



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB1504

Introduced 2/4/2025, by Sen. Lakesia Collins

#### SYNOPSIS AS INTRODUCED:

20 ILCS 505/5  
20 ILCS 505/35.10  
705 ILCS 405/2-28  
705 ILCS 405/2-28.2 new  
705 ILCS 405/2-33  
705 ILCS 405/5-745

Amends the Children and Family Services Act. Requires the Department of Children and Family Services to make reasonable efforts to develop a youth-driven transition plan for each youth in care aged 18 and over for whom the court has set a permanency goal of independence or home environment not appropriate. Requires the plan to address, at a minimum, the youth's housing, mental and physical health and well-being, financial stability, employment, education, connections to supportive adults and peers, transition to adult services, if applicable, and child care and parenting supports, if applicable. Requires the Department to make reasonable efforts to assist the youth in accomplishing the plan and to ensure the youth is aware of any post-case closure supports and services and how to access such supports and services. Requires the Department to assist a youth in care in obtaining a list of persons, with contact information, who are willing to provide the youth with support. Amends the Juvenile Court Act of 1987. Require the court to conduct Successful Transition to Adulthood Review hearings for minors who are 18 years old and older for whom the court has entered a goal of independence or home environment not appropriate. Lists certain information the Department shall provide the court 14 days prior to the hearing as well as certain Department actions that are subject to the court's review. Provides that if the court finds the Department has failed to make reasonable efforts to assist the minor in developing a plan toward independence, the court may enter such orders it deems necessary to ensure the minor is prepared to achieve the goal of independence when the minor turns 21 years of age. Makes conforming changes.

LRB104 09130 KTG 19186 b

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Children and Family Services Act is amended  
5 by changing Sections 5 and 35.10 as follows:

6 (20 ILCS 505/5)

7 Sec. 5. Direct child welfare services; Department of  
8 Children and Family Services. To provide direct child welfare  
9 services when not available through other public or private  
10 child care or program facilities.

11 (a) For purposes of this Section:

12 (1) "Children" means persons found within the State  
13 who are under the age of 18 years. The term also includes  
14 persons under age 21 who:

15 (A) were committed to the Department pursuant to  
16 the Juvenile Court Act or the Juvenile Court Act of  
17 1987 and who continue under the jurisdiction of the  
18 court; or

19 (B) were accepted for care, service and training  
20 by the Department prior to the age of 18 and whose best  
21 interest in the discretion of the Department would be  
22 served by continuing that care, service and training  
23 because of severe emotional disturbances, physical

1           disability, social adjustment or any combination  
2           thereof, or because of the need to complete an  
3           educational or vocational training program.

4           (2) "Homeless youth" means persons found within the  
5           State who are under the age of 19, are not in a safe and  
6           stable living situation and cannot be reunited with their  
7           families.

8           (3) "Child welfare services" means public social  
9           services which are directed toward the accomplishment of  
10          the following purposes:

11           (A) protecting and promoting the health, safety  
12           and welfare of children, including homeless,  
13           dependent, or neglected children;

14           (B) remedying, or assisting in the solution of  
15           problems which may result in, the neglect, abuse,  
16           exploitation, or delinquency of children;

17           (C) preventing the unnecessary separation of  
18           children from their families by identifying family  
19           problems, assisting families in resolving their  
20           problems, and preventing the breakup of the family  
21           where the prevention of child removal is desirable and  
22           possible when the child can be cared for at home  
23           without endangering the child's health and safety;

24           (D) restoring to their families children who have  
25           been removed, by the provision of services to the  
26           child and the families when the child can be cared for

1 at home without endangering the child's health and  
2 safety;

3 (E) placing children in suitable permanent family  
4 arrangements, through guardianship or adoption, in  
5 cases where restoration to the birth family is not  
6 safe, possible, or appropriate;

7 (F) at the time of placement, conducting  
8 concurrent planning, as described in subsection (1-1)  
9 of this Section, so that permanency may occur at the  
10 earliest opportunity. Consideration should be given so  
11 that if reunification fails or is delayed, the  
12 placement made is the best available placement to  
13 provide permanency for the child;

14 (F-1) assisting youth in care, for whom a court has  
15 entered a permanency goal of independence or home  
16 environment not appropriate in accordance with Section  
17 2-28 of the Juvenile Court Act of 1987, to successfully  
18 transition out of the Department's care;

19 (G) (blank);

20 (H) (blank); and

21 (I) placing and maintaining children in facilities  
22 that provide separate living quarters for children  
23 under the age of 18 and for children 18 years of age  
24 and older, unless a child 18 years of age is in the  
25 last year of high school education or vocational  
26 training, in an approved individual or group treatment

1 program, in a licensed shelter facility, or secure  
2 child care facility. The Department is not required to  
3 place or maintain children:

4 (i) who are in a foster home, or

5 (ii) who are persons with a developmental  
6 disability, as defined in the Mental Health and  
7 Developmental Disabilities Code, or

8 (iii) who are female children who are  
9 pregnant, pregnant and parenting, or parenting, or

10 (iv) who are siblings, in facilities that  
11 provide separate living quarters for children 18  
12 years of age and older and for children under 18  
13 years of age.

14 (b) (Blank).

15 (b-5) The Department shall adopt rules to establish a  
16 process for all licensed residential providers in Illinois to  
17 submit data as required by the Department if they contract or  
18 receive reimbursement for children's mental health, substance  
19 use, and developmental disability services from the Department  
20 of Human Services, the Department of Juvenile Justice, or the  
21 Department of Healthcare and Family Services. The requested  
22 data must include, but is not limited to, capacity, staffing,  
23 and occupancy data for the purpose of establishing State need  
24 and placement availability.

25 All information collected, shared, or stored pursuant to  
26 this subsection shall be handled in accordance with all State

1 and federal privacy laws and accompanying regulations and  
2 rules, including without limitation the federal Health  
3 Insurance Portability and Accountability Act of 1996 (Public  
4 Law 104-191) and the Mental Health and Developmental  
5 Disabilities Confidentiality Act.

6 (c) The Department shall establish and maintain  
7 tax-supported child welfare services and extend and seek to  
8 improve voluntary services throughout the State, to the end  
9 that services and care shall be available on an equal basis  
10 throughout the State to children requiring such services.

11 (d) The Director may authorize advance disbursements for  
12 any new program initiative to any agency contracting with the  
13 Department. As a prerequisite for an advance disbursement, the  
14 contractor must post a surety bond in the amount of the advance  
15 disbursement and have a purchase of service contract approved  
16 by the Department. The Department may pay up to 2 months  
17 operational expenses in advance. The amount of the advance  
18 disbursement shall be prorated over the life of the contract  
19 or the remaining months of the fiscal year, whichever is less,  
20 and the installment amount shall then be deducted from future  
21 bills. Advance disbursement authorizations for new initiatives  
22 shall not be made to any agency after that agency has operated  
23 during 2 consecutive fiscal years. The requirements of this  
24 Section concerning advance disbursements shall not apply with  
25 respect to the following: payments to local public agencies  
26 for child day care services as authorized by Section 5a of this

1 Act; and youth service programs receiving grant funds under  
2 Section 17a-4.

3 (e) (Blank).

4 (f) (Blank).

5 (g) The Department shall establish rules and regulations  
6 concerning its operation of programs designed to meet the  
7 goals of child safety and protection, family preservation,  
8 family reunification, and adoption, including, but not limited  
9 to:

10 (1) adoption;

11 (2) foster care;

12 (3) family counseling;

13 (4) protective services;

14 (5) (blank);

15 (6) homemaker service;

16 (7) return of runaway children;

17 (8) (blank);

18 (9) placement under Section 5-7 of the Juvenile Court  
19 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile  
20 Court Act of 1987 in accordance with the federal Adoption  
21 Assistance and Child Welfare Act of 1980; ~~and~~

22 (10) interstate services; and -

23 (11) assisting youth aged 18 and over to successfully  
24 transition out of the Department's care.

25 Rules and regulations established by the Department shall  
26 include provisions for training Department staff and the staff

1 of Department grantees, through contracts with other agencies  
2 or resources, in screening techniques to identify substance  
3 use disorders, as defined in the Substance Use Disorder Act,  
4 approved by the Department of Human Services, as a successor  
5 to the Department of Alcoholism and Substance Abuse, for the  
6 purpose of identifying children and adults who should be  
7 referred for an assessment at an organization appropriately  
8 licensed by the Department of Human Services for substance use  
9 disorder treatment.

10 (h) If the Department finds that there is no appropriate  
11 program or facility within or available to the Department for  
12 a youth in care and that no licensed private facility has an  
13 adequate and appropriate program or none agrees to accept the  
14 youth in care, the Department shall create an appropriate  
15 individualized, program-oriented plan for such youth in care.  
16 The plan may be developed within the Department or through  
17 purchase of services by the Department to the extent that it is  
18 within its statutory authority to do.

19 (i) Service programs shall be available throughout the  
20 State and shall include but not be limited to the following  
21 services:

- 22 (1) case management;
- 23 (2) homemakers;
- 24 (3) counseling;
- 25 (4) parent education;
- 26 (5) day care; and

1 (6) emergency assistance and advocacy.

2 In addition, the following services may be made available  
3 to assess and meet the needs of children and families:

4 (1) comprehensive family-based services;

5 (2) assessments;

6 (3) respite care; and

7 (4) in-home health services.

8 The Department shall provide transportation for any of the  
9 services it makes available to children or families or for  
10 which it refers children or families.

11 (j) The Department may provide categories of financial  
12 assistance and education assistance grants, and shall  
13 establish rules and regulations concerning the assistance and  
14 grants, to persons who adopt children with physical or mental  
15 disabilities, children who are older, or other hard-to-place  
16 children who (i) immediately prior to their adoption were  
17 youth in care or (ii) were determined eligible for financial  
18 assistance with respect to a prior adoption and who become  
19 available for adoption because the prior adoption has been  
20 dissolved and the parental rights of the adoptive parents have  
21 been terminated or because the child's adoptive parents have  
22 died. The Department may continue to provide financial  
23 assistance and education assistance grants for a child who was  
24 determined eligible for financial assistance under this  
25 subsection (j) in the interim period beginning when the  
26 child's adoptive parents died and ending with the finalization

1 of the new adoption of the child by another adoptive parent or  
2 parents. The Department may also provide categories of  
3 financial assistance and education assistance grants, and  
4 shall establish rules and regulations for the assistance and  
5 grants, to persons appointed guardian of the person under  
6 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
7 4-25, or 5-740 of the Juvenile Court Act of 1987 for children  
8 who were youth in care for 12 months immediately prior to the  
9 appointment of the guardian.

10 The amount of assistance may vary, depending upon the  
11 needs of the child and the adoptive parents, as set forth in  
12 the annual assistance agreement. Special purpose grants are  
13 allowed where the child requires special service but such  
14 costs may not exceed the amounts which similar services would  
15 cost the Department if it were to provide or secure them as  
16 guardian of the child.

17 Any financial assistance provided under this subsection is  
18 inalienable by assignment, sale, execution, attachment,  
19 garnishment, or any other remedy for recovery or collection of  
20 a judgment or debt.

21 (j-5) The Department shall not deny or delay the placement  
22 of a child for adoption if an approved family is available  
23 either outside of the Department region handling the case, or  
24 outside of the State of Illinois.

25 (k) The Department shall accept for care and training any  
26 child who has been adjudicated neglected or abused, or

1 dependent committed to it pursuant to the Juvenile Court Act  
2 or the Juvenile Court Act of 1987.

3 (1) The Department shall offer family preservation  
4 services, as defined in Section 8.2 of the Abused and  
5 Neglected Child Reporting Act, to help families, including  
6 adoptive and extended families. Family preservation services  
7 shall be offered (i) to prevent the placement of children in  
8 substitute care when the children can be cared for at home or  
9 in the custody of the person responsible for the children's  
10 welfare, (ii) to reunite children with their families, or  
11 (iii) to maintain an adoptive placement. Family preservation  
12 services shall only be offered when doing so will not endanger  
13 the children's health or safety. With respect to children who  
14 are in substitute care pursuant to the Juvenile Court Act of  
15 1987, family preservation services shall not be offered if a  
16 goal other than those of subdivisions (A), (B), or (B-1) of  
17 subsection (2) of Section 2-28 of that Act has been set, except  
18 that reunification services may be offered as provided in  
19 paragraph (F) of subsection (2) of Section 2-28 of that Act.  
20 Nothing in this paragraph shall be construed to create a  
21 private right of action or claim on the part of any individual  
22 or child welfare agency, except that when a child is the  
23 subject of an action under Article II of the Juvenile Court Act  
24 of 1987 and the child's service plan calls for services to  
25 facilitate achievement of the permanency goal, the court  
26 hearing the action under Article II of the Juvenile Court Act

1 of 1987 may order the Department to provide the services set  
2 out in the plan, if those services are not provided with  
3 reasonable promptness and if those services are available.

4 The Department shall notify the child and the child's  
5 family of the Department's responsibility to offer and provide  
6 family preservation services as identified in the service  
7 plan. The child and the child's family shall be eligible for  
8 services as soon as the report is determined to be  
9 "indicated". The Department may offer services to any child or  
10 family with respect to whom a report of suspected child abuse  
11 or neglect has been filed, prior to concluding its  
12 investigation under Section 7.12 of the Abused and Neglected  
13 Child Reporting Act. However, the child's or family's  
14 willingness to accept services shall not be considered in the  
15 investigation. The Department may also provide services to any  
16 child or family who is the subject of any report of suspected  
17 child abuse or neglect or may refer such child or family to  
18 services available from other agencies in the community, even  
19 if the report is determined to be unfounded, if the conditions  
20 in the child's or family's home are reasonably likely to  
21 subject the child or family to future reports of suspected  
22 child abuse or neglect. Acceptance of such services shall be  
23 voluntary. The Department may also provide services to any  
24 child or family after completion of a family assessment, as an  
25 alternative to an investigation, as provided under the  
26 "differential response program" provided for in subsection

1 (a-5) of Section 7.4 of the Abused and Neglected Child  
2 Reporting Act.

3 The Department may, at its discretion except for those  
4 children also adjudicated neglected or dependent, accept for  
5 care and training any child who has been adjudicated addicted,  
6 as a truant minor in need of supervision or as a minor  
7 requiring authoritative intervention, under the Juvenile Court  
8 Act or the Juvenile Court Act of 1987, but no such child shall  
9 be committed to the Department by any court without the  
10 approval of the Department. On and after January 1, 2015 (the  
11 effective date of Public Act 98-803) and before January 1,  
12 2017, a minor charged with a criminal offense under the  
13 Criminal Code of 1961 or the Criminal Code of 2012 or  
14 adjudicated delinquent shall not be placed in the custody of  
15 or committed to the Department by any court, except (i) a minor  
16 less than 16 years of age committed to the Department under  
17 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
18 for whom an independent basis of abuse, neglect, or dependency  
19 exists, which must be defined by departmental rule, or (iii) a  
20 minor for whom the court has granted a supplemental petition  
21 to reinstate wardship pursuant to subsection (2) of Section  
22 2-33 of the Juvenile Court Act of 1987. On and after January 1,  
23 2017, a minor charged with a criminal offense under the  
24 Criminal Code of 1961 or the Criminal Code of 2012 or  
25 adjudicated delinquent shall not be placed in the custody of  
26 or committed to the Department by any court, except (i) a minor

1 less than 15 years of age committed to the Department under  
2 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
3 for whom an independent basis of abuse, neglect, or dependency  
4 exists, which must be defined by departmental rule, or (iii) a  
5 minor for whom the court has granted a supplemental petition  
6 to reinstate wardship pursuant to subsection (2) of Section  
7 2-33 of the Juvenile Court Act of 1987. An independent basis  
8 exists when the allegations or adjudication of abuse, neglect,  
9 or dependency do not arise from the same facts, incident, or  
10 circumstances which give rise to a charge or adjudication of  
11 delinquency. The Department shall assign a caseworker to  
12 attend any hearing involving a youth in the care and custody of  
13 the Department who is placed on aftercare release, including  
14 hearings involving sanctions for violation of aftercare  
15 release conditions and aftercare release revocation hearings.

16 As soon as is possible after August 7, 2009 (the effective  
17 date of Public Act 96-134), the Department shall develop and  
18 implement a special program of family preservation services to  
19 support intact, foster, and adoptive families who are  
20 experiencing extreme hardships due to the difficulty and  
21 stress of caring for a child who has been diagnosed with a  
22 pervasive developmental disorder if the Department determines  
23 that those services are necessary to ensure the health and  
24 safety of the child. The Department may offer services to any  
25 family whether or not a report has been filed under the Abused  
26 and Neglected Child Reporting Act. The Department may refer

1 the child or family to services available from other agencies  
2 in the community if the conditions in the child's or family's  
3 home are reasonably likely to subject the child or family to  
4 future reports of suspected child abuse or neglect. Acceptance  
5 of these services shall be voluntary. The Department shall  
6 develop and implement a public information campaign to alert  
7 health and social service providers and the general public  
8 about these special family preservation services. The nature  
9 and scope of the services offered and the number of families  
10 served under the special program implemented under this  
11 paragraph shall be determined by the level of funding that the  
12 Department annually allocates for this purpose. The term  
13 "pervasive developmental disorder" under this paragraph means  
14 a neurological condition, including, but not limited to,  
15 Asperger's Syndrome and autism, as defined in the most recent  
16 edition of the Diagnostic and Statistical Manual of Mental  
17 Disorders of the American Psychiatric Association.

18 (1-1) The General Assembly recognizes that the best  
19 interests of the child require that the child be placed in the  
20 most permanent living arrangement as soon as is practically  
21 possible. To achieve this goal, the General Assembly directs  
22 the Department of Children and Family Services to conduct  
23 concurrent planning so that permanency may occur at the  
24 earliest opportunity. Permanent living arrangements may  
25 include prevention of placement of a child outside the home of  
26 the family when the child can be cared for at home without

1 endangering the child's health or safety; reunification with  
2 the family, when safe and appropriate, if temporary placement  
3 is necessary; or movement of the child toward the most  
4 permanent living arrangement and permanent legal status.

5 When determining reasonable efforts to be made with  
6 respect to a child, as described in this subsection, and in  
7 making such reasonable efforts, the child's health and safety  
8 shall be the paramount concern.

9 When a child is placed in foster care, the Department  
10 shall ensure and document that reasonable efforts were made to  
11 prevent or eliminate the need to remove the child from the  
12 child's home. The Department must make reasonable efforts to  
13 reunify the family when temporary placement of the child  
14 occurs unless otherwise required, pursuant to the Juvenile  
15 Court Act of 1987. At any time after the dispositional hearing  
16 where the Department believes that further reunification  
17 services would be ineffective, it may request a finding from  
18 the court that reasonable efforts are no longer appropriate.  
19 The Department is not required to provide further  
20 reunification services after such a finding.

21 A decision to place a child in substitute care shall be  
22 made with considerations of the child's health, safety, and  
23 best interests. At the time of placement, consideration should  
24 also be given so that if reunification fails or is delayed, the  
25 placement made is the best available placement to provide  
26 permanency for the child.

1           The Department shall adopt rules addressing concurrent  
2 planning for reunification and permanency. The Department  
3 shall consider the following factors when determining  
4 appropriateness of concurrent planning:

5           (1) the likelihood of prompt reunification;

6           (2) the past history of the family;

7           (3) the barriers to reunification being addressed by  
8 the family;

9           (4) the level of cooperation of the family;

10          (5) the foster parents' willingness to work with the  
11 family to reunite;

12          (6) the willingness and ability of the foster family  
13 to provide an adoptive home or long-term placement;

14          (7) the age of the child;

15          (8) placement of siblings.

16          (m) The Department may assume temporary custody of any  
17 child if:

18           (1) it has received a written consent to such  
19 temporary custody signed by the parents of the child or by  
20 the parent having custody of the child if the parents are  
21 not living together or by the guardian or custodian of the  
22 child if the child is not in the custody of either parent,  
23 or

24           (2) the child is found in the State and neither a  
25 parent, guardian nor custodian of the child can be  
26 located.

1 If the child is found in the child's residence without a  
2 parent, guardian, custodian, or responsible caretaker, the  
3 Department may, instead of removing the child and assuming  
4 temporary custody, place an authorized representative of the  
5 Department in that residence until such time as a parent,  
6 guardian, or custodian enters the home and expresses a  
7 willingness and apparent ability to ensure the child's health  
8 and safety and resume permanent charge of the child, or until a  
9 relative enters the home and is willing and able to ensure the  
10 child's health and safety and assume charge of the child until  
11 a parent, guardian, or custodian enters the home and expresses  
12 such willingness and ability to ensure the child's safety and  
13 resume permanent charge. After a caretaker has remained in the  
14 home for a period not to exceed 12 hours, the Department must  
15 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
16 5-415 of the Juvenile Court Act of 1987.

17 The Department shall have the authority, responsibilities  
18 and duties that a legal custodian of the child would have  
19 pursuant to subsection (9) of Section 1-3 of the Juvenile  
20 Court Act of 1987. Whenever a child is taken into temporary  
21 custody pursuant to an investigation under the Abused and  
22 Neglected Child Reporting Act, or pursuant to a referral and  
23 acceptance under the Juvenile Court Act of 1987 of a minor in  
24 limited custody, the Department, during the period of  
25 temporary custody and before the child is brought before a  
26 judicial officer as required by Section 2-9, 3-11, 4-8, or

1 5-415 of the Juvenile Court Act of 1987, shall have the  
2 authority, responsibilities and duties that a legal custodian  
3 of the child would have under subsection (9) of Section 1-3 of  
4 the Juvenile Court Act of 1987.

5 The Department shall ensure that any child taken into  
6 custody is scheduled for an appointment for a medical  
7 examination.

8 A parent, guardian, or custodian of a child in the  
9 temporary custody of the Department who would have custody of  
10 the child if the child were not in the temporary custody of the  
11 Department may deliver to the Department a signed request that  
12 the Department surrender the temporary custody of the child.  
13 The Department may retain temporary custody of the child for  
14 10 days after the receipt of the request, during which period  
15 the Department may cause to be filed a petition pursuant to the  
16 Juvenile Court Act of 1987. If a petition is so filed, the  
17 Department shall retain temporary custody of the child until  
18 the court orders otherwise. If a petition is not filed within  
19 the 10-day period, the child shall be surrendered to the  
20 custody of the requesting parent, guardian, or custodian not  
21 later than the expiration of the 10-day period, at which time  
22 the authority and duties of the Department with respect to the  
23 temporary custody of the child shall terminate.

24 (m-1) The Department may place children under 18 years of  
25 age in a secure child care facility licensed by the Department  
26 that cares for children who are in need of secure living

1 arrangements for their health, safety, and well-being after a  
2 determination is made by the facility director and the  
3 Director or the Director's designate prior to admission to the  
4 facility subject to Section 2-27.1 of the Juvenile Court Act  
5 of 1987. This subsection (m-1) does not apply to a child who is  
6 subject to placement in a correctional facility operated  
7 pursuant to Section 3-15-2 of the Unified Code of Corrections,  
8 unless the child is a youth in care who was placed in the care  
9 of the Department before being subject to placement in a  
10 correctional facility and a court of competent jurisdiction  
11 has ordered placement of the child in a secure care facility.

12 (n) The Department may place children under 18 years of  
13 age in licensed child care facilities when in the opinion of  
14 the Department, appropriate services aimed at family  
15 preservation have been unsuccessful and cannot ensure the  
16 child's health and safety or are unavailable and such  
17 placement would be for their best interest. Payment for board,  
18 clothing, care, training and supervision of any child placed  
19 in a licensed child care facility may be made by the  
20 Department, by the parents or guardians of the estates of  
21 those children, or by both the Department and the parents or  
22 guardians, except that no payments shall be made by the  
23 Department for any child placed in a licensed child care  
24 facility for board, clothing, care, training, and supervision  
25 of such a child that exceed the average per capita cost of  
26 maintaining and of caring for a child in institutions for

1 dependent or neglected children operated by the Department.  
2 However, such restriction on payments does not apply in cases  
3 where children require specialized care and treatment for  
4 problems of severe emotional disturbance, physical disability,  
5 social adjustment, or any combination thereof and suitable  
6 facilities for the placement of such children are not  
7 available at payment rates within the limitations set forth in  
8 this Section. All reimbursements for services delivered shall  
9 be absolutely inalienable by assignment, sale, attachment, or  
10 garnishment or otherwise.

11 (n-1) The Department shall provide or authorize child  
12 welfare services, aimed at assisting minors to achieve  
13 sustainable self-sufficiency as independent adults, for any  
14 minor eligible for the reinstatement of wardship pursuant to  
15 subsection (2) of Section 2-33 of the Juvenile Court Act of  
16 1987, whether or not such reinstatement is sought or allowed,  
17 provided that the minor consents to such services and has not  
18 yet attained the age of 21. The Department shall have  
19 responsibility for the development and delivery of services  
20 under this Section. An eligible youth may access services  
21 under this Section through the Department of Children and  
22 Family Services or by referral from the Department of Human  
23 Services. Youth participating in services under this Section  
24 shall cooperate with the assigned case manager in developing  
25 an agreement identifying the services to be provided and how  
26 the youth will increase skills to achieve self-sufficiency. A

1 homeless shelter is not considered appropriate housing for any  
2 youth receiving child welfare services under this Section. The  
3 Department shall continue child welfare services under this  
4 Section to any eligible minor until the minor becomes 21 years  
5 of age, no longer consents to participate, or achieves  
6 self-sufficiency as identified in the minor's service plan.  
7 The Department of Children and Family Services shall create  
8 clear, readable notice of the rights of former foster youth to  
9 child welfare services under this Section and how such  
10 services may be obtained. The Department of Children and  
11 Family Services and the Department of Human Services shall  
12 disseminate this information statewide. The Department shall  
13 adopt regulations describing services intended to assist  
14 minors in achieving sustainable self-sufficiency as  
15 independent adults.

16 (o) The Department shall establish an administrative  
17 review and appeal process for children and families who  
18 request or receive child welfare services from the Department.  
19 Youth in care who are placed by private child welfare  
20 agencies, and foster families with whom those youth are  
21 placed, shall be afforded the same procedural and appeal  
22 rights as children and families in the case of placement by the  
23 Department, including the right to an initial review of a  
24 private agency decision by that agency. The Department shall  
25 ensure that any private child welfare agency, which accepts  
26 youth in care for placement, affords those rights to children

1 and foster families. The Department shall accept for  
2 administrative review and an appeal hearing a complaint made  
3 by (i) a child or foster family concerning a decision  
4 following an initial review by a private child welfare agency  
5 or (ii) a prospective adoptive parent who alleges a violation  
6 of subsection (j-5) of this Section. An appeal of a decision  
7 concerning a change in the placement of a child shall be  
8 conducted in an expedited manner. A court determination that a  
9 current foster home placement is necessary and appropriate  
10 under Section 2-28 of the Juvenile Court Act of 1987 does not  
11 constitute a judicial determination on the merits of an  
12 administrative appeal, filed by a former foster parent,  
13 involving a change of placement decision.

14 (p) (Blank).

15 (q) The Department may receive and use, in their entirety,  
16 for the benefit of children any gift, donation, or bequest of  
17 money or other property which is received on behalf of such  
18 children, or any financial benefits to which such children are  
19 or may become entitled while under the jurisdiction or care of  
20 the Department, except that the benefits described in Section  
21 5.46 must be used and conserved consistent with the provisions  
22 under Section 5.46.

23 The Department shall set up and administer no-cost,  
24 interest-bearing accounts in appropriate financial  
25 institutions for children for whom the Department is legally  
26 responsible and who have been determined eligible for

1 Veterans' Benefits, Social Security benefits, assistance  
2 allotments from the armed forces, court ordered payments,  
3 parental voluntary payments, Supplemental Security Income,  
4 Railroad Retirement payments, Black Lung benefits, or other  
5 miscellaneous payments. Interest earned by each account shall  
6 be credited to the account, unless disbursed in accordance  
7 with this subsection.

8 In disbursing funds from children's accounts, the  
9 Department shall:

10 (1) Establish standards in accordance with State and  
11 federal laws for disbursing money from children's  
12 accounts. In all circumstances, the Department's  
13 Guardianship Administrator or the Guardianship  
14 Administrator's designee must approve disbursements from  
15 children's accounts. The Department shall be responsible  
16 for keeping complete records of all disbursements for each  
17 account for any purpose.

18 (2) Calculate on a monthly basis the amounts paid from  
19 State funds for the child's board and care, medical care  
20 not covered under Medicaid, and social services; and  
21 utilize funds from the child's account, as covered by  
22 regulation, to reimburse those costs. Monthly,  
23 disbursements from all children's accounts, up to 1/12 of  
24 \$13,000,000, shall be deposited by the Department into the  
25 General Revenue Fund and the balance over 1/12 of  
26 \$13,000,000 into the DCFS Children's Services Fund.

1           (3) Maintain any balance remaining after reimbursing  
2           for the child's costs of care, as specified in item (2).  
3           The balance shall accumulate in accordance with relevant  
4           State and federal laws and shall be disbursed to the child  
5           or the child's guardian or to the issuing agency.

6           (r)    The    Department    shall    promulgate    regulations  
7           encouraging all adoption agencies to voluntarily forward to  
8           the Department or its agent names and addresses of all persons  
9           who have applied for and have been approved for adoption of a  
10          hard-to-place child or child with a disability and the names  
11          of such children who have not been placed for adoption. A list  
12          of such names and addresses shall be maintained by the  
13          Department or its agent, and coded lists which maintain the  
14          confidentiality of the person seeking to adopt the child and  
15          of the child shall be made available, without charge, to every  
16          adoption agency in the State to assist the agencies in placing  
17          such children for adoption. The Department may delegate to an  
18          agent its duty to maintain and make available such lists. The  
19          Department shall ensure that such agent maintains the  
20          confidentiality of the person seeking to adopt the child and  
21          of the child.

22          (s)    The    Department    of    Children    and    Family    Services    may  
23          establish and implement a program to reimburse Department and  
24          private child welfare agency foster parents licensed by the  
25          Department of Children and Family Services for damages  
26          sustained by the foster parents as a result of the malicious or

1 negligent acts of foster children, as well as providing third  
2 party coverage for such foster parents with regard to actions  
3 of foster children to other individuals. Such coverage will be  
4 secondary to the foster parent liability insurance policy, if  
5 applicable. The program shall be funded through appropriations  
6 from the General Revenue Fund, specifically designated for  
7 such purposes.

8 (t) The Department shall perform home studies and  
9 investigations and shall exercise supervision over visitation  
10 as ordered by a court pursuant to the Illinois Marriage and  
11 Dissolution of Marriage Act or the Adoption Act only if:

12 (1) an order entered by an Illinois court specifically  
13 directs the Department to perform such services; and

14 (2) the court has ordered one or both of the parties to  
15 the proceeding to reimburse the Department for its  
16 reasonable costs for providing such services in accordance  
17 with Department rules, or has determined that neither  
18 party is financially able to pay.

19 The Department shall provide written notification to the  
20 court of the specific arrangements for supervised visitation  
21 and projected monthly costs within 60 days of the court order.  
22 The Department shall send to the court information related to  
23 the costs incurred except in cases where the court has  
24 determined the parties are financially unable to pay. The  
25 court may order additional periodic reports as appropriate.

26 (u) In addition to other information that must be

1 provided, whenever the Department places a child with a  
2 prospective adoptive parent or parents, in a licensed foster  
3 home, group home, or child care institution, or in a relative  
4 home, the Department shall provide to the prospective adoptive  
5 parent or parents or other caretaker:

6 (1) available detailed information concerning the  
7 child's educational and health history, copies of  
8 immunization records (including insurance and medical card  
9 information), a history of the child's previous  
10 placements, if any, and reasons for placement changes  
11 excluding any information that identifies or reveals the  
12 location of any previous caretaker;

13 (2) a copy of the child's portion of the client  
14 service plan, including any visitation arrangement, and  
15 all amendments or revisions to it as related to the child;  
16 and

17 (3) information containing details of the child's  
18 individualized educational plan when the child is  
19 receiving special education services.

20 The caretaker shall be informed of any known social or  
21 behavioral information (including, but not limited to,  
22 criminal background, fire setting, perpetuation of sexual  
23 abuse, destructive behavior, and substance abuse) necessary to  
24 care for and safeguard the children to be placed or currently  
25 in the home. The Department may prepare a written summary of  
26 the information required by this paragraph, which may be

1 provided to the foster or prospective adoptive parent in  
2 advance of a placement. The foster or prospective adoptive  
3 parent may review the supporting documents in the child's file  
4 in the presence of casework staff. In the case of an emergency  
5 placement, casework staff shall at least provide known  
6 information verbally, if necessary, and must subsequently  
7 provide the information in writing as required by this  
8 subsection.

9 The information described in this subsection shall be  
10 provided in writing. In the case of emergency placements when  
11 time does not allow prior review, preparation, and collection  
12 of written information, the Department shall provide such  
13 information as it becomes available. Within 10 business days  
14 after placement, the Department shall obtain from the  
15 prospective adoptive parent or parents or other caretaker a  
16 signed verification of receipt of the information provided.  
17 Within 10 business days after placement, the Department shall  
18 provide to the child's guardian ad litem a copy of the  
19 information provided to the prospective adoptive parent or  
20 parents or other caretaker. The information provided to the  
21 prospective adoptive parent or parents or other caretaker  
22 shall be reviewed and approved regarding accuracy at the  
23 supervisory level.

24 (u-5) Effective July 1, 1995, only foster care placements  
25 licensed as foster family homes pursuant to the Child Care Act  
26 of 1969 shall be eligible to receive foster care payments from

1 the Department. Relative caregivers who, as of July 1, 1995,  
2 were approved pursuant to approved relative placement rules  
3 previously promulgated by the Department at 89 Ill. Adm. Code  
4 335 and had submitted an application for licensure as a foster  
5 family home may continue to receive foster care payments only  
6 until the Department determines that they may be licensed as a  
7 foster family home or that their application for licensure is  
8 denied or until September 30, 1995, whichever occurs first.

9 (v) The Department shall access criminal history record  
10 information as defined in the Illinois Uniform Conviction  
11 Information Act and information maintained in the adjudicatory  
12 and dispositional record system as defined in Section 2605-355  
13 of the Illinois State Police Law if the Department determines  
14 the information is necessary to perform its duties under the  
15 Abused and Neglected Child Reporting Act, the Child Care Act  
16 of 1969, and the Children and Family Services Act. The  
17 Department shall provide for interactive computerized  
18 communication and processing equipment that permits direct  
19 on-line communication with the Illinois State Police's central  
20 criminal history data repository. The Department shall comply  
21 with all certification requirements and provide certified  
22 operators who have been trained by personnel from the Illinois  
23 State Police. In addition, one Office of the Inspector General  
24 investigator shall have training in the use of the criminal  
25 history information access system and have access to the  
26 terminal. The Department of Children and Family Services and

1 its employees shall abide by rules and regulations established  
2 by the Illinois State Police relating to the access and  
3 dissemination of this information.

4 (v-1) Prior to final approval for placement of a child,  
5 the Department shall conduct a criminal records background  
6 check of the prospective foster or adoptive parent, including  
7 fingerprint-based checks of national crime information  
8 databases. Final approval for placement shall not be granted  
9 if the record check reveals a felony conviction for child  
10 abuse or neglect, for spousal abuse, for a crime against  
11 children, or for a crime involving violence, including rape,  
12 sexual assault, or homicide, but not including other physical  
13 assault or battery, or if there is a felony conviction for  
14 physical assault, battery, or a drug-related offense committed  
15 within the past 5 years.

16 (v-2) Prior to final approval for placement of a child,  
17 the Department shall check its child abuse and neglect  
18 registry for information concerning prospective foster and  
19 adoptive parents, and any adult living in the home. If any  
20 prospective foster or adoptive parent or other adult living in  
21 the home has resided in another state in the preceding 5 years,  
22 the Department shall request a check of that other state's  
23 child abuse and neglect registry.

24 (w) Within 120 days of August 20, 1995 (the effective date  
25 of Public Act 89-392), the Department shall prepare and submit  
26 to the Governor and the General Assembly, a written plan for

1 the development of in-state licensed secure child care  
2 facilities that care for children who are in need of secure  
3 living arrangements for their health, safety, and well-being.  
4 For purposes of this subsection, secure care facility shall  
5 mean a facility that is designed and operated to ensure that  
6 all entrances and exits from the facility, a building or a  
7 distinct part of the building, are under the exclusive control  
8 of the staff of the facility, whether or not the child has the  
9 freedom of movement within the perimeter of the facility,  
10 building, or distinct part of the building. The plan shall  
11 include descriptions of the types of facilities that are  
12 needed in Illinois; the cost of developing these secure care  
13 facilities; the estimated number of placements; the potential  
14 cost savings resulting from the movement of children currently  
15 out-of-state who are projected to be returned to Illinois; the  
16 necessary geographic distribution of these facilities in  
17 Illinois; and a proposed timetable for development of such  
18 facilities.

19 (x) The Department shall conduct annual credit history  
20 checks to determine the financial history of children placed  
21 under its guardianship pursuant to the Juvenile Court Act of  
22 1987. The Department shall conduct such credit checks starting  
23 when a youth in care turns 12 years old and each year  
24 thereafter for the duration of the guardianship as terminated  
25 pursuant to the Juvenile Court Act of 1987. The Department  
26 shall determine if financial exploitation of the child's

1 personal information has occurred. If financial exploitation  
2 appears to have taken place or is presently ongoing, the  
3 Department shall notify the proper law enforcement agency, the  
4 proper State's Attorney, or the Attorney General.

5 (y) Beginning on July 22, 2010 (the effective date of  
6 Public Act 96-1189), a child with a disability who receives  
7 residential and educational services from the Department shall  
8 be eligible to receive transition services in accordance with  
9 Article 14 of the School Code from the age of 14.5 through age  
10 21, inclusive, notwithstanding the child's residential  
11 services arrangement. For purposes of this subsection, "child  
12 with a disability" means a child with a disability as defined  
13 by the federal Individuals with Disabilities Education  
14 Improvement Act of 2004.

15 (z) The Department shall access criminal history record  
16 information as defined as "background information" in this  
17 subsection and criminal history record information as defined  
18 in the Illinois Uniform Conviction Information Act for each  
19 Department employee or Department applicant. Each Department  
20 employee or Department applicant shall submit the employee's  
21 or applicant's fingerprints to the Illinois State Police in  
22 the form and manner prescribed by the Illinois State Police.  
23 These fingerprints shall be checked against the fingerprint  
24 records now and hereafter filed in the Illinois State Police  
25 and the Federal Bureau of Investigation criminal history  
26 records databases. The Illinois State Police shall charge a

1 fee for conducting the criminal history record check, which  
2 shall be deposited into the State Police Services Fund and  
3 shall not exceed the actual cost of the record check. The  
4 Illinois State Police shall furnish, pursuant to positive  
5 identification, all Illinois conviction information to the  
6 Department of Children and Family Services.

7 For purposes of this subsection:

8 "Background information" means all of the following:

9 (i) Upon the request of the Department of Children and  
10 Family Services, conviction information obtained from the  
11 Illinois State Police as a result of a fingerprint-based  
12 criminal history records check of the Illinois criminal  
13 history records database and the Federal Bureau of  
14 Investigation criminal history records database concerning  
15 a Department employee or Department applicant.

16 (ii) Information obtained by the Department of  
17 Children and Family Services after performing a check of  
18 the Illinois State Police's Sex Offender Database, as  
19 authorized by Section 120 of the Sex Offender Community  
20 Notification Law, concerning a Department employee or  
21 Department applicant.

22 (iii) Information obtained by the Department of  
23 Children and Family Services after performing a check of  
24 the Child Abuse and Neglect Tracking System (CANTS)  
25 operated and maintained by the Department.

26 "Department employee" means a full-time or temporary

1 employee coded or certified within the State of Illinois  
2 Personnel System.

3 "Department applicant" means an individual who has  
4 conditional Department full-time or part-time work, a  
5 contractor, an individual used to replace or supplement staff,  
6 an academic intern, a volunteer in Department offices or on  
7 Department contracts, a work-study student, an individual or  
8 entity licensed by the Department, or an unlicensed service  
9 provider who works as a condition of a contract or an agreement  
10 and whose work may bring the unlicensed service provider into  
11 contact with Department clients or client records.

12 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
13 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.  
14 1-1-24; 103-546, eff. 8-11-23; 103-605, eff. 7-1-24.)

15 (20 ILCS 505/35.10)

16 Sec. 35.10. Successful transitions to adult living.  
17 ~~Documents necessary for adult living.~~

18 (a) The Department shall make reasonable efforts to  
19 develop a youth-driven transition plan for each youth in care  
20 aged 18 and over for whom the court has set a permanency goal  
21 of independence or home environment not appropriate in  
22 accordance with Section 2-28 of the Juvenile Court Act of  
23 1987. The Department shall ensure the plan addresses the  
24 following areas at a minimum: housing, mental and physical  
25 health and well-being, financial stability, employment,

1 education, connections to supportive adults and peers,  
2 transition to adult services, if applicable, and child care  
3 and parenting supports, if applicable. The Department shall  
4 make reasonable efforts to assist the youth in accomplishing  
5 the plan, to develop strategies to resolve barriers, and to  
6 ensure the youth is aware of any post-case closure supports  
7 and services and how to access such supports and services.

8 (b) Documents necessary for adult living. The Department  
9 shall assist a youth in care in identifying and obtaining  
10 documents necessary to function as an independent adult prior  
11 to the closure of the youth's case to terminate wardship as  
12 provided in Section 2-31 of the Juvenile Court Act of 1987.  
13 These necessary documents shall include, but not be limited  
14 to, any of the following:

15 (1) State identification card or driver's license.

16 (2) Social Security card.

17 (3) Medical records, including, but not limited to,  
18 health passport, dental records, immunization records,  
19 name and contact information for all current medical,  
20 dental, and mental health providers, and a signed  
21 certification that the Department provided the youth with  
22 education on executing a healthcare power of attorney.

23 (4) Medicaid card or other health eligibility  
24 documentation.

25 (5) Certified copy of birth certificate.

26 (6) Any applicable religious documents.

- 1 (7) Voter registration card.
- 2 (8) Immigration, citizenship, or naturalization  
3 documentation, if applicable.
- 4 (9) Death certificates of parents, if applicable.
- 5 (10) Life book or compilation of personal history and  
6 photographs.
- 7 (11) List of known relatives and persons willing to  
8 provide supports to the youth with relationships,  
9 addresses, telephone numbers, and other contact  
10 information, with the permission of the involved relative  
11 or supportive person.
- 12 (12) Resume.
- 13 (13) Educational records, including list of schools  
14 attended, and transcript, high school diploma, or State of  
15 Illinois High School Diploma.
- 16 (14) List of placements while in care.
- 17 (15) List of community resources with referral  
18 information, including the Midwest Adoption Center for  
19 search and reunion services for former youth in care,  
20 whether or not they were adopted, and the Illinois Chapter  
21 of Foster Care Alumni of America.
- 22 (16) All documents necessary to complete a Free  
23 Application for Federal Student Aid form, if applicable,  
24 or an application for State financial aid.
- 25 (17) If applicable, a final accounting of the account  
26 maintained on behalf of the youth as provided under

1 Section 5.46.

2 If a court determines that a youth in care no longer requires  
3 wardship of the court and orders the wardship terminated and  
4 all proceedings under the Juvenile Court Act of 1987  
5 respecting the youth in care finally closed and discharged,  
6 the Department shall ensure that the youth in care receives a  
7 copy of the court's order.

8 (Source: P.A. 102-70, eff. 1-1-22; 102-1014, eff. 5-27-22;  
9 102-1100, eff. 1-1-23; 103-154, eff. 6-30-23.)

10 Section 10. The Juvenile Court Act of 1987 is amended by  
11 changing Sections 2-28, 2-33, and 5-745 and by adding Section  
12 2-28.2 as follows:

13 (705 ILCS 405/2-28)

14 Sec. 2-28. Court review.

15 (1) The court may require any legal custodian or guardian  
16 of the person appointed under this Act to report periodically  
17 to the court or may cite the legal custodian or guardian into  
18 court and require the legal custodian, guardian, or the legal  
19 custodian's or guardian's agency to make a full and accurate  
20 report of the doings of the legal custodian, guardian, or  
21 agency on behalf of the minor. The custodian or guardian,  
22 within 10 days after such citation, or earlier if the court  
23 determines it to be necessary to protect the health, safety,  
24 or welfare of the minor, shall make the report, either in

1 writing verified by affidavit or orally under oath in open  
2 court, or otherwise as the court directs. Upon the hearing of  
3 the report the court may remove the custodian or guardian and  
4 appoint another in the custodian's or guardian's stead or  
5 restore the minor to the custody of the minor's parents or  
6 former guardian or custodian. However, custody of the minor  
7 shall not be restored to any parent, guardian, or legal  
8 custodian in any case in which the minor is found to be  
9 neglected or abused under Section 2-3 or dependent under  
10 Section 2-4 of this Act, unless the minor can be cared for at  
11 home without endangering the minor's health or safety and it  
12 is in the best interests of the minor, and if such neglect,  
13 abuse, or dependency is found by the court under paragraph (1)  
14 of Section 2-21 of this Act to have come about due to the acts  
15 or omissions or both of such parent, guardian, or legal  
16 custodian, until such time as an investigation is made as  
17 provided in paragraph (5) and a hearing is held on the issue of  
18 the fitness of such parent, guardian, or legal custodian to  
19 care for the minor and the court enters an order that such  
20 parent, guardian, or legal custodian is fit to care for the  
21 minor.

22 (1.5) The public agency that is the custodian or guardian  
23 of the minor shall file a written report with the court no  
24 later than 15 days after a minor in the agency's care remains:

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

26 (2) in a psychiatric hospital past the time when the

1 minor is clinically ready for discharge or beyond medical  
2 necessity for the minor's health; or

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

6 The report shall explain the steps the agency is taking to  
7 ensure the minor is placed appropriately, how the minor's  
8 needs are being met in the minor's shelter placement, and if a  
9 future placement has been identified by the Department, why  
10 the anticipated placement is appropriate for the needs of the  
11 minor and the anticipated placement date.

12 (1.6) Within 30 days after placing a child in its care in a  
13 qualified residential treatment program, as defined by the  
14 federal Social Security Act, the Department of Children and  
15 Family Services shall prepare a written report for filing with  
16 the court and send copies of the report to all parties. Within  
17 20 days of the filing of the report, or as soon thereafter as  
18 the court's schedule allows but not more than 60 days from the  
19 date of placement, the court shall hold a hearing to consider  
20 the Department's report and determine whether placement of the  
21 child in a qualified residential treatment program provides  
22 the most effective and appropriate level of care for the child  
23 in the least restrictive environment and if the placement is  
24 consistent with the short-term and long-term goals for the  
25 child, as specified in the permanency plan for the child. The  
26 court shall approve or disapprove the placement. If

1 applicable, the requirements of Sections 2-27.1 and 2-27.2  
2 must also be met. The Department's written report and the  
3 court's written determination shall be included in and made  
4 part of the case plan for the child. If the child remains  
5 placed in a qualified residential treatment program, the  
6 Department shall submit evidence at each status and permanency  
7 hearing:

8 (1) demonstrating that on-going assessment of the  
9 strengths and needs of the child continues to support the  
10 determination that the child's needs cannot be met through  
11 placement in a foster family home, that the placement  
12 provides the most effective and appropriate level of care  
13 for the child in the least restrictive, appropriate  
14 environment, and that the placement is consistent with the  
15 short-term and long-term permanency goal for the child, as  
16 specified in the permanency plan for the child;

17 (2) documenting the specific treatment or service  
18 needs that should be met for the child in the placement and  
19 the length of time the child is expected to need the  
20 treatment or services; and

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

25 (2) The first permanency hearing shall be conducted by the  
26 judge. Subsequent permanency hearings may be heard by a judge

1 or by hearing officers appointed or approved by the court in  
2 the manner set forth in Section 2-28.1 of this Act. The initial  
3 hearing shall be held (a) within 12 months from the date  
4 temporary custody was taken, regardless of whether an  
5 adjudication or dispositional hearing has been completed  
6 within that time frame, (b) if the parental rights of both  
7 parents have been terminated in accordance with the procedure  
8 described in subsection (5) of Section 2-21, within 30 days of  
9 the order for termination of parental rights and appointment  
10 of a guardian with power to consent to adoption, or (c) in  
11 accordance with subsection (2) of Section 2-13.1. Subsequent  
12 permanency hearings shall be held every 6 months or more  
13 frequently if necessary in the court's determination following  
14 the initial permanency hearing, in accordance with the  
15 standards set forth in this Section, until the court  
16 determines that the plan and goal have been achieved. Once the  
17 plan and goal have been achieved, if the minor remains in  
18 substitute care, the case shall be reviewed at least every 6  
19 months thereafter, subject to the provisions of this Section,  
20 unless the minor is placed in the guardianship of a suitable  
21 relative or other person and the court determines that further  
22 monitoring by the court does not further the health, safety,  
23 or best interest of the child and that this is a stable  
24 permanent placement. The permanency hearings must occur within  
25 the time frames set forth in this subsection and may not be  
26 delayed in anticipation of a report from any source or due to

1 the agency's failure to timely file its written report (this  
2 written report means the one required under the next paragraph  
3 and does not mean the service plan also referred to in that  
4 paragraph).

5 The public agency that is the custodian or guardian of the  
6 minor, or another agency responsible for the minor's care,  
7 shall ensure that all parties to the permanency hearings are  
8 provided a copy of the most recent service plan prepared  
9 within the prior 6 months at least 14 days in advance of the  
10 hearing. If not contained in the agency's service plan, the  
11 agency shall also include a report setting forth (i) any  
12 special physical, psychological, educational, medical,  
13 emotional, or other needs of the minor or the minor's family  
14 that are relevant to a permanency or placement determination  
15 and (ii) for any minor age 16 or over, a written description of  
16 the programs and services that will enable the minor to  
17 prepare for independent living. If not contained in the  
18 agency's service plan, the agency's report shall specify if a  
19 minor is placed in a licensed child care facility under a  
20 corrective plan by the Department due to concerns impacting  
21 the minor's safety and well-being. The report shall explain  
22 the steps the Department is taking to ensure the safety and  
23 well-being of the minor and that the minor's needs are met in  
24 the facility. The agency's written report must detail what  
25 progress or lack of progress the parent has made in correcting  
26 the conditions requiring the child to be in care; whether the

1 child can be returned home without jeopardizing the child's  
2 health, safety, and welfare, and, if not, what permanency goal  
3 is recommended to be in the best interests of the child, and  
4 why the other permanency goals are not appropriate. The  
5 caseworker must appear and testify at the permanency hearing.  
6 If a permanency hearing has not previously been scheduled by  
7 the court, the moving party shall move for the setting of a  
8 permanency hearing and the entry of an order within the time  
9 frames set forth in this subsection.

10 At the permanency hearing, the court shall determine the  
11 future status of the child. The court shall set one of the  
12 following permanency goals:

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

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

20 (B-1) The minor will be in short-term care with a  
21 continued goal to return home pending a status hearing.  
22 When the court finds that a parent has not made reasonable  
23 efforts or reasonable progress to date, the court shall  
24 identify what actions the parent and the Department must  
25 take in order to justify a finding of reasonable efforts  
26 or reasonable progress and shall set a status hearing to

1 be held not earlier than 9 months from the date of  
2 adjudication nor later than 11 months from the date of  
3 adjudication during which the parent's progress will again  
4 be reviewed.

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

7 (D) Adoption, provided that parental rights have been  
8 terminated or relinquished.

9 (E) The guardianship of the minor will be transferred  
10 to an individual or couple on a permanent basis provided  
11 that goals (A) through (D) have been deemed inappropriate  
12 and not in the child's best interests. The court shall  
13 confirm that the Department has discussed adoption, if  
14 appropriate, and guardianship with the caregiver prior to  
15 changing a goal to guardianship.

16 (F) The minor over age 15 will be in substitute care  
17 pending independence. In selecting this permanency goal,  
18 the Department of Children and Family Services may provide  
19 services to enable reunification and to strengthen the  
20 minor's connections with family, fictive kin, and other  
21 responsible adults, provided the services are in the  
22 minor's best interest. The services shall be documented in  
23 the service plan.

24 (G) The minor will be in substitute care because the  
25 minor cannot be provided for in a home environment due to  
26 developmental disabilities or mental illness or because

1 the minor is a danger to self or others, provided that  
2 goals (A) through (D) have been deemed inappropriate and  
3 not in the child's best interests.

4 In selecting any permanency goal, the court shall indicate  
5 in writing the reasons the goal was selected and why the  
6 preceding goals were deemed inappropriate and not in the  
7 child's best interest. Where the court has selected a  
8 permanency goal other than (A), (B), or (B-1), the Department  
9 of Children and Family Services shall not provide further  
10 reunification services, except as provided in paragraph (F) of  
11 this subsection (2), but shall provide services consistent  
12 with the goal selected.

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

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

18 (2) The court has deemed all other permanency  
19 goals inappropriate based on the child's best  
20 interest;

21 (3) The court has found compelling reasons, based  
22 on written documentation reviewed by the court, to  
23 place the minor in continuing foster care. Compelling  
24 reasons include:

25 (a) the child does not wish to be adopted or to  
26 be placed in the guardianship of the minor's

1 relative or foster care placement;

2 (b) the child exhibits an extreme level of  
3 need such that the removal of the child from the  
4 minor's placement would be detrimental to the  
5 child; or

6 (c) the child who is the subject of the  
7 permanency hearing has existing close and strong  
8 bonds with a sibling, and achievement of another  
9 permanency goal would substantially interfere with  
10 the subject child's sibling relationship, taking  
11 into consideration the nature and extent of the  
12 relationship, and whether ongoing contact is in  
13 the subject child's best interest, including  
14 long-term emotional interest, as compared with the  
15 legal and emotional benefit of permanence;

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

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

21 The court shall set a permanency goal that is in the best  
22 interest of the child. In determining that goal, the court  
23 shall consult with the minor in an age-appropriate manner  
24 regarding the proposed permanency or transition plan for the  
25 minor. The court's determination shall include the following  
26 factors:

1 (1) Age of the child.

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

4 (3) Current placement of the child and the intent of  
5 the family regarding adoption.

6 (4) Emotional, physical, and mental status or  
7 condition of the child.

8 (5) Types of services previously offered and whether  
9 or not the services were successful and, if not  
10 successful, the reasons the services failed.

11 (6) Availability of services currently needed and  
12 whether the services exist.

13 (7) Status of siblings of the minor.

14 The court shall consider (i) the permanency goal contained  
15 in the service plan, (ii) the appropriateness of the services  
16 contained in the plan and whether those services have been  
17 provided, (iii) whether reasonable efforts have been made by  
18 all the parties to the service plan to achieve the goal, and  
19 (iv) whether the plan and goal have been achieved. All  
20 evidence relevant to determining these questions, including  
21 oral and written reports, may be admitted and may be relied on  
22 to the extent of their probative value.

23 The court shall make findings as to whether, in violation  
24 of Section 8.2 of the Abused and Neglected Child Reporting  
25 Act, any portion of the service plan compels a child or parent  
26 to engage in any activity or refrain from any activity that is

1 not reasonably related to remedying a condition or conditions  
2 that gave rise or which could give rise to any finding of child  
3 abuse or neglect. The services contained in the service plan  
4 shall include services reasonably related to remedy the  
5 conditions that gave rise to removal of the child from the home  
6 of the child's parents, guardian, or legal custodian or that  
7 the court has found must be remedied prior to returning the  
8 child home. Any tasks the court requires of the parents,  
9 guardian, or legal custodian or child prior to returning the  
10 child home must be reasonably related to remedying a condition  
11 or conditions that gave rise to or which could give rise to any  
12 finding of child abuse or neglect.

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

21 The court shall review the Sibling Contact Support Plan  
22 developed or modified under subsection (f) of Section 7.4 of  
23 the Children and Family Services Act, if applicable. If the  
24 Department has not convened a meeting to develop or modify a  
25 Sibling Contact Support Plan, or if the court finds that the  
26 existing Plan is not in the child's best interest, the court

1 may enter an order requiring the Department to develop,  
2 modify, or implement a Sibling Contact Support Plan, or order  
3 mediation.

4 If the goal has been achieved, the court shall enter  
5 orders that are necessary to conform the minor's legal custody  
6 and status to those findings.

7 If, after receiving evidence, the court determines that  
8 the services contained in the plan are not reasonably  
9 calculated to facilitate achievement of the permanency goal,  
10 the court shall put in writing the factual basis supporting  
11 the determination and enter specific findings based on the  
12 evidence. The court also shall enter an order for the  
13 Department to develop and implement a new service plan or to  
14 implement changes to the current service plan consistent with  
15 the court's findings. The new service plan shall be filed with  
16 the court and served on all parties within 45 days of the date  
17 of the order. The court shall continue the matter until the new  
18 service plan is filed. Except as authorized by subsection  
19 (2.5) of this Section and as otherwise specifically authorized  
20 by law, the court is not empowered under this Section to order  
21 specific placements, specific services, or specific service  
22 providers to be included in the service plan.

23 A guardian or custodian appointed by the court pursuant to  
24 this Act shall file updated case plans with the court every 6  
25 months.

26 Rights of wards of the court under this Act are

1 enforceable against any public agency by complaints for relief  
2 by mandamus filed in any proceedings brought under this Act.

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

1 shall notify others of the decision to change the minor's  
2 placement as required by Department rule.

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

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

10 (b) If the permanency goal of the minor cannot be  
11 achieved immediately, the specific reasons for continuing  
12 the minor in the care of the Department of Children and  
13 Family Services or other agency for short-term placement,  
14 and the following determinations:

15 (i) (Blank).

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

22 (iii) Whether the minor's current or planned  
23 placement is necessary, and appropriate to the plan  
24 and goal, recognizing the right of minors to the least  
25 restrictive (most family-like) setting available and  
26 in close proximity to the parents' home consistent

1 with the health, safety, best interest, and special  
2 needs of the minor and, if the minor is placed  
3 out-of-state, whether the out-of-state placement  
4 continues to be appropriate and consistent with the  
5 health, safety, and best interest of the minor.

6 (iv) (Blank).

7 (v) (Blank).

8 (c) If the permanency goal is independence or home  
9 environment not appropriate and the minor is 18 years old  
10 or older, the court shall schedule Successful Transition  
11 to Adulthood Review hearings consistent with Section  
12 2-28.2.

13 (4) The minor or any person interested in the minor may  
14 apply to the court for a change in custody of the minor and the  
15 appointment of a new custodian or guardian of the person or for  
16 the restoration of the minor to the custody of the minor's  
17 parents or former guardian or custodian.

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

19 (a) The Department, the minor, or the current foster  
20 parent or relative caregiver seeking private guardianship  
21 may file a motion for private guardianship of the minor.  
22 Appointment of a guardian under this Section requires  
23 approval of the court.

24 (b) The State's Attorney may file a motion to  
25 terminate parental rights of any parent who has failed to  
26 make reasonable efforts to correct the conditions which

1 led to the removal of the child or reasonable progress  
2 toward the return of the child, as defined in subdivision  
3 (D)(m) of Section 1 of the Adoption Act or for whom any  
4 other unfitness ground for terminating parental rights as  
5 defined in subdivision (D) of Section 1 of the Adoption  
6 Act exists.

7 When parental rights have been terminated for a  
8 minimum of 3 years and the child who is the subject of the  
9 permanency hearing is 13 years old or older and is not  
10 currently placed in a placement likely to achieve  
11 permanency, the Department of Children and Family Services  
12 shall make reasonable efforts to locate parents whose  
13 rights have been terminated, except when the Court  
14 determines that those efforts would be futile or  
15 inconsistent with the subject child's best interests. The  
16 Department of Children and Family Services shall assess  
17 the appropriateness of the parent whose rights have been  
18 terminated, and shall, as appropriate, foster and support  
19 connections between the parent whose rights have been  
20 terminated and the youth. The Department of Children and  
21 Family Services shall document its determinations and  
22 efforts to foster connections in the child's case plan.

23 Custody of the minor shall not be restored to any parent,  
24 guardian, or legal custodian in any case in which the minor is  
25 found to be neglected or abused under Section 2-3 or dependent  
26 under Section 2-4 of this Act, unless the minor can be cared

1 for at home without endangering the minor's health or safety  
2 and it is in the best interest of the minor, and if such  
3 neglect, abuse, or dependency is found by the court under  
4 paragraph (1) of Section 2-21 of this Act to have come about  
5 due to the acts or omissions or both of such parent, guardian,  
6 or legal custodian, until such time as an investigation is  
7 made as provided in paragraph (5) and a hearing is held on the  
8 issue of the health, safety, and best interest of the minor and  
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. If a motion is filed to modify or vacate a private  
13 guardianship order and return the child to a parent, guardian,  
14 or legal custodian, the court may order the Department of  
15 Children and Family Services to assess the minor's current and  
16 proposed living arrangements and to provide ongoing monitoring  
17 of the health, safety, and best interest of the minor during  
18 the pendency of the motion to assist the court in making that  
19 determination. In the event that the minor has attained 18  
20 years of age and the guardian or custodian petitions the court  
21 for an order terminating the minor's guardianship or custody,  
22 guardianship or custody shall terminate automatically 30 days  
23 after the receipt of the petition unless the court orders  
24 otherwise. No legal custodian or guardian of the person may be  
25 removed without the legal custodian's or guardian's consent  
26 until given notice and an opportunity to be heard by the court.

1           When the court orders a child restored to the custody of  
2 the parent or parents, the court shall order the parent or  
3 parents to cooperate with the Department of Children and  
4 Family Services and comply with the terms of an after-care  
5 plan, or risk the loss of custody of the child and possible  
6 termination of their parental rights. The court may also enter  
7 an order of protective supervision in accordance with Section  
8 2-24.

9           If the minor is being restored to the custody of a parent,  
10 legal custodian, or guardian who lives outside of Illinois,  
11 and an Interstate Compact has been requested and refused, the  
12 court may order the Department of Children and Family Services  
13 to arrange for an assessment of the minor's proposed living  
14 arrangement and for ongoing monitoring of the health, safety,  
15 and best interest of the minor and compliance with any order of  
16 protective supervision entered in accordance with Section  
17 2-24.

18           (5) Whenever a parent, guardian, or legal custodian files  
19 a motion for restoration of custody of the minor, and the minor  
20 was adjudicated neglected, abused, or dependent as a result of  
21 physical abuse, the court shall cause to be made an  
22 investigation as to whether the movant has ever been charged  
23 with or convicted of any criminal offense which would indicate  
24 the likelihood of any further physical abuse to the minor.  
25 Evidence of such criminal convictions shall be taken into  
26 account in determining whether the minor can be cared for at

1 home without endangering the minor's health or safety and  
2 fitness of the parent, guardian, or legal custodian.

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

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

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

16 (Source: P.A. 102-193, eff. 7-30-21; 102-489, eff. 8-20-21;  
17 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-154, eff.  
18 6-30-23; 103-171, eff. 1-1-24; 103-605, eff. 7-1-24.)

19 (705 ILCS 405/2-28.2 new)

20 Sec. 2-28.2. Successful Transition to Adulthood Review  
21 hearings.

22 (a) The court shall conduct Successful Transition to  
23 Adulthood Review hearings for minors who are 18 years old and  
24 older for whom the court has entered a goal of independence or  
25 home environment not appropriate in accordance with Section

1 2-28. At a minimum, the court shall conduct such hearings  
2 within 6 months of the minor's 18th, 19th, and 20th birthdays.  
3 The court may schedule additional review hearings as necessary  
4 and in the minor's best interest. Hearings conducted under  
5 this Section may be conducted contemporaneously with the  
6 minor's permanency hearing under Section 2-28.

7 (b) Fourteen days in advance of the hearing, the  
8 Department shall provide the court with a written report that  
9 includes the following information:

10 (1) a copy of the Countdown to 21 plan developed for  
11 the minor and the youth-driven transition plan or the ILO  
12 TLP Quarterly Discharge Launch Plan;

13 (2) a description of the documents necessary for adult  
14 living as provided in Section 35.10 of the Children and  
15 Family Services Act that the minor has, the documents the  
16 minor continues to need, and the Department's plan to  
17 ensure the minor has such documents prior to case closure;

18 (3) a description of the Department's efforts to  
19 assist the youth in developing and maintaining connections  
20 with supportive adults; and

21 (4) for youth who are likely to need an adult  
22 guardian, a description of the Department's efforts to  
23 obtain any necessary assessments.

24 (c) At the review hearing the court shall:

25 (1) review the Department's efforts to assist the  
26 minor in developing and implementing a youth-driven plan

1 to transition out of the Department's care;

2 (2) review the plan developed by the Department and  
3 the minor to ensure that it is reasonably likely to ensure  
4 the minor can live independent of supports from the  
5 Department;

6 (3) review the Department's efforts to assist the  
7 minor in accomplishing the plan;

8 (4) review the Department's efforts to ensure the  
9 minor has documents necessary for adult living, as defined  
10 in Section 35.10 of the Children and Family Services Act,  
11 prior to case closure;

12 (5) review the Department's efforts to ensure that the  
13 minor is aware of available supports and services  
14 post-case closure and how to access such supports and  
15 services, if applicable; and

16 (6) review the Department's efforts to obtain any  
17 needed assessments required for minors likely to need an  
18 adult guardian.

19 (d) If the court finds that the Department's plan for the  
20 youth is not in the minor's best interest or will not be  
21 reasonably likely to result in a successful transition to  
22 independence from the Department, the court shall make  
23 specific factual findings supporting its findings and order  
24 the Department to develop a new plan with the minor consistent  
25 with the court's findings. If the court finds that the  
26 Department has failed to make reasonable efforts to assist the

1 minor in developing a plan, assist the minor in accomplishing  
2 the plan, ensure the minor has documents necessary for adult  
3 living as defined in Section 35.10 of the Children and Family  
4 Services Act, ensure the minor is aware of available supports  
5 and services post-case closure and how to access such supports  
6 and services, or obtain any necessary assessments for minors  
7 that will likely need an adult guardian, then the court shall  
8 make specific factual findings and may enter such orders it  
9 deems necessary to ensure that the minor is prepared to  
10 achieve the goal of independence when the minor turns 21 years  
11 old.

12 (705 ILCS 405/2-33)

13 Sec. 2-33. Supplemental petition to reinstate wardship.

14 (1) Any time prior to a minor's 18th birthday, pursuant to  
15 a supplemental petition filed under this Section, the court  
16 may reinstate wardship and open a previously closed case when:

17 (a) wardship and guardianship under the Juvenile Court  
18 Act of 1987 was vacated in conjunction with the  
19 appointment of a private guardian under the Probate Act of  
20 1975;

21 (b) the minor is not presently a ward of the court  
22 under Article II of this Act nor is there a petition for  
23 adjudication of wardship pending on behalf of the minor;  
24 and

25 (c) it is in the minor's best interest that wardship

1 be reinstated.

2 (2) Any time prior to a minor's 21st birthday, pursuant to  
3 a supplemental petition filed under this Section, the court  
4 may reinstate wardship and open a previously closed case when:

5 (a) wardship and guardianship under this Act was  
6 vacated pursuant to:

7 (i) an order entered under subsection (2) of  
8 Section 2-31 in the case of a minor over the age of 18;

9 (ii) closure of a case under subsection (2) of  
10 Section 2-31 in the case of a minor under the age of 18  
11 who has been partially or completely emancipated in  
12 accordance with the Emancipation of Minors Act; or

13 (iii) an order entered under subsection (3) of  
14 Section 2-31 based on the minor's attaining the age of  
15 19 years before the effective date of this amendatory  
16 Act of the 101st General Assembly;

17 (b) the minor is not presently a ward of the court  
18 under Article II of this Act nor is there a petition for  
19 adjudication of wardship pending on behalf of the minor;  
20 and

21 (c) it is in the minor's best interest that wardship  
22 be reinstated.

23 (3) The supplemental petition must be filed in the same  
24 proceeding in which the original adjudication order was  
25 entered. Unless excused by court for good cause shown, the  
26 petitioner shall give notice of the time and place of the

1 hearing on the supplemental petition, in person or by mail, to  
2 the minor, if the minor is 14 years of age or older, and to the  
3 parties to the juvenile court proceeding. Notice shall be  
4 provided at least 3 court days in advance of the hearing date.

5 (3.5) Whenever a petition is filed to reinstate wardship  
6 pursuant to subsection (1), prior to granting the petition,  
7 the court may order the Department of Children and Family  
8 Services to assess the minor's current and proposed living  
9 arrangements and to provide ongoing monitoring of the health,  
10 safety, and best interest of the minor during the pendency of  
11 the petition to assist the court in making that determination.

12 (4) A minor who is the subject of a petition to reinstate  
13 wardship under this Section shall be provided with  
14 representation in accordance with Sections 1-5 and 2-17 of  
15 this Act.

16 (5) Whenever a minor is committed to the Department of  
17 Children and Family Services for care and services following  
18 the reinstatement of wardship under this Section, the  
19 Department shall:

20 (a) Within 30 days of such commitment, prepare and  
21 file with the court a case plan which complies with the  
22 federal Adoption Assistance and Child Welfare Act of 1980  
23 and is consistent with the health, safety and best  
24 interests of the minor; and

25 (b) Promptly refer the minor for such services as are  
26 necessary and consistent with the minor's health, safety

1 and best interests.

2 (6) Whenever the court grants a petition to reinstate  
3 wardship under this Section, the court shall schedule the case  
4 for a permanency hearing in accordance with Section 2-28 and,  
5 if the minor is 18 years old or older, a Successful Transition  
6 to Adulthood Review hearing in accordance with Section 2-28.2.

7 (Source: P.A. 101-78, eff. 7-12-19; 102-489, eff. 8-20-21.)

8 (705 ILCS 405/5-745)

9 Sec. 5-745. Court review.

10 (1) The court may require any legal custodian or guardian  
11 of the person appointed under this Act, including the  
12 Department of Juvenile Justice for youth committed under  
13 Section 5-750 of this Act, to report periodically to the court  
14 or may cite the legal custodian or guardian into court and  
15 require the legal custodian or guardian, or the legal  
16 custodian's or guardian's agency, to make a full and accurate  
17 report of the doings of the legal custodian, guardian, or  
18 agency on behalf of the minor, including efforts to secure  
19 post-release placement of the youth after release from the  
20 Department's facilities. The legal custodian or guardian,  
21 within 10 days after the citation, shall make the report,  
22 either in writing verified by affidavit or orally under oath  
23 in open court, or otherwise as the court directs. Upon the  
24 hearing of the report the court may remove the legal custodian  
25 or guardian and appoint another in the legal custodian's or

1 guardian's stead or restore the minor to the custody of the  
2 minor's parents or former guardian or legal custodian.

3 (2) If the Department of Children and Family Services is  
4 appointed legal custodian or guardian of a minor under Section  
5 5-740 of this Act, the Department of Children and Family  
6 Services shall file updated case plans with the court every 6  
7 months. Every agency which has guardianship of a child shall  
8 file a supplemental petition for court review, or review by an  
9 administrative body appointed or approved by the court and  
10 further order within 18 months of the sentencing order and  
11 each 18 months thereafter. The petition shall state facts  
12 relative to the child's present condition of physical, mental  
13 and emotional health as well as facts relative to the minor's  
14 present custodial or foster care. The petition shall be set  
15 for hearing and the clerk shall mail 10 days notice of the  
16 hearing by certified mail, return receipt requested, to the  
17 person or agency having the physical custody of the child, the  
18 minor and other interested parties unless a written waiver of  
19 notice is filed with the petition.

20 If the minor is in the custody of the Illinois Department  
21 of Children and Family Services, pursuant to an order entered  
22 under this Article, the court shall conduct permanency  
23 hearings as set out in subsections (1), (2), and (3) of Section  
24 2-28 of Article II of this Act and Successful Transition to  
25 Adulthood Review hearings as set out in Section 2-28.2 of  
26 Article II of this Act.

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

4 (3) The minor or any person interested in the minor may  
5 apply to the court for a change in custody of the minor and the  
6 appointment of a new custodian or guardian of the person or for  
7 the restoration of the minor to the custody of the minor's  
8 parents or former guardian or custodian. In the event that the  
9 minor has attained 18 years of age and the guardian or  
10 custodian petitions the court for an order terminating the  
11 minor's guardianship or custody, guardianship or legal custody  
12 shall terminate automatically 30 days after the receipt of the  
13 petition unless the court orders otherwise. No legal custodian  
14 or guardian of the person may be removed without the legal  
15 custodian's or guardian's consent until given notice and an  
16 opportunity to be heard by the court.

17 (4) If the minor is committed to the Department of  
18 Juvenile Justice under Section 5-750 of this Act, the  
19 Department shall notify the court in writing of the occurrence  
20 of any of the following:

21 (a) a critical incident involving a youth committed to  
22 the Department; as used in this paragraph (a), "critical  
23 incident" means any incident that involves a serious risk  
24 to the life, health, or well-being of the youth and  
25 includes, but is not limited to, an accident or suicide  
26 attempt resulting in serious bodily harm or

1 hospitalization, psychiatric hospitalization, alleged or  
2 suspected abuse, or escape or attempted escape from  
3 custody, filed within 10 days of the occurrence;

4 (b) a youth who has been released by the Prisoner  
5 Review Board but remains in a Department facility solely  
6 because the youth does not have an approved aftercare  
7 release host site, filed within 10 days of the occurrence;

8 (c) a youth, except a youth who has been adjudicated a  
9 habitual or violent juvenile offender under Section 5-815  
10 or 5-820 of this Act or committed for first degree murder,  
11 who has been held in a Department facility for over one  
12 consecutive year; or

13 (d) if a report has been filed under paragraph (c) of  
14 this subsection, a supplemental report shall be filed  
15 every 6 months thereafter.

16 The notification required by this subsection (4) shall contain  
17 a brief description of the incident or situation and a summary  
18 of the youth's current physical, mental, and emotional health  
19 and the actions the Department took in response to the  
20 incident or to identify an aftercare release host site, as  
21 applicable. Upon receipt of the notification, the court may  
22 require the Department to make a full report under subsection  
23 (1) of this Section.

24 (5) With respect to any report required to be filed with  
25 the court under this Section, the Independent Juvenile  
26 Ombudsperson shall provide a copy to the minor's court

1 appointed guardian ad litem, if the Department has received  
2 written notice of the appointment, and to the minor's  
3 attorney, if the Department has received written notice of  
4 representation from the attorney. If the Department has a  
5 record that a guardian has been appointed for the minor and a  
6 record of the last known address of the minor's court  
7 appointed guardian, the Independent Juvenile Ombudsperson  
8 shall send a notice to the guardian that the report is  
9 available and will be provided by the Independent Juvenile  
10 Ombudsperson upon request. If the Department has no record  
11 regarding the appointment of a guardian for the minor, and the  
12 Department's records include the last known addresses of the  
13 minor's parents, the Independent Juvenile Ombudsperson shall  
14 send a notice to the parents that the report is available and  
15 will be provided by the Independent Juvenile Ombudsperson upon  
16 request.

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