in
9 which the parties received service of process and shall note
10 whether the return or returns of service, postal return
11 receipt or receipts for notice by certified mail, or
12 certificate or certificates of publication have been filed in
13 the court record. The court shall enter any appropriate orders
14 of default against any parent who has been properly served in
15 any manner and fails to appear.

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

20 The caseworker shall testify about the diligent search
21 conducted for the parent.

22 After hearing the evidence the court shall determine
23 whether or not the minor is abused, neglected, or dependent.
24 If it finds that the minor is not such a person, the court
25 shall order the petition dismissed and the minor discharged.

1 The court's determination of whether the minor is abused,
2 neglected, or dependent shall be stated in writing with the
3 factual basis supporting that determination.

4 If the court finds that the minor is abused, neglected, or
5 dependent, the court shall then determine and put in writing
6 the factual basis supporting that determination, and specify,
7 to the extent possible, the acts or omissions or both of each
8 parent, guardian, or legal custodian that form the basis of
9 the court's findings. That finding shall appear in the order
10 of the court.

11 If the court finds that the child has been abused,
12 neglected or dependent, the court shall admonish the parents
13 that they must cooperate with the Department of Children and
14 Family Services, comply with the terms of the service plan,
15 and correct the conditions that require the child to be in
16 care, or risk termination of parental rights.

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

26 (2) If, pursuant to subsection (1) of this Section, the

1 court determines and puts in writing the factual basis
2 supporting the determination that the minor is either abused
3 or neglected or dependent, the court shall then set a time not
4 later than 30 days after the entry of the finding for a
5 dispositional hearing (unless an earlier date is required
6 pursuant to Section 2-13.1) to be conducted under Section 2-22
7 at which hearing the court shall determine whether it is
8 consistent with the health, safety and best interests of the
9 minor and the public that he be made a ward of the court. To
10 assist the court in making this and other determinations at
11 the dispositional hearing, the court may order that an
12 investigation be conducted and a dispositional report be
13 prepared concerning the minor's physical and mental history
14 and condition, family situation and background, economic
15 status, education, occupation, history of delinquency or
16 criminality, personal habits, and any other information that
17 may be helpful to the court. The dispositional hearing may be
18 continued once for a period not to exceed 30 days if the court
19 finds that such continuance is necessary to complete the
20 dispositional report.

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

25 (4) For all cases adjudicated prior to July 1, 1991, for
26 which no dispositional hearing has been held prior to that

1 date, a dispositional hearing under Section 2-22 shall be held
2 within 90 days of July 1, 1991.

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

6 (i) the original or amended petition contains a
7 request for termination of parental rights and appointment
8 of a guardian with power to consent to adoption; and

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

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

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

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

22 (A-5) active ~~reasonable~~ efforts under subsection
23 (1-1) of Section 5 of the Children and Family Services
24 Act are inappropriate or such efforts were made and
25 were unsuccessful; and

26 (B) termination of parental rights and appointment

1 of a guardian with power to consent to adoption is in
2 the best interest of the child pursuant to Section
3 2-29.

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

5 (705 ILCS 405/2-28)

6 Sec. 2-28. Court review.

7 (1) The court may require any legal custodian or guardian
8 of the person appointed under this Act to report periodically
9 to the court or may cite the legal custodian or guardian into
10 court and require the legal custodian, guardian, or the legal
11 custodian's or guardian's agency to make a full and accurate
12 report of the doings of the legal custodian, guardian, or
13 agency on behalf of the minor. The custodian or guardian,
14 within 10 days after such citation, or earlier if the court
15 determines it to be necessary to protect the health, safety,
16 or welfare of the minor, shall make the report, either in
17 writing verified by affidavit or orally under oath in open
18 court, or otherwise as the court directs. Upon the hearing of
19 the report the court may remove the custodian or guardian and
20 appoint another in the custodian's or guardian's stead or
21 restore the minor to the custody of the minor's parents or
22 former guardian or custodian. However, custody of the minor
23 shall not be restored to any parent, guardian, or legal
24 custodian in any case in which the minor is found to be
25 neglected or abused under Section 2-3 or dependent under

1 Section 2-4 of this Act, unless the minor can be cared for at
2 home without endangering the minor's health or safety and it
3 is in the best interests of the minor, and if such neglect,
4 abuse, or dependency is found by the court under paragraph (1)
5 of Section 2-21 of this Act to have come about due to the acts
6 or omissions or both of such parent, guardian, or legal
7 custodian, until such time as an investigation is made as
8 provided in paragraph (5) and a hearing is held on the issue of
9 the fitness of such parent, guardian, or legal custodian to
10 care for the minor and the court enters an order that such
11 parent, guardian, or legal custodian is fit to care for the
12 minor.

13 (1.5) The public agency that is the custodian or guardian
14 of the minor shall file a written report with the court no
15 later than 15 days after a minor in the agency's care remains:

16 (1) in a shelter placement beyond 30 days;

17 (2) in a psychiatric hospital past the time when the
18 minor is clinically ready for discharge or beyond medical
19 necessity for the minor's health; or

20 (3) in a detention center or Department of Juvenile
21 Justice facility solely because the public agency cannot
22 find an appropriate placement for the minor.

23 The report shall explain the steps the agency is taking to
24 ensure the minor is placed appropriately, how the minor's
25 needs are being met in the minor's shelter placement, and if a
26 future placement has been identified by the Department, why

1 the anticipated placement is appropriate for the needs of the
2 minor and the anticipated placement date.

3 (1.6) Within 30 days after placing a child in its care in a
4 qualified residential treatment program, as defined by the
5 federal Social Security Act, the Department of Children and
6 Family Services shall prepare a written report for filing with
7 the court and send copies of the report to all parties. Within
8 20 days of the filing of the report, or as soon thereafter as
9 the court's schedule allows but not more than 60 days from the
10 date of placement, the court shall hold a hearing to consider
11 the Department's report and determine whether placement of the
12 child in a qualified residential treatment program provides
13 the most effective and appropriate level of care for the child
14 in the least restrictive environment and if the placement is
15 consistent with the short-term and long-term goals for the
16 child, as specified in the permanency plan for the child. The
17 court shall approve or disapprove the placement. If
18 applicable, the requirements of Sections 2-27.1 and 2-27.2
19 must also be met. The Department's written report and the
20 court's written determination shall be included in and made
21 part of the case plan for the child. If the child remains
22 placed in a qualified residential treatment program, the
23 Department shall submit evidence at each status and permanency
24 hearing:

25 (1) demonstrating that on-going assessment of the
26 strengths and needs of the child continues to support the

1 determination that the child's needs cannot be met through
2 placement in a foster family home, that the placement
3 provides the most effective and appropriate level of care
4 for the child in the least restrictive, appropriate
5 environment, and that the placement is consistent with the
6 short-term and long-term permanency goal for the child, as
7 specified in the permanency plan for the child;

8 (2) documenting the specific treatment or service
9 needs that should be met for the child in the placement and
10 the length of time the child is expected to need the
11 treatment or services; and

12 (3) the efforts made by the agency to prepare the
13 child to return home or to be placed with a fit and willing
14 relative, a legal guardian, or an adoptive parent, or in a
15 foster family home.

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

1 of a guardian with power to consent to adoption, or (c) in
2 accordance with subsection (2) of Section 2-13.1. Subsequent
3 permanency hearings shall be held every 6 months or more
4 frequently if necessary in the court's determination following
5 the initial permanency hearing, in accordance with the
6 standards set forth in this Section, until the court
7 determines that the plan and goal have been achieved. Once the
8 plan and goal have been achieved, if the minor remains in
9 substitute care, the case shall be reviewed at least every 6
10 months thereafter, subject to the provisions of this Section,
11 unless the minor is placed in the guardianship of a suitable
12 relative or other person and the court determines that further
13 monitoring by the court does not further the health, safety,
14 or best interest of the child and that this is a stable
15 permanent placement. The permanency hearings must occur within
16 the time frames set forth in this subsection and may not be
17 delayed in anticipation of a report from any source or due to
18 the agency's failure to timely file its written report (this
19 written report means the one required under the next paragraph
20 and does not mean the service plan also referred to in that
21 paragraph).

22 The public agency that is the custodian or guardian of the
23 minor, or another agency responsible for the minor's care,
24 shall ensure that all parties to the permanency hearings are
25 provided a copy of the most recent service plan prepared
26 within the prior 6 months at least 14 days in advance of the

1 hearing. If not contained in the agency's service plan, the
2 agency shall also include a report setting forth (i) any
3 special physical, psychological, educational, medical,
4 emotional, or other needs of the minor or the minor's family
5 that are relevant to a permanency or placement determination
6 and (ii) for any minor age 16 or over, a written description of
7 the programs and services that will enable the minor to
8 prepare for independent living. If not contained in the
9 agency's service plan, the agency's report shall specify if a
10 minor is placed in a licensed child care facility under a
11 corrective plan by the Department due to concerns impacting
12 the minor's safety and well-being. The report shall explain
13 the steps the Department is taking to ensure the safety and
14 well-being of the minor and that the minor's needs are met in
15 the facility. The agency's written report must detail what
16 progress or lack of progress the parent has made in correcting
17 the conditions requiring the child to be in care; whether the
18 child can be returned home without jeopardizing the child's
19 health, safety, and welfare, and, if not, what permanency goal
20 is recommended to be in the best interests of the child, and
21 why the other permanency goals are not appropriate. The
22 caseworker must appear and testify at the permanency hearing.
23 If a permanency hearing has not previously been scheduled by
24 the court, the moving party shall move for the setting of a
25 permanency hearing and the entry of an order within the time
26 frames set forth in this subsection.

1 At the permanency hearing, the court shall determine the
2 future status of the child. The court shall set one of the
3 following permanency goals:

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

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

11 (B-1) The minor will be in short-term care with a
12 continued goal to return home pending a status hearing.
13 When the court finds that a parent has not made reasonable
14 efforts or reasonable progress to date, the court shall
15 identify what actions the parent and the Department must
16 take in order to justify a finding of reasonable efforts
17 or reasonable progress and shall set a status hearing to
18 be held not earlier than 9 months from the date of
19 adjudication nor later than 11 months from the date of
20 adjudication during which the parent's progress will again
21 be reviewed.

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

24 (D) Adoption, provided that parental rights have been
25 terminated or relinquished.

26 (E) The guardianship of the minor will be transferred

1 to an individual or couple on a permanent basis provided
2 that goals (A) through (D) have been deemed inappropriate
3 and not in the child's best interests. The court shall
4 confirm that the Department has discussed adoption, if
5 appropriate, and guardianship with the caregiver prior to
6 changing a goal to guardianship.

7 (F) The minor over age 15 will be in substitute care
8 pending independence. In selecting this permanency goal,
9 the Department of Children and Family Services may provide
10 services to enable reunification and to strengthen the
11 minor's connections with family, fictive kin, and other
12 responsible adults, provided the services are in the
13 minor's best interest. The services shall be documented in
14 the service plan.

15 (G) The minor will be in substitute care because the
16 minor cannot be provided for in a home environment due to
17 developmental disabilities or mental illness or because
18 the minor is a danger to self or others, provided that
19 goals (A) through (D) have been deemed inappropriate and
20 not in the child's best interests.

21 In selecting any permanency goal, the court shall indicate
22 in writing the reasons the goal was selected and why the
23 preceding goals were deemed inappropriate and not in the
24 child's best interest. Where the court has selected a
25 permanency goal other than (A), (B), or (B-1), the Department
26 of Children and Family Services shall not provide further

1 reunification services, except as provided in paragraph (F) of
2 this subsection (2), but shall provide services consistent
3 with the goal selected.

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

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

9 (2) The court has deemed all other permanency
10 goals inappropriate based on the child's best
11 interest;

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

16 (a) the child does not wish to be adopted or to
17 be placed in the guardianship of the minor's
18 relative or foster care placement;

19 (b) the child exhibits an extreme level of
20 need such that the removal of the child from the
21 minor's placement would be detrimental to the
22 child; or

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

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

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

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

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

18 (1) Age of the child.

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

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

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

25 (5) Types of services previously offered and whether
26 or not the services were successful and, if not

1 successful, the reasons the services failed.

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

4 (7) Status of siblings of the minor.

5 The court shall consider (i) the permanency goal contained
6 in the service plan, (ii) the appropriateness of the services
7 contained in the plan and whether those services have been
8 provided, (iii) whether reasonable efforts have been made by
9 all the parties to the service plan to achieve the goal, and
10 (iv) whether the plan and goal have been achieved. All
11 evidence relevant to determining these questions, including
12 oral and written reports, may be admitted and may be relied on
13 to the extent of their probative value. If the court makes
14 findings that the Department has failed to make active efforts
15 to provide services as provided in the service plan, the
16 court's order shall specify each party that failure applies to
17 and the applicable time period.

18 The court shall make findings as to whether, in violation
19 of Section 8.2 of the Abused and Neglected Child Reporting
20 Act, any portion of the service plan compels a child or parent
21 to engage in any activity or refrain from any activity that is
22 not reasonably related to remedying a condition or conditions
23 that gave rise or which could give rise to any finding of child
24 abuse or neglect. The services contained in the service plan
25 shall include services reasonably related to remedy the
26 conditions that gave rise to removal of the child from the home

1 of the child's parents, guardian, or legal custodian or that
2 the court has found must be remedied prior to returning the
3 child home. Any tasks the court requires of the parents,
4 guardian, or legal custodian or child prior to returning the
5 child home must be reasonably related to remedying a condition
6 or conditions that gave rise to or which could give rise to any
7 finding of child abuse or neglect.

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 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,
23 modify, or implement a Sibling Contact Support Plan, or order
24 mediation.

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

1 and status to those findings.

2 If, after receiving evidence, the court determines that
3 the services contained in the plan are not reasonably
4 calculated to facilitate achievement of the permanency goal,
5 the court shall put in writing the factual basis supporting
6 the determination and enter specific findings based on the
7 evidence. The court also shall enter an order for the
8 Department to develop and implement a new service plan or to
9 implement changes to the current service plan consistent with
10 the court's findings. The new service plan shall be filed with
11 the court and served on all parties within 45 days of the date
12 of the order. The court shall continue the matter until the new
13 service plan is filed. Except as authorized by subsection
14 (2.5) of this Section and as otherwise specifically authorized
15 by law, the court is not empowered under this Section to order
16 specific placements, specific services, or specific service
17 providers to be included in the service plan.

18 A guardian or custodian appointed by the court pursuant to
19 this Act shall file updated case plans with the court every 6
20 months.

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

24 (2.5) If, after reviewing the evidence, including evidence
25 from the Department, the court determines that the minor's
26 current or planned placement is not necessary or appropriate

1 to facilitate achievement of the permanency goal, the court
2 shall put in writing the factual basis supporting its
3 determination and enter specific findings based on the
4 evidence. If the court finds that the minor's current or
5 planned placement is not necessary or appropriate, the court
6 may enter an order directing the Department to implement a
7 recommendation by the minor's treating clinician or a
8 clinician contracted by the Department to evaluate the minor
9 or a recommendation made by the Department. If the Department
10 places a minor in a placement under an order entered under this
11 subsection (2.5), the Department has the authority to remove
12 the minor from that placement when a change in circumstances
13 necessitates the removal to protect the minor's health,
14 safety, and best interest. If the Department determines
15 removal is necessary, the Department shall notify the parties
16 of the planned placement change in writing no later than 10
17 days prior to the implementation of its determination unless
18 remaining in the placement poses an imminent risk of harm to
19 the minor, in which case the Department shall notify the
20 parties of the placement change in writing immediately
21 following the implementation of its decision. The Department
22 shall notify others of the decision to change the minor's
23 placement as required by Department rule.

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

1 the following:

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

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

10 (i) (Blank).

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

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

1 (iv) (Blank).

2 (v) (Blank).

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

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

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

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

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

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

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

1 parent, guardian, or legal custodian is fit to care for the
2 minor. If a motion is filed to modify or vacate a private
3 guardianship order and return the child to a parent, guardian,
4 or legal custodian, the court may order the Department of
5 Children and Family Services to assess the minor's current and
6 proposed living arrangements and to provide ongoing monitoring
7 of the health, safety, and best interest of the minor during
8 the pendency of the motion to assist the court in making that
9 determination. In the event that the minor has attained 18
10 years of age and the guardian or custodian petitions the court
11 for an order terminating the minor's guardianship or custody,
12 guardianship or custody shall terminate automatically 30 days
13 after the receipt of the petition unless the court orders
14 otherwise. No legal custodian or guardian of the person may be
15 removed without the legal custodian's or guardian's consent
16 until given notice and an opportunity to be heard by the court.

17 When the court orders a child restored to the custody of
18 the parent or parents, the court shall order the parent or
19 parents to cooperate with the Department of Children and
20 Family Services and comply with the terms of an after-care
21 plan, or risk the loss of custody of the child and possible
22 termination of their parental rights. The court may also enter
23 an order of protective supervision in accordance with Section
24 2-24.

25 If the minor is being restored to the custody of a parent,
26 legal custodian, or guardian who lives outside of Illinois,

1 and an Interstate Compact has been requested and refused, the
2 court may order the Department of Children and Family Services
3 to arrange for an assessment of the minor's proposed living
4 arrangement and for ongoing monitoring of the health, safety,
5 and best interest of the minor and compliance with any order of
6 protective supervision entered in accordance with Section
7 2-24.

8 (5) Whenever a parent, guardian, or legal custodian files
9 a motion for restoration of custody of the minor, and the minor
10 was adjudicated neglected, abused, or dependent as a result of
11 physical abuse, the court shall cause to be made an
12 investigation as to whether the movant has ever been charged
13 with or convicted of any criminal offense which would indicate
14 the likelihood of any further physical abuse to the minor.
15 Evidence of such criminal convictions shall be taken into
16 account in determining whether the minor can be cared for at
17 home without endangering the minor's health or safety and
18 fitness of the parent, guardian, or legal custodian.

19 (a) Any agency of this State or any subdivision
20 thereof shall cooperate with the agent of the court in
21 providing any information sought in the investigation.

22 (b) The information derived from the investigation and
23 any conclusions or recommendations derived from the
24 information shall be provided to the parent, guardian, or
25 legal custodian seeking restoration of custody prior to
26 the hearing on fitness and the movant shall have an

1 opportunity at the hearing to refute the information or
2 contest its significance.

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

6 (Source: P.A. 102-193, eff. 7-30-21; 102-489, eff. 8-20-21;
7 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-154, eff.
8 6-30-23; 103-171, eff. 1-1-24; 103-605, eff. 7-1-24.)

9 Section 10. The Adoption Act is amended by changing
10 Section 1 as follows:

11 (750 ILCS 50/1)

12 Sec. 1. Definitions. When used in this Act, unless the
13 context otherwise requires:

14 A. ~~(1)~~ "Child" means a person under legal age subject to
15 adoption under this Act.

16 A-5. ~~(2)~~ "Adult" when referring to a person who is the
17 subject of a petition for adoption under Section 3 of this Act,
18 means a person who is 18 years old or older.

19 B. "Related child" means a child subject to adoption where
20 either or both of the adopting parents stands in any of the
21 following relationships to the child by blood, marriage,
22 adoption, or civil union: parent, grand-parent,
23 great-grandparent, brother, sister, step-parent,
24 step-grandparent, step-brother, step-sister, uncle, aunt,

1 great-uncle, great-aunt, first cousin, or second cousin. A
2 person is related to the child as a first cousin or second
3 cousin if they are both related to the same ancestor as either
4 grandchild or great-grandchild. A child whose parent has
5 executed a consent to adoption, a surrender, or a waiver
6 pursuant to Section 10 of this Act or whose parent has signed a
7 denial of paternity pursuant to Section 12 of the Vital
8 Records Act or Section 12a of this Act, or whose parent has had
9 his or her parental rights terminated, is not a related child
10 to that person, unless (1) the consent is determined to be void
11 or is void pursuant to subsection O of Section 10 of this Act;
12 or (2) the parent of the child executed a consent to adoption
13 by a specified person or persons pursuant to subsection A-1 of
14 Section 10 of this Act and a court of competent jurisdiction
15 finds that such consent is void; or (3) the order terminating
16 the parental rights of the parent is vacated by a court of
17 competent jurisdiction.

18 C. "Agency" for the purpose of this Act means a public
19 child welfare agency or a licensed child welfare agency.

20 D. "Unfit person" means any person whom the court shall
21 find to be unfit to have a child, without regard to the
22 likelihood that the child will be placed for adoption. The
23 grounds of unfitness are any one or more of the following,
24 except that a person shall not be considered an unfit person
25 for the sole reason that the person has relinquished a child in
26 accordance with the Abandoned Newborn Infant Protection Act:

1 (a) Abandonment of the child.

2 (a-1) Abandonment of a newborn infant in a hospital.

3 (a-2) Abandonment of a newborn infant in any setting
4 where the evidence suggests that the parent intended to
5 relinquish his or her parental rights.

6 (b) Failure to maintain a reasonable degree of
7 interest, concern, or responsibility as to the child's
8 welfare.

9 (c) Desertion of the child for more than 3 months next
10 preceding the commencement of the Adoption proceeding.

11 (d) Substantial neglect of the child if continuous or
12 repeated.

13 (d-1) Substantial neglect, if continuous or repeated,
14 of any child residing in the household which resulted in
15 the death of that child.

16 (e) Extreme or repeated cruelty to the child.

17 (f) There is a rebuttable presumption, which can be
18 overcome only by clear and convincing evidence, that a
19 parent is unfit if:

20 (1) Two or more findings of physical abuse have
21 been entered regarding any children under Section 2-21
22 of the Juvenile Court Act of 1987, the most recent of
23 which was determined by the juvenile court hearing the
24 matter to be supported by clear and convincing
25 evidence; or

26 (2) The parent has been convicted or found not

1 guilty by reason of insanity and the conviction or
2 finding resulted from the death of any child by
3 physical abuse; or

4 (3) There is a finding of physical child abuse
5 resulting from the death of any child under Section
6 2-21 of the Juvenile Court Act of 1987.

7 No conviction or finding of delinquency pursuant to
8 Article V of the Juvenile Court Act of 1987 shall be
9 considered a criminal conviction for the purpose of
10 applying any presumption under this paragraph ~~item~~ (f).

11 (g) Failure to protect the child from conditions
12 within his environment injurious to the child's welfare.

13 (h) Other neglect of, or misconduct toward the child;
14 provided that in making a finding of unfitness the court
15 hearing the adoption proceeding shall not be bound by any
16 previous finding, order or judgment affecting or
17 determining the rights of the parents toward the child
18 sought to be adopted in any other proceeding except such
19 proceedings terminating parental rights as shall be had
20 under either this Act, the Juvenile Court Act, or the
21 Juvenile Court Act of 1987.

22 (i) Depravity. Conviction of any one of the following
23 crimes shall create a presumption that a parent is
24 depraved which can be overcome only by clear and
25 convincing evidence: (1) first degree murder in violation
26 of paragraph (1) or (2) of subsection (a) of Section 9-1 of

1 the Criminal Code of 1961 or the Criminal Code of 2012 or
2 conviction of second degree murder in violation of
3 subsection (a) of Section 9-2 of the Criminal Code of 1961
4 or the Criminal Code of 2012 of a parent of the child to be
5 adopted; (2) first degree murder or second degree murder
6 of any child in violation of the Criminal Code of 1961 or
7 the Criminal Code of 2012; (3) attempt or conspiracy to
8 commit first degree murder or second degree murder of any
9 child in violation of the Criminal Code of 1961 or the
10 Criminal Code of 2012; (4) solicitation to commit murder
11 of any child, solicitation to commit murder of any child
12 for hire, or solicitation to commit second degree murder
13 of any child in violation of the Criminal Code of 1961 or
14 the Criminal Code of 2012; (5) predatory criminal sexual
15 assault of a child in violation of Section 11-1.40 or
16 12-14.1 of the Criminal Code of 1961 or the Criminal Code
17 of 2012; (6) heinous battery of any child in violation of
18 the Criminal Code of 1961; (7) aggravated battery of any
19 child in violation of the Criminal Code of 1961 or the
20 Criminal Code of 2012; (8) any violation of Section
21 11-1.20 or Section 12-13 of the Criminal Code of 1961 or
22 the Criminal Code of 2012; (9) any violation of subsection
23 (a) of Section 11-1.50 or Section 12-16 of the Criminal
24 Code of 1961 or the Criminal Code of 2012; (10) any
25 violation of Section 11-9.1 of the Criminal Code of 1961
26 or the Criminal Code of 2012; (11) any violation of

1 Section 11-9.1A of the Criminal Code of 1961 or the
2 Criminal Code of 2012; or (12) an offense in any other
3 state the elements of which are similar and bear a
4 substantial relationship to any of the enumerated offenses
5 in this paragraph ~~subsection~~ (i).

6 There is a rebuttable presumption that a parent is
7 deprived if the parent has been criminally convicted of at
8 least 3 felonies under the laws of this State or any other
9 state, or under federal law, or the criminal laws of any
10 United States territory; and at least one of these
11 convictions took place within 5 years of the filing of the
12 petition or motion seeking termination of parental rights.

13 There is a rebuttable presumption that a parent is
14 deprived if that parent has been criminally convicted of
15 either first or second degree murder of any person as
16 defined in the Criminal Code of 1961 or the Criminal Code
17 of 2012 within 10 years of the filing date of the petition
18 or motion to terminate parental rights.

19 No conviction or finding of delinquency pursuant to
20 Article 5 of the Juvenile Court Act of 1987 shall be
21 considered a criminal conviction for the purpose of
22 applying any presumption under this paragraph ~~item~~ (i).

23 (j) Open and notorious adultery or fornication.

24 (j-1) (Blank).

25 (k) Habitual drunkenness or addiction to drugs, other
26 than those prescribed by a physician, for at least one

1 year immediately prior to the commencement of the
2 unfitness proceeding.

3 (l) Failure to demonstrate a reasonable degree of
4 interest, concern, or responsibility as to the welfare of
5 a new born child during the first 30 days after its birth.

6 (m) Failure by a parent (i) to make reasonable efforts
7 to correct the conditions that were the basis for the
8 removal of the child from the parent during any 9-month
9 period following the adjudication of neglected or abused
10 minor under Section 2-3 of the Juvenile Court Act of 1987
11 or dependent minor under Section 2-4 of that Act, or (ii)
12 to make reasonable progress toward the return of the child
13 to the parent during any 9-month period following the
14 adjudication of neglected or abused minor under Section
15 2-3 of the Juvenile Court Act of 1987 or dependent minor
16 under Section 2-4 of that Act. If a service plan has been
17 established as required under Section 8.2 of the Abused
18 and Neglected Child Reporting Act to correct the
19 conditions that were the basis for the removal of the
20 child from the parent and if those services were
21 available, then, for purposes of this Act, "failure to
22 make reasonable progress toward the return of the child to
23 the parent" includes the parent's failure to substantially
24 fulfill his or her obligations under the service plan and
25 correct the conditions that brought the child into care
26 during any 9-month period following the adjudication under

1 Section 2-3 or 2-4 of the Juvenile Court Act of 1987.
2 Notwithstanding any other provision, when a petition or
3 motion seeks to terminate parental rights on the basis of
4 subparagraph ~~item~~ (ii) of this paragraph ~~subsection~~ (m),
5 the petitioner shall file with the court and serve on the
6 parties a pleading that specifies the 9-month period or
7 periods relied on. The pleading shall be filed and served
8 on the parties no later than 3 weeks before the date set by
9 the court for closure of discovery, and the allegations in
10 the pleading shall be treated as incorporated into the
11 petition or motion. Failure of a respondent to file a
12 written denial of the allegations in the pleading shall
13 not be treated as an admission that the allegations are
14 true. A parent shall not be found unfit under this
15 subsection (m) for failure to make reasonable efforts or
16 reasonable progress for any 9-month period during which a
17 court, hearing a case under Article II of the Juvenile
18 Court Act of 1987, found that the Department failed to
19 make active efforts, as defined in Section 1-3 of the
20 Juvenile Court Act of 1987 with respect to that parent.
21 This provision applies to findings of failure to make
22 active efforts made on or after the effective date of this
23 amendatory Act of the 104th General Assembly.

24 (m-1) (Blank).

25 (n) Evidence of intent to forgo his or her parental
26 rights, whether or not the child is a ward of the court,

1 (1) as manifested by his or her failure for a period of 12
2 months: (i) to visit the child, (ii) to communicate with
3 the child or agency, although able to do so and not
4 prevented from doing so by an agency or by court order, or
5 (iii) to maintain contact with or plan for the future of
6 the child, although physically able to do so, or (2) as
7 manifested by the father's failure, where he and the
8 mother of the child were unmarried to each other at the
9 time of the child's birth, (i) to commence legal
10 proceedings to establish his paternity under the Illinois
11 Parentage Act of 1984, the Illinois Parentage Act of 2015,
12 or the law of the jurisdiction of the child's birth within
13 30 days of being informed, pursuant to Section 12a of this
14 Act, that he is the father or the likely father of the
15 child or, after being so informed where the child is not
16 yet born, within 30 days of the child's birth, or (ii) to
17 make a good faith effort to pay a reasonable amount of the
18 expenses related to the birth of the child and to provide a
19 reasonable amount for the financial support of the child,
20 the court to consider in its determination all relevant
21 circumstances, including the financial condition of both
22 parents; provided that the ground for termination provided
23 in this item (ii) of subparagraph (2) of this paragraph
24 (n) subparagraph (n) (2) (ii) shall only be available where
25 the petition is brought by the mother or the husband of the
26 mother.

1 Contact or communication by a parent with his or her
2 child that does not demonstrate affection and concern does
3 not constitute reasonable contact and planning under this
4 paragraph subdivision (n). In the absence of evidence to
5 the contrary, the ability to visit, communicate, maintain
6 contact, pay expenses, and plan for the future shall be
7 presumed. The subjective intent of the parent, whether
8 expressed or otherwise, unsupported by evidence of the
9 foregoing parental acts manifesting that intent, shall not
10 preclude a determination that the parent has intended to
11 forgo his or her parental rights. In making this
12 determination, the court may consider but shall not
13 require a showing of diligent efforts by an authorized
14 agency to encourage the parent to perform the acts
15 specified in this paragraph subdivision (n).

16 It shall be an affirmative defense to any allegation
17 under subparagraph paragraph (2) of this paragraph (n)
18 subsection that the father's failure was due to
19 circumstances beyond his control or to impediments created
20 by the mother or any other person having legal custody.
21 Proof of that fact need only be by a preponderance of the
22 evidence.

23 (o) Repeated or continuous failure by the parents,
24 although physically and financially able, to provide the
25 child with adequate food, clothing, or shelter.

26 (p) Inability to discharge parental responsibilities

1 supported by competent evidence from a psychiatrist,
2 licensed clinical social worker, or clinical psychologist
3 of mental impairment, mental illness, or an intellectual
4 disability as defined in Section 1-116 of the Mental
5 Health and Developmental Disabilities Code, or
6 developmental disability as defined in Section 1-106 of
7 that Code, and there is sufficient justification to
8 believe that the inability to discharge parental
9 responsibilities shall extend beyond a reasonable time
10 period. However, this paragraph ~~subdivision~~ (p) shall not
11 be construed so as to permit a licensed clinical social
12 worker to conduct any medical diagnosis to determine
13 mental illness or mental impairment.

14 (q) (Blank).

15 (r) The child is in the temporary custody or
16 guardianship of the Department of Children and Family
17 Services, the parent is incarcerated as a result of
18 criminal conviction at the time the petition or motion for
19 termination of parental rights is filed, prior to
20 incarceration the parent had little or no contact with the
21 child or provided little or no support for the child, and
22 the parent's incarceration will prevent the parent from
23 discharging his or her parental responsibilities for the
24 child for a period in excess of 2 years after the filing of
25 the petition or motion for termination of parental rights.

26 (s) The child is in the temporary custody or

1 guardianship of the Department of Children and Family
2 Services, the parent is incarcerated at the time the
3 petition or motion for termination of parental rights is
4 filed, the parent has been repeatedly incarcerated as a
5 result of criminal convictions, and the parent's repeated
6 incarceration has prevented the parent from discharging
7 his or her parental responsibilities for the child.

8 (t) (Blank).

9 E. "Parent" means a person who is the legal mother or legal
10 father of the child as defined in subsection X or Y of this
11 Section. For the purpose of this Act, a parent who has executed
12 a consent to adoption, a surrender, or a waiver pursuant to
13 Section 10 of this Act, who has signed a Denial of Paternity
14 pursuant to Section 12 of the Vital Records Act or Section 12a
15 of this Act, or whose parental rights have been terminated by a
16 court, is not a parent of the child who was the subject of the
17 consent, surrender, waiver, or denial unless (1) the consent
18 is void pursuant to subsection O of Section 10 of this Act; or
19 (2) the person executed a consent to adoption by a specified
20 person or persons pursuant to subsection A-1 of Section 10 of
21 this Act and a court of competent jurisdiction finds that the
22 consent is void; or (3) the order terminating the parental
23 rights of the person is vacated by a court of competent
24 jurisdiction.

25 F. A person is available for adoption when the person is:

26 (a) a child who has been surrendered for adoption to

1 an agency and to whose adoption the agency has thereafter
2 consented;

3 (b) a child to whose adoption a person authorized by
4 law, other than his parents, has consented, or to whose
5 adoption no consent is required pursuant to Section 8 of
6 this Act;

7 (c) a child who is in the custody of persons who intend
8 to adopt him through placement made by his parents;

9 (c-1) a child for whom a parent has signed a specific
10 consent pursuant to subsection O of Section 10;

11 (d) an adult who meets the conditions set forth in
12 Section 3 of this Act; or

13 (e) a child who has been relinquished as defined in
14 Section 10 of the Abandoned Newborn Infant Protection Act.

15 A person who would otherwise be available for adoption
16 shall not be deemed unavailable for adoption solely by reason
17 of his or her death.

18 G. The singular includes the plural and the plural
19 includes the singular and the "male" includes the "female", as
20 the context of this Act may require.

21 H. (Blank).

22 I. "Habitual residence" has the meaning ascribed to it in
23 the federal Intercountry Adoption Act of 2000 and regulations
24 promulgated thereunder.

25 J. "Immediate relatives" means the biological parents, the
26 parents of the biological parents, and the siblings of the

1 biological parents.

2 K. "Intercountry adoption" is a process by which a child
3 from a country other than the United States is adopted by
4 persons who are habitual residents of the United States, or
5 the child is a habitual resident of the United States who is
6 adopted by persons who are habitual residents of a country
7 other than the United States.

8 L. (Blank).

9 M. "Interstate Compact on the Placement of Children" is a
10 law enacted by all states and certain territories for the
11 purpose of establishing uniform procedures for handling the
12 interstate placement of children in foster homes, adoptive
13 homes, or other child care facilities.

14 N. (Blank).

15 O. "Preadoption requirements" means any conditions or
16 standards established by the laws or administrative rules of
17 this State that must be met by a prospective adoptive parent
18 prior to the placement of a child in an adoptive home.

19 P. "Abused child" means a child whose parent or immediate
20 family member, or any person responsible for the child's
21 welfare, or any individual residing in the same home as the
22 child, or a paramour of the child's parent:

23 (a) inflicts, causes to be inflicted, or allows to be
24 inflicted upon the child physical injury, by other than
25 accidental means, that causes death, disfigurement,
26 impairment of physical or emotional health, or loss or

1 impairment of any bodily function;

2 (b) creates a substantial risk of physical injury to
3 the child by other than accidental means which would be
4 likely to cause death, disfigurement, impairment of
5 physical or emotional health, or loss or impairment of any
6 bodily function;

7 (c) commits or allows to be committed any sex offense
8 against the child, as sex offenses are defined in the
9 Criminal Code of 2012 and extending those definitions of
10 sex offenses to include children under 18 years of age;

11 (d) commits or allows to be committed an act or acts of
12 torture upon the child; or

13 (e) inflicts excessive corporal punishment.

14 Q. "Neglected child" means any child whose parent or other
15 person responsible for the child's welfare withholds or denies
16 nourishment or medically indicated treatment including food or
17 care denied solely on the basis of the present or anticipated
18 mental or physical impairment as determined by a physician
19 acting alone or in consultation with other physicians or
20 otherwise does not provide the proper or necessary support,
21 education as required by law, or medical or other remedial
22 care recognized under State law as necessary for a child's
23 well-being, or other care necessary for his or her well-being,
24 including adequate food, clothing, and shelter; or who is
25 abandoned by his or her parents or other person responsible
26 for the child's welfare.

1 A child shall not be considered neglected or abused for
2 the sole reason that the child's parent or other person
3 responsible for his or her welfare depends upon spiritual
4 means through prayer alone for the treatment or cure of
5 disease or remedial care as provided under Section 4 of the
6 Abused and Neglected Child Reporting Act. A child shall not be
7 considered neglected or abused for the sole reason that the
8 child's parent or other person responsible for the child's
9 welfare failed to vaccinate, delayed vaccination, or refused
10 vaccination for the child due to a waiver on religious or
11 medical grounds as permitted by law.

12 R. "Putative father" means a man who may be a child's
13 father, but who (1) is not married to the child's mother on or
14 before the date that the child was or is to be born and (2) has
15 not established paternity of the child in a court proceeding
16 before the filing of a petition for the adoption of the child.
17 The term includes a male who is less than 18 years of age.
18 "Putative father" does not mean a man who is the child's father
19 as a result of criminal sexual abuse or assault as defined
20 under Article 11 of the Criminal Code of 2012.

21 S. "Standby adoption" means an adoption in which a parent
22 consents to custody and termination of parental rights to
23 become effective upon the occurrence of a future event, which
24 is either the death of the parent or the request of the parent
25 for the entry of a final judgment of adoption.

26 T. (Blank).

1 T-5. "Biological parent", "birth parent", or "natural
2 parent" of a child are interchangeable terms that mean a
3 person who is biologically or genetically related to that
4 child as a parent.

5 U. "Interstate adoption" means the placement of a minor
6 child with a prospective adoptive parent for the purpose of
7 pursuing an adoption for that child that is subject to the
8 provisions of the Interstate Compact on the Placement of
9 Children.

10 V. (Blank).

11 W. (Blank).

12 X. "Legal father" of a child means a man who is recognized
13 as or presumed to be that child's father:

14 (1) because of his marriage to or civil union with the
15 child's parent at the time of the child's birth or within
16 300 days prior to that child's birth, unless he signed a
17 denial of paternity pursuant to Section 12 of the Vital
18 Records Act or a waiver pursuant to Section 10 of this Act;
19 or

20 (2) because his paternity of the child has been
21 established pursuant to the Illinois Parentage Act, the
22 Illinois Parentage Act of 1984, or the Gestational
23 Surrogacy Act; or

24 (3) because he is listed as the child's father or
25 parent on the child's birth certificate, unless he is
26 otherwise determined by an administrative or judicial

1 proceeding not to be the parent of the child or unless he
2 rescinds his acknowledgment of paternity pursuant to the
3 Illinois Parentage Act of 1984; or

4 (4) because his paternity or adoption of the child has
5 been established by a court of competent jurisdiction.

6 The definition in this subsection X shall not be construed
7 to provide greater or lesser rights as to the number of parents
8 who can be named on a final judgment order of adoption or
9 Illinois birth certificate that otherwise exist under Illinois
10 law.

11 Y. "Legal mother" of a child means a woman who is
12 recognized as or presumed to be that child's mother:

13 (1) because she gave birth to the child except as
14 provided in the Gestational Surrogacy Act; or

15 (2) because her maternity of the child has been
16 established pursuant to the Illinois Parentage Act of 1984
17 or the Gestational Surrogacy Act; or

18 (3) because her maternity or adoption of the child has
19 been established by a court of competent jurisdiction; or

20 (4) because of her marriage to or civil union with the
21 child's other parent at the time of the child's birth or
22 within 300 days prior to the time of birth; or

23 (5) because she is listed as the child's mother or
24 parent on the child's birth certificate unless she is
25 otherwise determined by an administrative or judicial
26 proceeding not to be the parent of the child.

1 The definition in this subsection Y shall not be construed
2 to provide greater or lesser rights as to the number of parents
3 who can be named on a final judgment order of adoption or
4 Illinois birth certificate that otherwise exist under Illinois
5 law.

6 Z. "Department" means the Illinois Department of Children
7 and Family Services.

8 AA. "Placement disruption" means a circumstance where the
9 child is removed from an adoptive placement before the
10 adoption is finalized.

11 BB. "Secondary placement" means a placement, including,l
12 but not limited to,l the placement of a youth in care as defined
13 in Section 4d of the Children and Family Services Act, that
14 occurs after a placement disruption or an adoption
15 dissolution. "Secondary placement" does not mean secondary
16 placements arising due to the death of the adoptive parent of
17 the child.

18 CC. "Adoption dissolution" means a circumstance where the
19 child is removed from an adoptive placement after the adoption
20 is finalized.

21 DD. "Unregulated placement" means the secondary placement
22 of a child that occurs without the oversight of the courts, the
23 Department, or a licensed child welfare agency.

24 EE. "Post-placement and post-adoption support services"
25 means support services for placed or adopted children and
26 families that include, but are not limited to, mental health

1 treatment, including counseling and other support services for
2 emotional, behavioral, or developmental needs, and treatment
3 for substance abuse.

4 FF. "Youth in care" has the meaning provided in Section 4d
5 of the Children and Family Services Act.

6 The changes made by Public Act 103-941 ~~this amendatory Act~~
7 ~~of the 103rd General Assembly~~ apply to a petition that is filed
8 on or after January 1, 2025.

9 (Source: P.A. 102-139, eff. 1-1-22; 102-558, eff. 8-20-21;
10 103-696, eff. 1-1-25; 103-941, eff. 1-1-25; revised 11-26-24.)