



Sen. Lakesia Collins

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1 AMENDMENT TO SENATE BILL 1504

2 AMENDMENT NO. _____. Amend Senate Bill 1504 by replacing
3 everything after the enacting clause with the following:

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

6 (20 ILCS 505/5)

7 (Text of Section before amendment by P.A. 103-1061)

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

12 (a) For purposes of this Section:

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

16 (A) were committed to the Department pursuant to

1 the Juvenile Court Act or the Juvenile Court Act of
2 1987 and who continue under the jurisdiction of the
3 court; or

4 (B) were accepted for care, service and training
5 by the Department prior to the age of 18 and whose best
6 interest in the discretion of the Department would be
7 served by continuing that care, service and training
8 because of severe emotional disturbances, physical
9 disability, social adjustment or any combination
10 thereof, or because of the need to complete an
11 educational or vocational training program.

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

16 (3) "Child welfare services" means public social
17 services which are directed toward the accomplishment of
18 the following purposes:

19 (A) protecting and promoting the health, safety
20 and welfare of children, including homeless,
21 dependent, or neglected children;

22 (B) remedying, or assisting in the solution of
23 problems which may result in, the neglect, abuse,
24 exploitation, or delinquency of children;

25 (C) preventing the unnecessary separation of
26 children from their families by identifying family

1 problems, assisting families in resolving their
2 problems, and preventing the breakup of the family
3 where the prevention of child removal is desirable and
4 possible when the child can be cared for at home
5 without endangering the child's health and safety;

6 (D) restoring to their families children who have
7 been removed, by the provision of services to the
8 child and the families when the child can be cared for
9 at home without endangering the child's health and
10 safety;

11 (E) placing children in suitable permanent family
12 arrangements, through guardianship or adoption, in
13 cases where restoration to the birth family is not
14 safe, possible, or appropriate;

15 (F) at the time of placement, conducting
16 concurrent planning, as described in subsection (1-1)
17 of this Section, so that permanency may occur at the
18 earliest opportunity. Consideration should be given so
19 that if reunification fails or is delayed, the
20 placement made is the best available placement to
21 provide permanency for the child;

22 (G) (blank);

23 (H) (blank); and

24 (I) placing and maintaining children in facilities
25 that provide separate living quarters for children
26 under the age of 18 and for children 18 years of age

1 and older, unless a child 18 years of age is in the
2 last year of high school education or vocational
3 training, in an approved individual or group treatment
4 program, in a licensed shelter facility, or secure
5 child care facility. The Department is not required to
6 place or maintain children:

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

8 (ii) who are persons with a developmental
9 disability, as defined in the Mental Health and
10 Developmental Disabilities Code, or

11 (iii) who are female children who are
12 pregnant, pregnant and parenting, or parenting, or

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

17 (b) (Blank).

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

1 and placement availability.

2 All information collected, shared, or stored pursuant to
3 this subsection shall be handled in accordance with all State
4 and federal privacy laws and accompanying regulations and
5 rules, including without limitation the federal Health
6 Insurance Portability and Accountability Act of 1996 (Public
7 Law 104-191) and the Mental Health and Developmental
8 Disabilities Confidentiality Act.

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

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

1 Section concerning advance disbursements shall not apply with
2 respect to the following: payments to local public agencies
3 for child day care services as authorized by Section 5a of this
4 Act; and youth service programs receiving grant funds under
5 Section 17a-4.

6 (e) (Blank).

7 (f) (Blank).

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

13 (1) adoption;

14 (2) foster care;

15 (3) family counseling;

16 (4) protective services;

17 (5) (blank);

18 (6) homemaker service;

19 (7) return of runaway children;

20 (8) (blank);

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

25 (10) interstate services.

26 Rules and regulations established by the Department shall

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

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

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

- 23 (1) case management;
- 24 (2) homemakers;
- 25 (3) counseling;
- 26 (4) parent education;

1 (5) day care; and

2 (6) emergency assistance and advocacy.

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

5 (1) comprehensive family-based services;

6 (2) assessments;

7 (3) respite care; and

8 (4) in-home health services.

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

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

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

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

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

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

26 (k) The Department shall accept for care and training any

1 child who has been adjudicated neglected or abused, or
2 dependent committed to it pursuant to the Juvenile Court Act
3 or the Juvenile Court Act of 1987.

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

1 hearing the action under Article II of the Juvenile Court Act
2 of 1987 may order the Department to provide the services set
3 out in the plan, if those services are not provided with
4 reasonable promptness and if those services are available.

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

1 "differential response program" provided for in subsection
2 (a-5) of Section 7.4 of the Abused and Neglected Child
3 Reporting Act.

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

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

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

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

19 (1-1) The General Assembly recognizes that the best
20 interests of the child require that the child be placed in the
21 most permanent living arrangement as soon as is practically
22 possible. To achieve this goal, the General Assembly directs
23 the Department of Children and Family Services to conduct
24 concurrent planning so that permanency may occur at the
25 earliest opportunity. Permanent living arrangements may
26 include prevention of placement of a child outside the home of

1 the family when the child can be cared for at home without
2 endangering the child's health or safety; reunification with
3 the family, when safe and appropriate, if temporary placement
4 is necessary; or movement of the child toward the most
5 permanent living arrangement and permanent legal status.

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

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

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

1 permanency for the child.

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

6 (1) the likelihood of prompt reunification;

7 (2) the past history of the family;

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

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

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

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

15 (7) the age of the child;

16 (8) placement of siblings.

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

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

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

1 located.

2 If the child is found in the child's residence without a
3 parent, guardian, custodian, or responsible caretaker, the
4 Department may, instead of removing the child and assuming
5 temporary custody, place an authorized representative of the
6 Department in that residence until such time as a parent,
7 guardian, or custodian enters the home and expresses a
8 willingness and apparent ability to ensure the child's health
9 and safety and resume permanent charge of the child, or until a
10 relative enters the home and is willing and able to ensure the
11 child's health and safety and assume charge of the child until
12 a parent, guardian, or custodian enters the home and expresses
13 such willingness and ability to ensure the child's safety and
14 resume permanent charge. After a caretaker has remained in the
15 home for a period not to exceed 12 hours, the Department must
16 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
17 5-415 of the Juvenile Court Act of 1987.

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

1 judicial officer as required by Section 2-9, 3-11, 4-8, or
2 5-415 of the Juvenile Court Act of 1987, shall have the
3 authority, responsibilities and duties that a legal custodian
4 of the child would have under subsection (9) of Section 1-3 of
5 the Juvenile Court Act of 1987.

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

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

25 (m-1) The Department may place children under 18 years of
26 age in a secure child care facility licensed by the Department

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

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

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

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

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

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

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

15 (p) (Blank).

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

24 The Department shall set up and administer no-cost,
25 interest-bearing accounts in appropriate financial
26 institutions for children for whom the Department is legally

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

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

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

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

1 \$13,000,000 into the DCFS Children's Services Fund.

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

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

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

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

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

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

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

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

1 (u) In addition to other information that must be
2 provided, whenever the Department places a child with a
3 prospective adoptive parent or parents, in a licensed foster
4 home, group home, or child care institution, or in a relative
5 home, the Department shall provide to the prospective adoptive
6 parent or parents or other caretaker:

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

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

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

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

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

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

25 (u-5) Effective July 1, 1995, only foster care placements
26 licensed as foster family homes pursuant to the Child Care Act

1 of 1969 shall be eligible to receive foster care payments from
2 the Department. Relative caregivers who, as of July 1, 1995,
3 were approved pursuant to approved relative placement rules
4 previously promulgated by the Department at 89 Ill. Adm. Code
5 335 and had submitted an application for licensure as a foster
6 family home may continue to receive foster care payments only
7 until the Department determines that they may be licensed as a
8 foster family home or that their application for licensure is
9 denied or until September 30, 1995, whichever occurs first.

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

1 terminal. The Department of Children and Family Services and
2 its employees shall abide by rules and regulations established
3 by the Illinois State Police relating to the access and
4 dissemination of this information.

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

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

25 (w) Within 120 days of August 20, 1995 (the effective date
26 of Public Act 89-392), the Department shall prepare and submit

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

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

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

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

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

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

8 For purposes of this subsection:

9 "Background information" means all of the following:

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

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

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

1 "Department employee" means a full-time or temporary
2 employee coded or certified within the State of Illinois
3 Personnel System.

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

13 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
14 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.
15 1-1-24; 103-546, eff. 8-11-23; 103-605, eff. 7-1-24.)

16 (Text of Section after amendment by P.A. 103-1061)

17 Sec. 5. Direct child welfare services; Department of
18 Children and Family Services. To provide direct child welfare
19 services when not available through other public or private
20 child care or program facilities.

21 (a) For purposes of this Section:

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

25 (A) were committed to the Department pursuant to

1 the Juvenile Court Act or the Juvenile Court Act of
2 1987 and who continue under the jurisdiction of the
3 court; or

4 (B) were accepted for care, service and training
5 by the Department prior to the age of 18 and whose best
6 interest in the discretion of the Department would be
7 served by continuing that care, service and training
8 because of severe emotional disturbances, physical
9 disability, social adjustment or any combination
10 thereof, or because of the need to complete an
11 educational or vocational training program.

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

16 (3) "Child welfare services" means public social
17 services which are directed toward the accomplishment of
18 the following purposes:

19 (A) protecting and promoting the health, safety
20 and welfare of children, including homeless,
21 dependent, or neglected children;

22 (B) remedying, or assisting in the solution of
23 problems which may result in, the neglect, abuse,
24 exploitation, or delinquency of children;

25 (C) preventing the unnecessary separation of
26 children from their families by identifying family

1 problems, assisting families in resolving their
2 problems, and preventing the breakup of the family
3 where the prevention of child removal is desirable and
4 possible when the child can be cared for at home
5 without endangering the child's health and safety;

6 (D) restoring to their families children who have
7 been removed, by the provision of services to the
8 child and the families when the child can be cared for
9 at home without endangering the child's health and
10 safety;

11 (E) placing children in suitable permanent family
12 arrangements, through guardianship or adoption, in
13 cases where restoration to the birth family is not
14 safe, possible, or appropriate;

15 (F) at the time of placement, conducting
16 concurrent planning, as described in subsection (1-1)
17 of this Section, so that permanency may occur at the
18 earliest opportunity. Consideration should be given so
19 that if reunification fails or is delayed, the
20 placement made is the best available placement to
21 provide permanency for the child;

22 (F-1) preparing adolescents to successfully
23 transition to independence, including transition
24 planning for youth who qualify for a guardian as a
25 person with a disability under Article XIa of the
26 Probate Act of 1975;

1 (G) (blank);

2 (H) (blank); and

3 (I) placing and maintaining children in facilities
4 that provide separate living quarters for children
5 under the age of 18 and for children 18 years of age
6 and older, unless a child 18 years of age is in the
7 last year of high school education or vocational
8 training, in an approved individual or group treatment
9 program, in a licensed shelter facility, or secure
10 child care facility. The Department is not required to
11 place or maintain children:

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

13 (ii) who are persons with a developmental
14 disability, as defined in the Mental Health and
15 Developmental Disabilities Code, or

16 (iii) who are female children who are
17 pregnant, pregnant and parenting, or parenting, or

18 (iv) who are siblings, in facilities that
19 provide separate living quarters for children 18
20 years of age and older and for children under 18
21 years of age.

22 (b) (Blank).

23 (b-5) The Department shall adopt rules to establish a
24 process for all licensed residential providers in Illinois to
25 submit data as required by the Department if they contract or
26 receive reimbursement for children's mental health, substance

1 use, and developmental disability services from the Department
2 of Human Services, the Department of Juvenile Justice, or the
3 Department of Healthcare and Family Services. The requested
4 data must include, but is not limited to, capacity, staffing,
5 and occupancy data for the purpose of establishing State need
6 and placement availability.

7 All information collected, shared, or stored pursuant to
8 this subsection shall be handled in accordance with all State
9 and federal privacy laws and accompanying regulations and
10 rules, including without limitation the federal Health
11 Insurance Portability and Accountability Act of 1996 (Public
12 Law 104-191) and the Mental Health and Developmental
13 Disabilities Confidentiality Act.

14 (c) The Department shall establish and maintain
15 tax-supported child welfare services and extend and seek to
16 improve voluntary services throughout the State, to the end
17 that services and care shall be available on an equal basis
18 throughout the State to children requiring such services.

19 (d) The Director may authorize advance disbursements for
20 any new program initiative to any agency contracting with the
21 Department. As a prerequisite for an advance disbursement, the
22 contractor must post a surety bond in the amount of the advance
23 disbursement and have a purchase of service contract approved
24 by the Department. The Department may pay up to 2 months
25 operational expenses in advance. The amount of the advance
26 disbursement shall be prorated over the life of the contract

1 or the remaining months of the fiscal year, whichever is less,
2 and the installment amount shall then be deducted from future
3 bills. Advance disbursement authorizations for new initiatives
4 shall not be made to any agency after that agency has operated
5 during 2 consecutive fiscal years. The requirements of this
6 Section concerning advance disbursements shall not apply with
7 respect to the following: payments to local public agencies
8 for child day care services as authorized by Section 5a of this
9 Act; and youth service programs receiving grant funds under
10 Section 17a-4.

11 (e) (Blank).

12 (f) (Blank).

13 (g) The Department shall establish rules and regulations
14 concerning its operation of programs designed to meet the
15 goals of child safety and protection, family preservation, and
16 permanency, including, but not limited to:

17 (1) reunification, guardianship, and adoption;

18 (2) relative and licensed foster care;

19 (3) family counseling;

20 (4) protective services;

21 (5) (blank);

22 (6) homemaker service;

23 (7) return of runaway children;

24 (8) (blank);

25 (9) placement under Section 5-7 of the Juvenile Court
26 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile

1 Court Act of 1987 in accordance with the federal Adoption
2 Assistance and Child Welfare Act of 1980; ~~and~~

3 (10) interstate services; and -

4 (11) transition planning for youth aging out of care.

5 Rules and regulations established by the Department shall
6 include provisions for training Department staff and the staff
7 of Department grantees, through contracts with other agencies
8 or resources, in screening techniques to identify substance
9 use disorders, as defined in the Substance Use Disorder Act,
10 approved by the Department of Human Services, as a successor
11 to the Department of Alcoholism and Substance Abuse, for the
12 purpose of identifying children and adults who should be
13 referred for an assessment at an organization appropriately
14 licensed by the Department of Human Services for substance use
15 disorder treatment.

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

25 (i) Service programs shall be available throughout the
26 State and shall include but not be limited to the following

1 services:

2 (1) case management;

3 (2) homemakers;

4 (3) counseling;

5 (4) parent education;

6 (5) day care;

7 (6) emergency assistance and advocacy; and

8 (7) kinship navigator and relative caregiver supports.

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

11 (1) comprehensive family-based services;

12 (2) assessments;

13 (3) respite care; and

14 (4) in-home health services.

15 The Department shall provide transportation for any of the
16 services it makes available to children or families or for
17 which it refers children or families.

18 (j) The Department may provide categories of financial
19 assistance and education assistance grants, and shall
20 establish rules and regulations concerning the assistance and
21 grants, to persons who adopt or become subsidized guardians of
22 children with physical or mental disabilities, children who
23 are older, or other hard-to-place children who (i) immediately
24 prior to their adoption or subsidized guardianship were youth
25 in care or (ii) were determined eligible for financial
26 assistance with respect to a prior adoption and who become

1 available for adoption because the prior adoption has been
2 dissolved and the parental rights of the adoptive parents have
3 been terminated or because the child's adoptive parents have
4 died. The Department may continue to provide financial
5 assistance and education assistance grants for a child who was
6 determined eligible for financial assistance under this
7 subsection (j) in the interim period beginning when the
8 child's adoptive parents died and ending with the finalization
9 of the new adoption of the child by another adoptive parent or
10 parents. The Department may also provide categories of
11 financial assistance and education assistance grants, and
12 shall establish rules and regulations for the assistance and
13 grants, to persons appointed guardian of the person under
14 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
15 4-25, or 5-740 of the Juvenile Court Act of 1987 for children
16 who were youth in care for 12 months immediately prior to the
17 appointment of the guardian.

18 The amount of assistance may vary, depending upon the
19 needs of the child and the adoptive parents or subsidized
20 guardians, as set forth in the annual assistance agreement.
21 Special purpose grants are allowed where the child requires
22 special service but such costs may not exceed the amounts
23 which similar services would cost the Department if it were to
24 provide or secure them as guardian of the child.

25 Any financial assistance provided under this subsection is
26 inalienable by assignment, sale, execution, attachment,

1 garnishment, or any other remedy for recovery or collection of
2 a judgment or debt.

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

7 (k) The Department shall accept for care and training any
8 child who has been adjudicated neglected or abused, or
9 dependent committed to it pursuant to the Juvenile Court Act
10 or the Juvenile Court Act of 1987.

11 (l) The Department shall offer family preservation
12 services, as defined in Section 8.2 of the Abused and
13 Neglected Child Reporting Act, to help families, including
14 adoptive and extended families. Family preservation services
15 shall be offered (i) to prevent the placement of children in
16 substitute care when the children can be cared for at home or
17 in the custody of the person responsible for the children's
18 welfare, (ii) to reunite children with their families, or
19 (iii) to maintain an adoption or subsidized guardianship.
20 Family preservation services shall only be offered when doing
21 so will not endanger the children's health or safety. With
22 respect to children who are in substitute care pursuant to the
23 Juvenile Court Act of 1987, family preservation services shall
24 not be offered if a goal other than those of subdivisions (A),
25 (B), or (B-1) of subsection (2.3) of Section 2-28 of that Act
26 has been set, except that reunification services may be

1 offered as provided in paragraph (F) of subsection (2.3) of
2 Section 2-28 of that Act. Nothing in this paragraph shall be
3 construed to create a private right of action or claim on the
4 part of any individual or child welfare agency, except that
5 when a child is the subject of an action under Article II of
6 the Juvenile Court Act of 1987 and the child's service plan
7 calls for services to facilitate achievement of the permanency
8 goal, the court hearing the action under Article II of the
9 Juvenile Court Act of 1987 may order the Department to provide
10 the services set out in the plan, if those services are not
11 provided with reasonable promptness and if those services are
12 available.

13 The Department shall notify the child and the child's
14 family of the Department's responsibility to offer and provide
15 family preservation services as identified in the service
16 plan. The child and the child's family shall be eligible for
17 services as soon as the report is determined to be
18 "indicated". The Department may offer services to any child or
19 family with respect to whom a report of suspected child abuse
20 or neglect has been filed, prior to concluding its
21 investigation under Section 7.12 of the Abused and Neglected
22 Child Reporting Act. However, the child's or family's
23 willingness to accept services shall not be considered in the
24 investigation. The Department may also provide services to any
25 child or family who is the subject of any report of suspected
26 child abuse or neglect or may refer such child or family to

1 services available from other agencies in the community, even
2 if the report is determined to be unfounded, if the conditions
3 in the child's or family's home are reasonably likely to
4 subject the child or family to future reports of suspected
5 child abuse or neglect. Acceptance of such services shall be
6 voluntary. The Department may also provide services to any
7 child or family after completion of a family assessment, as an
8 alternative to an investigation, as provided under the
9 "differential response program" provided for in subsection
10 (a-5) of Section 7.4 of the Abused and Neglected Child
11 Reporting Act.

12 The Department may, at its discretion except for those
13 children also adjudicated neglected or dependent, accept for
14 care and training any child who has been adjudicated addicted,
15 as a truant minor in need of supervision or as a minor
16 requiring authoritative intervention, under the Juvenile Court
17 Act or the Juvenile Court Act of 1987, but no such child shall
18 be committed to the Department by any court without the
19 approval of the Department. On and after January 1, 2015 (the
20 effective date of Public Act 98-803) and before January 1,
21 2017, a minor charged with a criminal offense under the
22 Criminal Code of 1961 or the Criminal Code of 2012 or
23 adjudicated delinquent shall not be placed in the custody of
24 or committed to the Department by any court, except (i) a minor
25 less than 16 years of age committed to the Department under
26 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor

1 for whom an independent basis of abuse, neglect, or dependency
2 exists, which must be defined by departmental rule, or (iii) a
3 minor for whom the court has granted a supplemental petition
4 to reinstate wardship pursuant to subsection (2) of Section
5 2-33 of the Juvenile Court Act of 1987. On and after January 1,
6 2017, a minor charged with a criminal offense under the
7 Criminal Code of 1961 or the Criminal Code of 2012 or
8 adjudicated delinquent shall not be placed in the custody of
9 or committed to the Department by any court, except (i) a minor
10 less than 15 years of age committed to the Department under
11 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
12 for whom an independent basis of abuse, neglect, or dependency
13 exists, which must be defined by departmental rule, or (iii) a
14 minor for whom the court has granted a supplemental petition
15 to reinstate wardship pursuant to subsection (2) of Section
16 2-33 of the Juvenile Court Act of 1987. An independent basis
17 exists when the allegations or adjudication of abuse, neglect,
18 or dependency do not arise from the same facts, incident, or
19 circumstances which give rise to a charge or adjudication of
20 delinquency. The Department shall assign a caseworker to
21 attend any hearing involving a youth in the care and custody of
22 the Department who is placed on aftercare release, including
23 hearings involving sanctions for violation of aftercare
24 release conditions and aftercare release revocation hearings.

25 As soon as is possible, the Department shall develop and
26 implement a special program of family preservation services to

1 support intact, relative, foster, and adoptive families who
2 are experiencing extreme hardships due to the difficulty and
3 stress of caring for a child who has been diagnosed with a
4 pervasive developmental disorder if the Department determines
5 that those services are necessary to ensure the health and
6 safety of the child. The Department may offer services to any
7 family whether or not a report has been filed under the Abused
8 and Neglected Child Reporting Act. The Department may refer
9 the child or family to services available from other agencies
10 in the community if the conditions in the child's or family's
11 home are reasonably likely to subject the child or family to
12 future reports of suspected child abuse or neglect. Acceptance
13 of these services shall be voluntary. The Department shall
14 develop and implement a public information campaign to alert
15 health and social service providers and the general public
16 about these special family preservation services. The nature
17 and scope of the services offered and the number of families
18 served under the special program implemented under this
19 paragraph shall be determined by the level of funding that the
20 Department annually allocates for this purpose. The term
21 "pervasive developmental disorder" under this paragraph means
22 a neurological condition, including, but not limited to,
23 Asperger's Syndrome and autism, as defined in the most recent
24 edition of the Diagnostic and Statistical Manual of Mental
25 Disorders of the American Psychiatric Association.

26 (1-1) The General Assembly recognizes that the best

1 interests of the child require that the child be placed in the
2 most permanent living arrangement that is an appropriate
3 option for the child, consistent with the child's best
4 interest, using the factors set forth in subsection (4.05) of
5 Section 1-3 of the Juvenile Court Act of 1987 as soon as is
6 practically possible. To achieve this goal, the General
7 Assembly directs the Department of Children and Family
8 Services to conduct concurrent planning so that permanency may
9 occur at the earliest opportunity. Permanent living
10 arrangements may include prevention of placement of a child
11 outside the home of the family when the child can be cared for
12 at home without endangering the child's health or safety;
13 reunification with the family, when safe and appropriate, if
14 temporary placement is necessary; or movement of the child
15 toward the most appropriate living arrangement and legal
16 status.

17 When determining reasonable efforts to be made with
18 respect to a child, as described in this subsection, and in
19 making such reasonable efforts, the child's health and safety
20 shall be the paramount concern.

21 When a child is placed in foster care, the Department
22 shall ensure and document that reasonable efforts were made to
23 prevent or eliminate the need to remove the child from the
24 child's home. The Department must make reasonable efforts to
25 reunify the family when temporary placement of the child
26 occurs unless otherwise required, pursuant to the Juvenile

1 Court Act of 1987. At any time after the dispositional hearing
2 where the Department believes that further reunification
3 services would be ineffective, it may request a finding from
4 the court that reasonable efforts are no longer appropriate.
5 The Department is not required to provide further
6 reunification services after such a finding.

7 A decision to place a child in substitute care shall be
8 made with considerations of the child's health, safety, and
9 best interests. The Department shall make diligent efforts to
10 place the child with a relative, document those diligent
11 efforts, and document reasons for any failure or inability to
12 secure such a relative placement. If the primary issue
13 preventing an emergency placement of a child with a relative
14 is a lack of resources, including, but not limited to,
15 concrete goods, safety modifications, and services, the
16 Department shall make diligent efforts to assist the relative
17 in obtaining the necessary resources. No later than July 1,
18 2025, the Department shall adopt rules defining what is
19 diligent and necessary in providing supports to potential
20 relative placements. At the time of placement, consideration
21 should also be given so that if reunification fails or is
22 delayed, the placement has the potential to be an appropriate
23 permanent placement for the child.

24 The Department shall adopt rules addressing concurrent
25 planning for reunification and permanency. The Department
26 shall consider the following factors when determining

1 appropriateness of concurrent planning:

2 (1) the likelihood of prompt reunification;

3 (2) the past history of the family;

4 (3) the barriers to reunification being addressed by
5 the family;

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

7 (4.5) the child's wishes;

8 (5) the caregivers' willingness to work with the
9 family to reunite;

10 (6) the willingness and ability of the caregivers' to
11 provide a permanent placement;

12 (7) the age of the child;

13 (8) placement of siblings; and

14 (9) the wishes of the parent or parents unless the
15 parental preferences are contrary to the best interests of
16 the child.

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

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

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

1 located.

2 If the child is found in the child's residence without a
3 parent, guardian, custodian, or responsible caretaker, the
4 Department may, instead of removing the child and assuming
5 temporary custody, place an authorized representative of the
6 Department in that residence until such time as a parent,
7 guardian, or custodian enters the home and expresses a
8 willingness and apparent ability to ensure the child's health
9 and safety and resume permanent charge of the child, or until a
10 relative enters the home and is willing and able to ensure the
11 child's health and safety and assume charge of the child until
12 a parent, guardian, or custodian enters the home and expresses
13 such willingness and ability to ensure the child's safety and
14 resume permanent charge. After a caretaker has remained in the
15 home for a period not to exceed 12 hours, the Department must
16 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
17 5-415 of the Juvenile Court Act of 1987.

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

1 judicial officer as required by Section 2-9, 3-11, 4-8, or
2 5-415 of the Juvenile Court Act of 1987, shall have the
3 authority, responsibilities and duties that a legal custodian
4 of the child would have under subsection (9) of Section 1-3 of
5 the Juvenile Court Act of 1987.

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

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

25 (m-1) The Department may place children under 18 years of
26 age in a secure child care facility licensed by the Department

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

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

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

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

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

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

1 youth in care for placement, affords those rights to children
2 and caregivers with whom those children are placed. The
3 Department shall accept for administrative review and an
4 appeal hearing a complaint made by (i) a child or caregiver
5 with whom the child is placed concerning a decision following
6 an initial review by a private child welfare agency or (ii) a
7 prospective adoptive parent who alleges a violation of
8 subsection (j-5) of this Section. An appeal of a decision
9 concerning a change in the placement of a child shall be
10 conducted in an expedited manner. A court determination that a
11 current placement is necessary and appropriate under Section
12 2-28 of the Juvenile Court Act of 1987 does not constitute a
13 judicial determination on the merits of an administrative
14 appeal, filed by a former caregiver, involving a change of
15 placement decision. No later than July 1, 2025, the Department
16 shall adopt rules to develop a reconsideration process to
17 review: a denial of certification of a relative, a denial of
18 placement with a relative, and a denial of visitation with an
19 identified relative. Rules shall include standards and
20 criteria for reconsideration that incorporate the best
21 interests of the child under subsection (4.05) of Section 1-3
22 of the Juvenile Court Act of 1987, address situations where
23 multiple relatives seek certification, and provide that all
24 rules regarding placement changes shall be followed. The rules
25 shall outline the essential elements of each form used in the
26 implementation and enforcement of the provisions of this

1 amendatory Act of the 103rd General Assembly.

2 (p) (Blank).

3 (q) The Department may receive and use, in their entirety,
4 for the benefit of children any gift, donation, or bequest of
5 money or other property which is received on behalf of such
6 children, or any financial benefits to which such children are
7 or may become entitled while under the jurisdiction or care of
8 the Department, except that the benefits described in Section
9 5.46 must be used and conserved consistent with the provisions
10 under Section 5.46.

11 The Department shall set up and administer no-cost,
12 interest-bearing accounts in appropriate financial
13 institutions for children for whom the Department is legally
14 responsible and who have been determined eligible for
15 Veterans' Benefits, Social Security benefits, assistance
16 allotments from the armed forces, court ordered payments,
17 parental voluntary payments, Supplemental Security Income,
18 Railroad Retirement payments, Black Lung benefits, or other
19 miscellaneous payments. Interest earned by each account shall
20 be credited to the account, unless disbursed in accordance
21 with this subsection.

22 In disbursing funds from children's accounts, the
23 Department shall:

24 (1) Establish standards in accordance with State and
25 federal laws for disbursing money from children's
26 accounts. In all circumstances, the Department's

1 Guardianship Administrator or the Guardianship
2 Administrator's designee must approve disbursements from
3 children's accounts. The Department shall be responsible
4 for keeping complete records of all disbursements for each
5 account for any purpose.

6 (2) Calculate on a monthly basis the amounts paid from
7 State funds for the child's board and care, medical care
8 not covered under Medicaid, and social services; and
9 utilize funds from the child's account, as covered by
10 regulation, to reimburse those costs. Monthly,
11 disbursements from all children's accounts, up to 1/12 of
12 \$13,000,000, shall be deposited by the Department into the
13 General Revenue Fund and the balance over 1/12 of
14 \$13,000,000 into the DCFS Children's Services Fund.

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

20 (r) The Department shall promulgate regulations
21 encouraging all adoption agencies to voluntarily forward to
22 the Department or its agent names and addresses of all persons
23 who have applied for and have been approved for adoption of a
24 hard-to-place child or child with a disability and the names
25 of such children who have not been placed for adoption. A list
26 of such names and addresses shall be maintained by the

1 Department or its agent, and coded lists which maintain the
2 confidentiality of the person seeking to adopt the child and
3 of the child shall be made available, without charge, to every
4 adoption agency in the State to assist the agencies in placing
5 such children for adoption. The Department may delegate to an
6 agent its duty to maintain and make available such lists. The
7 Department shall ensure that such agent maintains the
8 confidentiality of the person seeking to adopt the child and
9 of the child.

10 (s) The Department of Children and Family Services may
11 establish and implement a program to reimburse caregivers
12 licensed, certified, or otherwise approved by the Department
13 of Children and Family Services for damages sustained by the
14 caregivers as a result of the malicious or negligent acts of
15 children placed by the Department, as well as providing third
16 party coverage for such caregivers with regard to actions of
17 children placed by the Department to other individuals. Such
18 coverage will be secondary to the caregiver's liability
19 insurance policy, if applicable. The program shall be funded
20 through appropriations from the General Revenue Fund,
21 specifically designated for such purposes.

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

26 (1) an order entered by an Illinois court specifically

1 directs the Department to perform such services; and

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

7 The Department shall provide written notification to the
8 court of the specific arrangements for supervised visitation
9 and projected monthly costs within 60 days of the court order.
10 The Department shall send to the court information related to
11 the costs incurred except in cases where the court has
12 determined the parties are financially unable to pay. The
13 court may order additional periodic reports as appropriate.

14 (u) In addition to other information that must be
15 provided, whenever the Department places a child with a
16 prospective adoptive parent or parents, in a licensed foster
17 home, group home, or child care institution, in a relative
18 home, or in a certified relative caregiver home, the
19 Department shall provide to the caregiver, appropriate
20 facility staff, or prospective adoptive parent or parents:

21 (1) available detailed information concerning the
22 child's educational and health history, copies of
23 immunization records (including insurance and medical card
24 information), a history of the child's previous
25 placements, if any, and reasons for placement changes
26 excluding any information that identifies or reveals the

1 location of any previous caregiver or adoptive parents;

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

6 (3) information containing details of the child's
7 individualized educational plan when the child is
8 receiving special education services.

9 The caregiver, appropriate facility staff, or prospective
10 adoptive parent or parents, shall be informed of any known
11 social or behavioral information (including, but not limited
12 to, criminal background, fire setting, perpetuation of sexual
13 abuse, destructive behavior, and substance abuse) necessary to
14 care for and safeguard the children to be placed or currently
15 in the home or setting. The Department may prepare a written
16 summary of the information required by this paragraph, which
17 may be provided to the caregiver, appropriate facility staff,
18 or prospective adoptive parent in advance of a placement. The
19 caregiver, appropriate facility staff, or prospective adoptive
20 parent may review the supporting documents in the child's file
21 in the presence of casework staff. In the case of an emergency
22 placement, casework staff shall at least provide known
23 information verbally, if necessary, and must subsequently
24 provide the information in writing as required by this
25 subsection.

26 The information described in this subsection shall be

1 provided in writing. In the case of emergency placements when
2 time does not allow prior review, preparation, and collection
3 of written information, the Department shall provide such
4 information as it becomes available. Within 10 business days
5 after placement, the Department shall obtain from the
6 caregiver, appropriate facility staff, or prospective adoptive
7 parent or parents a signed verification of receipt of the
8 information provided. Within 10 business days after placement,
9 the Department shall provide to the child's guardian ad litem
10 a copy of the information provided to the caregiver,
11 appropriate facility staff, or prospective adoptive parent or
12 parents. The information provided to the caregiver,
13 appropriate facility staff, or prospective adoptive parent or
14 parents shall be reviewed and approved regarding accuracy at
15 the supervisory level.

16 (u-5) Beginning July 1, 2025, certified relative caregiver
17 homes under Section 3.4 of the Child Care Act of 1969 shall be
18 eligible to receive foster care maintenance payments from the
19 Department in an amount no less than payments made to licensed
20 foster family homes. Beginning July 1, 2025, relative homes
21 providing care to a child placed by the Department that are not
22 a certified relative caregiver home under Section 3.4 of the
23 Child Care Act of 1969 or a licensed foster family home shall
24 be eligible to receive payments from the Department in an
25 amount no less 90% of the payments made to licensed foster
26 family homes and certified relative caregiver homes.

1 (u-6) To assist relative and certified relative
2 caregivers, no later than July 1, 2025, the Department shall
3 adopt rules to implement a relative support program, as
4 follows:

5 (1) For relative and certified relative caregivers,
6 the Department is authorized to reimburse or prepay
7 reasonable expenditures to remedy home conditions
8 necessary to fulfill the home safety-related requirements
9 of relative caregiver homes.

10 (2) The Department may provide short-term emergency
11 funds to relative and certified relative caregiver homes
12 experiencing extreme hardships due to the difficulty and
13 stress associated with adding youth in care as new
14 household members.

15 (3) Consistent with federal law, the Department shall
16 include in any State Plan made in accordance with the
17 Adoption Assistance and Child Welfare Act of 1980, Titles
18 IV-E and XIX of the Social Security Act, and any other
19 applicable federal laws the provision of kinship navigator
20 program services. The Department shall apply for and
21 administer all relevant federal aid in accordance with
22 law. Federal funds acquired for the kinship navigator
23 program shall be used for the development, implementation,
24 and operation of kinship navigator program services. The
25 kinship navigator program services may provide
26 information, referral services, support, and assistance to

1 relative and certified relative caregivers of youth in
2 care to address their unique needs and challenges. Until
3 the Department is approved to receive federal funds for
4 these purposes, the Department shall publicly post on the
5 Department's website semi-annual updates regarding the
6 Department's progress in pursuing federal funding.
7 Whenever the Department publicly posts these updates on
8 its website, the Department shall notify the General
9 Assembly through the General Assembly's designee.

10 (u-7) To support finding permanency for children through
11 subsidized guardianship and adoption and to prevent disruption
12 in guardianship and adoptive placements, the Department shall
13 establish and maintain accessible subsidized guardianship and
14 adoption support services for all children under 18 years of
15 age placed in guardianship or adoption who, immediately
16 preceding the guardianship or adoption, were in the custody or
17 guardianship of the Department under Article II of the
18 Juvenile Court Act of 1987.

19 The Department shall establish and maintain a toll-free
20 number to respond to requests from the public about its
21 subsidized guardianship and adoption support services under
22 this subsection and shall staff the toll-free number so that
23 calls are answered on a timely basis, but in no event more than
24 one business day after the receipt of a request. These
25 requests from the public may be made anonymously. To meet this
26 obligation, the Department may utilize the same toll-free

1 number the Department operates to respond to post-adoption
2 requests under subsection (b-5) of Section 18.9 of the
3 Adoption Act. The Department shall publicize information about
4 the Department's subsidized guardianship support services and
5 toll-free number as follows:

6 (1) it shall post information on the Department's
7 website;

8 (2) it shall provide the information to every licensed
9 child welfare agency and any entity providing subsidized
10 guardianship support services in Illinois courts;

11 (3) it shall reference such information in the
12 materials the Department provides to caregivers pursuing
13 subsidized guardianship to inform them of their rights and
14 responsibilities under the Child Care Act of 1969 and this
15 Act;

16 (4) it shall provide the information, including the
17 Department's Post Adoption and Guardianship Services
18 booklet, to eligible caregivers as part of its
19 guardianship training and at the time they are presented
20 with the Permanency Commitment form;

21 (5) it shall include, in each annual notification
22 letter mailed to subsidized guardians, a short, 2-sided
23 flier or news bulletin in plain language that describes
24 access to post-guardianship services, how to access
25 services under the Family Support Program, formerly known
26 as the Individual Care Grant Program, the webpage address

1 to the Post Adoption and Guardianship Services booklet,
2 information on how to request that a copy of the booklet be
3 mailed; and

4 (6) it shall ensure that kinship navigator programs of
5 this State, when established, have this information to
6 include in materials the programs provide to caregivers.

7 No later than July 1, 2026, the Department shall provide a
8 mechanism for the public to make information requests by
9 electronic means.

10 The Department shall review and update annually all
11 information relating to its subsidized guardianship support
12 services, including its Post Adoption and Guardianship
13 Services booklet, to include updated information on Family
14 Support Program services eligibility and subsidized
15 guardianship support services that are available through the
16 medical assistance program established under Article V of the
17 Illinois Public Aid Code or any other State program for mental
18 health services. The Department and the Department of
19 Healthcare and Family Services shall coordinate their efforts
20 in the development of these resources.

21 Every licensed child welfare agency and any entity
22 providing kinship navigator programs funded by the Department
23 shall provide the Department's website address and link to the
24 Department's subsidized guardianship support services
25 information set forth in subsection (d), including the
26 Department's toll-free number, to every relative who is or

1 will be providing guardianship placement for a child placed by
2 the Department.

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

24 (v-1) Prior to final approval for placement of a child
25 with a foster or adoptive parent, the Department shall conduct
26 a criminal records background check of the prospective foster

1 or adoptive parent, including fingerprint-based checks of
2 national crime information databases. Final approval for
3 placement shall not be granted if the record check reveals a
4 felony conviction for child abuse or neglect, for spousal
5 abuse, for a crime against children, or for a crime involving
6 violence, including rape, sexual assault, or homicide, but not
7 including other physical assault or battery, or if there is a
8 felony conviction for physical assault, battery, or a
9 drug-related offense committed within the past 5 years.

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

19 (v-3) Prior to the final approval of final placement of a
20 related child in a certified relative caregiver home as
21 defined in Section 2.37 of the Child Care Act of 1969, the
22 Department shall ensure that the background screening meets
23 the standards required under subsection (c) of Section 3.4 of
24 the Child Care Act of 1969.

25 (v-4) Prior to final approval for placement of a child
26 with a relative, as defined in Section 4d of this Act, who is

1 not a licensed foster parent, has declined to seek approval to
2 be a certified relative caregiver, or was denied approval as a
3 certified relative caregiver, the Department shall:

4 (i) check the child abuse and neglect registry for
5 information concerning the prospective relative caregiver
6 and any other adult living in the home. If any prospective
7 relative caregiver or other adult living in the home has
8 resided in another state in the preceding 5 years, the
9 Department shall request a check of that other state's
10 child abuse and neglect registry; and

11 (ii) conduct a criminal records background check of
12 the prospective relative caregiver and all other adults
13 living in the home, including fingerprint-based checks of
14 national crime information databases. Final approval for
15 placement shall not be granted if the record check reveals
16 a felony conviction for child abuse or neglect, for
17 spousal abuse, for a crime against children, or for a
18 crime involving violence, including rape, sexual assault,
19 or homicide, but not including other physical assault or
20 battery, or if there is a felony conviction for physical
21 assault, battery, or a drug-related offense committed
22 within the past 5 years; provided however, that the
23 Department is empowered to grant a waiver as the
24 Department may provide by rule, and the Department
25 approves the request for the waiver based on a
26 comprehensive evaluation of the caregiver and household

1 members and the conditions relating to the safety of the
2 placement.

3 No later than July 1, 2025, the Department shall adopt
4 rules or revise existing rules to effectuate the changes made
5 to this subsection (v-4). The rules shall outline the
6 essential elements of each form used in the implementation and
7 enforcement of the provisions of this amendatory Act of the
8 103rd General Assembly.

9 (w) (Blank).

10 (x) The Department shall conduct annual credit history
11 checks to determine the financial history of children placed
12 under its guardianship pursuant to the Juvenile Court Act of
13 1987. The Department shall conduct such credit checks starting
14 when a youth in care turns 12 years old and each year
15 thereafter for the duration of the guardianship as terminated
16 pursuant to the Juvenile Court Act of 1987. The Department
17 shall determine if financial exploitation of the child's
18 personal information has occurred. If financial exploitation
19 appears to have taken place or is presently ongoing, the
20 Department shall notify the proper law enforcement agency, the
21 proper State's Attorney, or the Attorney General.

22 (y) Beginning on July 22, 2010 (the effective date of
23 Public Act 96-1189), a child with a disability who receives
24 residential and educational services from the Department shall
25 be eligible to receive transition services in accordance with
26 Article 14 of the School Code from the age of 14.5 through age

1 21, inclusive, notwithstanding the child's residential
2 services arrangement. For purposes of this subsection, "child
3 with a disability" means a child with a disability as defined
4 by the federal Individuals with Disabilities Education
5 Improvement Act of 2004.

6 (z) The Department shall access criminal history record
7 information as defined as "background information" in this
8 subsection and criminal history record information as defined
9 in the Illinois Uniform Conviction Information Act for each
10 Department employee or Department applicant. Each Department
11 employee or Department applicant shall submit the employee's
12 or applicant's fingerprints to the Illinois State Police in
13 the form and manner prescribed by the Illinois State Police.
14 These fingerprints shall be checked against the fingerprint
15 records now and hereafter filed in the Illinois State Police
16 and the Federal Bureau of Investigation criminal history
17 records databases. The Illinois State Police shall charge a
18 fee for conducting the criminal history record check, which
19 shall be deposited into the State Police Services Fund and
20 shall not exceed the actual cost of the record check. The
21 Illinois State Police shall furnish, pursuant to positive
22 identification, all Illinois conviction information to the
23 Department of Children and Family Services.

24 For purposes of this subsection:

25 "Background information" means all of the following:

26 (i) Upon the request of the Department of Children and

1 Family Services, conviction information obtained from the
2 Illinois State Police as a result of a fingerprint-based
3 criminal history records check of the Illinois criminal
4 history records database and the Federal Bureau of
5 Investigation criminal history records database concerning
6 a Department employee or Department applicant.

7 (ii) Information obtained by the Department of
8 Children and Family Services after performing a check of
9 the Illinois State Police's Sex Offender Database, as
10 authorized by Section 120 of the Sex Offender Community
11 Notification Law, concerning a Department employee or
12 Department applicant.

13 (iii) Information obtained by the Department of
14 Children and Family Services after performing a check of
15 the Child Abuse and Neglect Tracking System (CANTS)
16 operated and maintained by the Department.

17 "Department employee" means a full-time or temporary
18 employee coded or certified within the State of Illinois
19 Personnel System.

20 "Department applicant" means an individual who has
21 conditional Department full-time or part-time work, a
22 contractor, an individual used to replace or supplement staff,
23 an academic intern, a volunteer in Department offices or on
24 Department contracts, a work-study student, an individual or
25 entity licensed by the Department, or an unlicensed service
26 provider who works as a condition of a contract or an agreement

1 and whose work may bring the unlicensed service provider into
2 contact with Department clients or client records.

3 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
4 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.
5 1-1-24; 103-546, eff. 8-11-23; 103-605, eff. 7-1-24; 103-1061,
6 eff. 7-1-25.)

7 (20 ILCS 505/35.10)

8 Sec. 35.10. Successful transitions to and documents
9 necessary for adult living. ~~Documents necessary for adult~~
10 ~~living.~~

11 (a) The Department shall make reasonable efforts to
12 develop an age and developmentally appropriate individualized
13 youth-driven transition plan for each youth in care aged 15
14 and over to help such youth develop and strengthen those life
15 skills that lead to successful adult living. As applicable,
16 based on the minor's age and developmental appropriateness,
17 the youth-driven transition plan shall address the following
18 areas:

19 (1) assessment and development of life skills;

20 (2) education;

21 (3) post high school goals;

22 (4) driver's education;

23 (5) participation in extracurricular activities;

24 (6) internships;

25 (7) employment;

1 (8) housing;

2 (9) mental and physical health and well-being;

3 (10) financial stability;

4 (11) connections to supportive adults and peers;

5 (12) transition to adult services;

6 (13) documents necessary for adult living as provided
7 in subsection (b); and

8 (14) childcare and parenting supports.

9 The Department shall include the youth-driven transition
10 plan in the youth's service plan. The Department shall make
11 reasonable efforts to assist the youth in accomplishing the
12 plan, to develop strategies to resolve barriers, and to ensure
13 the youth is aware of any post-case closure supports and
14 services and how to access such supports and services.

15 (b) The Department shall assist a youth in care in
16 identifying and obtaining documents necessary to function as
17 an independent adult prior to the closure of the youth's case
18 to terminate wardship as provided in Section 2-31 of the
19 Juvenile Court Act of 1987. These necessary documents shall
20 include, but not be limited to, any of the following:

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

22 (2) Social Security card.

23 (3) Medical records, including, but not limited to,
24 health passport, dental records, immunization records,
25 name and contact information for all current medical,
26 dental, and mental health providers, and a signed

1 certification that the Department provided the youth with
2 education on executing a healthcare power of attorney.

3 (4) Medicaid card or other health eligibility
4 documentation.

5 (5) Certified copy of birth certificate.

6 (6) Any applicable religious documents.

7 (7) Voter registration card.

8 (8) Immigration, citizenship, or naturalization
9 documentation, if applicable.

10 (9) Death certificates of parents, if applicable.

11 (10) Life book or compilation of personal history and
12 photographs.

13 (11) List of known relatives and persons willing to
14 provide supports to the youth with relationships,
15 addresses, telephone numbers, and other contact
16 information, with the permission of the involved relative
17 or supportive person.

18 (12) Resume.

19 (13) Educational records, including list of schools
20 attended, and transcript, high school diploma, or State of
21 Illinois High School Diploma.

22 (14) List of placements while in care.

23 (15) List of community resources with referral
24 information, including the Midwest Adoption Center for
25 search and reunion services for former youth in care,
26 whether or not they were adopted, and the Illinois Chapter

1 of Foster Care Alumni of America.

2 (16) All documents necessary to complete a Free
3 Application for Federal Student Aid form, if applicable,
4 or an application for State financial aid.

5 (17) If applicable, a final accounting of the account
6 maintained on behalf of the youth as provided under
7 Section 5.46.

8 If a court determines that a youth in care no longer requires
9 wardship of the court and orders the wardship terminated and
10 all proceedings under the Juvenile Court Act of 1987
11 respecting the youth in care finally closed and discharged,
12 the Department shall ensure that the youth in care receives a
13 copy of the court's order.

14 (Source: P.A. 102-70, eff. 1-1-22; 102-1014, eff. 5-27-22;
15 102-1100, eff. 1-1-23; 103-154, eff. 6-30-23.)

16 Section 10. The Juvenile Court Act of 1987 is amended by
17 changing Sections 2-28, 2-33, and 5-745 and by adding Section
18 2-28.2 as follows:

19 (705 ILCS 405/2-28)

20 Sec. 2-28. Court review.

21 (1) The court may require any legal custodian or guardian
22 of the person appointed under this Act to report periodically
23 to the court or may cite the legal custodian or guardian into
24 court and require the legal custodian, guardian, or the legal

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

1 minor.

2 (1.5) The public agency that is the custodian or guardian
3 of the minor shall file a written report with the court no
4 later than 15 days after a minor in the agency's care remains:

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

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

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

12 The report shall explain the steps the agency is taking to
13 ensure the minor is placed appropriately, how the minor's
14 needs are being met in the minor's shelter placement, and if a
15 future placement has been identified by the Department, why
16 the anticipated placement is appropriate for the needs of the
17 minor and the anticipated placement date.

18 (1.6) Within 30 days after placing a child in its care in a
19 qualified residential treatment program, as defined by the
20 federal Social Security Act, the Department of Children and
21 Family Services shall prepare a written report for filing with
22 the court and send copies of the report to all parties. Within
23 20 days of the filing of the report, or as soon thereafter as
24 the court's schedule allows but not more than 60 days from the
25 date of placement, the court shall hold a hearing to consider
26 the Department's report and determine whether placement of the

1 child in a qualified residential treatment program provides
2 the most effective and appropriate level of care for the child
3 in the least restrictive environment and if the placement is
4 consistent with the short-term and long-term goals for the
5 child, as specified in the permanency plan for the child. The
6 court shall approve or disapprove the placement. If
7 applicable, the requirements of Sections 2-27.1 and 2-27.2
8 must also be met. The Department's written report and the
9 court's written determination shall be included in and made
10 part of the case plan for the child. If the child remains
11 placed in a qualified residential treatment program, the
12 Department shall submit evidence at each status and permanency
13 hearing:

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

23 (B) documenting the specific treatment or service
24 needs that should be met for the child in the placement and
25 the length of time the child is expected to need the
26 treatment or services;

1 (C) detailing the efforts made by the agency to
2 prepare the child to return home or to be placed with a fit
3 and willing relative, a legal guardian, or an adoptive
4 parent, or in a foster family home; ~~and~~

5 (D) beginning July 1, 2025, documenting the
6 Department's efforts regarding ongoing family finding and
7 relative engagement required under Section 2-27.3; and ~~and~~

8 (E) detailing efforts to ensure the minor is engaged
9 in age and developmentally appropriate activities to
10 develop life skills, which may include extracurricular
11 activities, coaching by caregivers, or instruction in
12 individual or group settings. For minors who have
13 participated in life skills assessments, the results of
14 such assessments and how the minor's identified needs are
15 being addressed.

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

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

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

1 hearing. If not contained in the agency's service plan, the
2 agency shall also include a report setting forth the
3 following:

4 (A) any special physical, psychological, educational,
5 medical, emotional, or other needs of the minor or the
6 minor's family that are relevant to a permanency or
7 placement determination, and for any minor age 16 or over,
8 a written description of the programs and services that
9 will enable the minor to prepare for independent living;

10 (B) beginning July 1, 2025, a written description of
11 ongoing family finding and relative engagement efforts in
12 accordance with the requirements under Section 2-27.3 the
13 agency has undertaken since the most recent report to the
14 court to plan for the emotional and legal permanency of
15 the minor;

16 (C) whether a minor is placed in a licensed child care
17 facility under a corrective plan by the Department due to
18 concerns impacting the minor's safety and well-being. The
19 report shall explain the steps the Department is taking to
20 ensure the safety and well-being of the minor and that the
21 minor's needs are met in the facility;

22 (D) detail regarding what progress or lack of progress
23 the parent has made in correcting the conditions requiring
24 the child to be in care; whether the child can be returned
25 home without jeopardizing the child's health, safety, and
26 welfare, what permanency goal is recommended to be in the

1 best interests of the child, and the reasons for the
2 recommendation. If a permanency goal under paragraph (A),
3 (B), or (B-1) of subsection (2.3) have been deemed
4 inappropriate and not in the minor's best interest, the
5 report must include the following information:

6 (i) confirmation that the caseworker has discussed
7 the permanency options and subsidies available for
8 guardianship and adoption with the minor's caregivers,
9 the minor's parents, as appropriate, and has discussed
10 the available permanency options with the minor in an
11 age-appropriate manner;

12 (ii) confirmation that the caseworker has
13 discussed with the minor's caregivers, the minor's
14 parents, as appropriate, and the minor as
15 age-appropriate, the distinctions between guardianship
16 and adoption, including, but not limited to, that
17 guardianship does not require termination of the
18 parent's rights or the consent of the parent;

19 (iii) a description of the stated preferences and
20 concerns, if any, the minor, the parent as
21 appropriate, and the caregiver expressed relating to
22 the options of guardianship and adoption, and the
23 reasons for the preferences;

24 (iv) if the minor is not currently in a placement
25 that will provide permanency, identification of all
26 persons presently willing and able to provide

1 permanency to the minor through either guardianship or
2 adoption, and beginning July 1, 2025, if none are
3 available, a description of the efforts made in
4 accordance with Section 2-27.3; and

5 (v) state the recommended permanency goal, why
6 that goal is recommended, and why the other potential
7 goals were not recommended.

8 The caseworker must appear and testify at the permanency
9 hearing. If a permanency hearing has not previously been
10 scheduled by the court, the moving party shall move for the
11 setting of a permanency hearing and the entry of an order
12 within the time frames set forth in this subsection.

13 (2.3) At the permanency hearing, the court shall determine
14 the permanency goal of the child. The court shall set one of
15 the following permanency goals:

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

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

23 (B-1) The minor will be in short-term care with a
24 continued goal to return home pending a status hearing.
25 When the court finds that a parent has not made reasonable
26 efforts or reasonable progress to date, the court shall

1 identify what actions the parent and the Department must
2 take in order to justify a finding of reasonable efforts
3 or reasonable progress and shall set a status hearing to
4 be held not earlier than 9 months from the date of
5 adjudication nor later than 11 months from the date of
6 adjudication during which the parent's progress will again
7 be reviewed.

8 If the court has determined that goals (A), (B), and
9 (B-1) are not appropriate and not in the minor's best
10 interest, the court may select one of the following goals:
11 (C), (D), (E), (F), or (G) for the minor as appropriate and
12 based on the best interests of the minor. The court shall
13 determine the appropriate goal for the minor based on best
14 interest factors and any considerations outlined in that
15 goal.

16 (C) The guardianship of the minor shall be transferred
17 to an individual or couple on a permanent basis. Prior to
18 changing the goal to guardianship, the court shall
19 consider the following:

20 (i) whether the agency has discussed adoption and
21 guardianship with the caregiver and what preference,
22 if any, the caregiver has as to the permanency goal;

23 (ii) whether the agency has discussed adoption and
24 guardianship with the minor, as age-appropriate, and
25 what preference, if any, the minor has as to the
26 permanency goal;

1 (iii) whether the minor is of sufficient age to
2 remember the minor's parents and if the child values
3 this familial identity;

4 (iv) whether the minor is placed with a relative,
5 and beginning July 1, 2025, whether the minor is
6 placed in a relative home as defined in Section 4d of
7 the Children and Family Services Act or in a certified
8 relative caregiver home as defined in Section 2.36 of
9 the Child Care Act of 1969; and

10 (v) whether the parent or parents have been
11 informed about guardianship and adoption, and, if
12 appropriate, what preferences, if any, the parent or
13 parents have as to the permanency goal.

14 (D) The minor will be in substitute care pending court
15 determination on termination of parental rights. Prior to
16 changing the goal to substitute care pending court
17 determination on termination of parental rights, the court
18 shall consider the following:

19 (i) whether the agency has discussed adoption and
20 guardianship with the caregiver and what preference,
21 if any, the caregiver has as to the permanency goal;

22 (ii) whether the agency has discussed adoption and
23 guardianship with the minor, as age-appropriate, and
24 what preference, if any, the minor has as to the
25 permanency goal;

26 (iii) whether the minor is of sufficient age to

1 remember the minor's parents and if the child values
2 this familial identity;

3 (iv) whether the minor is placed with a relative,
4 and beginning July 1, 2025, whether the minor is
5 placed in a relative home as defined in Section 4d of
6 the Children and Family Services Act, in a certified
7 relative caregiver home as defined in Section 2.36 of
8 the Child Care Act of 1969;

9 (v) whether the minor is already placed in a
10 pre-adoptive home, and if not, whether such a home has
11 been identified; and

12 (vi) whether the parent or parents have been
13 informed about guardianship and adoption, and, if
14 appropriate, what preferences, if any, the parent or
15 parents have as to the permanency goal.

16 (E) Adoption, provided that parental rights have been
17 terminated or relinquished.

18 (F) Provided that permanency goals (A) through (E)
19 have been deemed inappropriate and not in the minor's best
20 interests, the minor over age 15 will be in substitute
21 care pending independence. In selecting this permanency
22 goal, the Department of Children and Family Services may
23 provide services to enable reunification and to strengthen
24 the minor's connections with family, fictive kin, and
25 other responsible adults, provided the services are in the
26 minor's best interest. The services shall be documented in

1 the service plan.

2 (G) The minor will be in substitute care because the
3 minor cannot be provided for in a home environment due to
4 developmental disabilities or mental illness or because
5 the minor is a danger to self or others, provided that
6 goals (A) through (E) have been deemed inappropriate and
7 not in the child's best interests.

8 In selecting any permanency goal, the court shall indicate
9 in writing the reasons the goal was selected and why the
10 preceding goals were deemed inappropriate and not in the
11 child's best interest. Where the court has selected a
12 permanency goal other than (A), (B), or (B-1), the Department
13 of Children and Family Services shall not provide further
14 reunification services, except as provided in paragraph (F) of
15 this subsection (2.3), but shall provide services consistent
16 with the goal selected.

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

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

22 (2) The court has deemed all other permanency
23 goals inappropriate based on the child's best
24 interest;

25 (3) The court has found compelling reasons, based
26 on written documentation reviewed by the court, to

1 place the minor in continuing foster care. Compelling
2 reasons include:

3 (a) the child does not wish to be adopted or to
4 be placed in the guardianship of the minor's
5 relative, certified relative caregiver, or foster
6 care placement;

7 (b) the child exhibits an extreme level of
8 need such that the removal of the child from the
9 minor's placement would be detrimental to the
10 child; or

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

21 (4) The child has lived with the relative,
22 certified relative caregiver, or foster parent for at
23 least one year; and

24 (5) The relative, certified relative caregiver, or
25 foster parent currently caring for the child is
26 willing and capable of providing the child with a

1 stable and permanent environment.

2 (2.4) The court shall set a permanency goal that is in the
3 best interest of the child. In determining that goal, the
4 court shall consult with the minor in an age-appropriate
5 manner regarding the proposed permanency or transition plan
6 for the minor. The court's determination shall include the
7 following factors:

8 (A) Age of the child.

9 (B) Options available for permanence, including both
10 out-of-state and in-state placement options.

11 (C) Current placement of the child and the intent of
12 the family regarding subsidized guardianship and adoption.

13 (D) Emotional, physical, and mental status or
14 condition of the child.

15 (E) Types of services previously offered and whether
16 or not the services were successful and, if not
17 successful, the reasons the services failed.

18 (F) Availability of services currently needed and
19 whether the services exist.

20 (G) Status of siblings of the minor.

21 (H) If the minor is not currently in a placement
22 likely to achieve permanency, whether there is an
23 identified and willing potential permanent caregiver for
24 the minor, and if so, that potential permanent caregiver's
25 intent regarding guardianship and adoption.

26 The court shall consider (i) the permanency goal contained

1 in the service plan, (ii) the appropriateness of the services
2 contained in the plan and whether those services have been
3 provided, (iii) whether reasonable efforts have been made by
4 all the parties to the service plan to achieve the goal, and
5 (iv) whether the plan and goal have been achieved. All
6 evidence relevant to determining these questions, including
7 oral and written reports, may be admitted and may be relied on
8 to the extent of their probative value.

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

25 If the permanency goal is to return home, the court shall
26 make findings that identify any problems that are causing

1 continued placement of the children away from the home and
2 identify what outcomes would be considered a resolution to
3 these problems. The court shall explain to the parents that
4 these findings are based on the information that the court has
5 at that time and may be revised, should additional evidence be
6 presented to the court.

7 The court shall review the Sibling Contact Support Plan
8 developed or modified under subsection (f) of Section 7.4 of
9 the Children and Family Services Act, if applicable. If the
10 Department has not convened a meeting to develop or modify a
11 Sibling Contact Support Plan, or if the court finds that the
12 existing Plan is not in the child's best interest, the court
13 may enter an order requiring the Department to develop,
14 modify, or implement a Sibling Contact Support Plan, or order
15 mediation.

16 The court shall review the Department's efforts to provide
17 the minor with age and developmentally appropriate life
18 skills. If the court finds the Department's efforts are not in
19 the minor's best interest, the court may enter an order
20 requiring the Department to develop, modify, or implement the
21 service plan to develop the minor's life skills in an age and
22 developmentally appropriate manner.

23 Beginning July 1, 2025, the court shall review the Ongoing
24 Family Finding and Relative Engagement Plan required under
25 Section 2-27.3. If the court finds that the plan is not in the
26 minor's best interest, the court shall enter specific factual

1 findings and order the Department to modify the plan
2 consistent with the court's findings.

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

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

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

25 Rights of wards of the court under this Act are
26 enforceable against any public agency by complaints for relief

1 by mandamus filed in any proceedings brought under this Act.

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

1 placement as required by Department rule.

2 (3) Following the permanency hearing, the court shall
3 enter a written order that includes the determinations
4 required under subsections (2) and (2.3) of this Section and
5 sets forth the following:

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

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

14 (i) (Blank).

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

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

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

5 (iv) (Blank).

6 (v) (Blank).

7 If the court sets a permanency goal of independence or if
8 the minor is 17 years of age or older, the court shall schedule
9 a Successful Transition to Adulthood Review hearing in
10 accordance with Section 2-28.2.

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

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

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

22 (b) The State's Attorney may file a motion to
23 terminate parental rights of any parent who has failed to
24 make reasonable efforts to correct the conditions which
25 led to the removal of the child or reasonable progress
26 toward the return of the child, as defined in subdivision

1 (D) (m) of Section 1 of the Adoption Act or for whom any
2 other unfitness ground for terminating parental rights as
3 defined in subdivision (D) of Section 1 of the Adoption
4 Act exists.

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

21 Custody of the minor shall not be restored to any parent,
22 guardian, or legal custodian in any case in which the minor is
23 found to be neglected or abused under Section 2-3 or dependent
24 under Section 2-4 of this Act, unless the minor can be cared
25 for at home without endangering the minor's health or safety
26 and it is in the best interest of the minor, and if such

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

25 When the court orders a child restored to the custody of
26 the parent or parents, the court shall order the parent or

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

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

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

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

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

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

14 (Source: P.A. 102-193, eff. 7-30-21; 102-489, eff. 8-20-21;
15 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-154, eff.
16 6-30-23; 103-171, eff. 1-1-24; 103-605, eff. 7-1-24; 103-1061,
17 eff. 2-5-25.)

18 (705 ILCS 405/2-28.2 new)

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

21 (a) The court shall conduct Successful Transition to
22 Adulthood Review (STAR) hearings to review the Department's
23 efforts to ensure the minor is provided with opportunities to
24 engage in individualized future-focused planning towards
25 adulthood, to develop age-appropriate daily living skills to

1 live successfully as an adult, and if applicable, to be
2 prepared to transition out of the care of the Department at age
3 21.

4 (b) The court shall conduct a STAR hearing for all minors
5 for whom the court has entered a permanency goal of
6 independence and for all minors who are 17 years of age or
7 older. The minor's first STAR hearing shall be conducted
8 within 6 months of the minor qualifying for a STAR hearing.
9 Subsequent STAR hearings may be conducted contemporaneously
10 with the minor's permanency hearing. At a minimum, the court
11 shall conduct STAR hearings for eligible minors within 6
12 months of the minor becoming eligible for a STAR hearing and
13 annually thereafter. The court may schedule additional STAR
14 hearings as necessary and in the minor's best interest.

15 (c) Fourteen days in advance of the STAR hearing the
16 Department shall provide the court with the youth's service
17 plan that includes the following information:

18 (1) a copy of the youth-driven transition plan
19 developed in accordance with Section 35.10 of the Children
20 and Family Services Act;

21 (2) for youth 17 years of age and older, the ILO TLP
22 Quarterly Discharge Launch Plan, if applicable;

23 (3) a description of the documents necessary for adult
24 living as provided in Section 35.10 of the Children and
25 Family Services Act that the minor has, the documents the
26 minor continues to need, and the Department's plan to

1 ensure the minor has such documents prior to case closure;

2 (4) a description of the Department's efforts to
3 assist the youth in developing and maintaining connections
4 with supportive adults and a copy of the minor's Ongoing
5 Family Finding and Relative Engagement Plan developed in
6 accordance with Section 2-27.3; and

7 (5) for youth who are likely to need a guardian as a
8 person with a disability, in accordance with Article XIa
9 of the Probate Act of 1975, a description of the
10 Department's efforts to obtain any necessary assessments.

11 (d) At the STAR hearing the court shall:

12 (1) review the Department's efforts to assist the
13 minor in developing and implementing an individualized
14 youth-driven plan to develop life skills that will lead to
15 successful adult living;

16 (2) review the plan developed by the Department and
17 the minor to ensure that it is reasonably likely to ensure
18 the minor can live independent of supports from the
19 Department;

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

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

26 (5) review the Department's efforts to ensure that the

1 minor is aware of available supports and services
2 post-case closure and how to access such supports and
3 services; and

4 (6) if applicable, review the Department's efforts to
5 obtain any needed assessments to determine whether the
6 youth may qualify for a guardian as a person with a
7 disability under Article XIa of the Probate Act of 1975.

8 If the court finds that the youth-driven transition plan
9 for the minor is not in the minor's best interest or will not
10 be reasonably likely to result in the development of life
11 skills necessary for adult living, the court shall make
12 specific factual findings supporting its findings and order
13 the Department to develop a new plan with the minor consistent
14 with the court's findings. If the court finds that the
15 Department has failed to make reasonable efforts to (i) assist
16 the minor in developing and accomplishing a youth-driven
17 transition plan or (ii) obtain any necessary assessments for
18 minors to determine whether the youth may qualify for a
19 guardian as a person with a disability under Article XIa of the
20 Probate Act of 1975, then the court shall make specific
21 factual findings and may enter such orders it deems necessary
22 to ensure that the minor is developing necessary life skills
23 and, when appropriate, is prepared to successfully transition
24 to adulthood.

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

2 (1) Any time prior to a minor's 18th 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 the Juvenile Court
6 Act of 1987 was vacated in conjunction with the
7 appointment of a private guardian under the Probate Act of
8 1975;

9 (b) the minor is not presently a ward of the court
10 under Article II of this Act nor is there a petition for
11 adjudication of wardship pending on behalf of the minor;
12 and

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

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

18 (a) wardship and guardianship under this Act was
19 vacated pursuant to:

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

22 (ii) closure of a case under subsection (2) of
23 Section 2-31 in the case of a minor under the age of 18
24 who has been partially or completely emancipated in
25 accordance with the Emancipation of Minors Act; or

26 (iii) an order entered under subsection (3) of

1 Section 2-31 based on the minor's attaining the age of
2 19 years before the effective date of this amendatory
3 Act of the 101st General Assembly;

4 (b) the minor is not presently a ward of the court
5 under Article II of this Act nor is there a petition for
6 adjudication of wardship pending on behalf of the minor;
7 and

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

10 (3) The supplemental petition must be filed in the same
11 proceeding in which the original adjudication order was
12 entered. Unless excused by court for good cause shown, the
13 petitioner shall give notice of the time and place of the
14 hearing on the supplemental petition, in person or by mail, to
15 the minor, if the minor is 14 years of age or older, and to the
16 parties to the juvenile court proceeding. Notice shall be
17 provided at least 3 court days in advance of the hearing date.

18 (3.5) Whenever a petition is filed to reinstate wardship
19 pursuant to subsection (1), prior to granting the petition,
20 the court may order the Department of Children and Family
21 Services to assess the minor's current and proposed living
22 arrangements and to provide ongoing monitoring of the health,
23 safety, and best interest of the minor during the pendency of
24 the petition to assist the court in making that determination.

25 (4) A minor who is the subject of a petition to reinstate
26 wardship under this Section shall be provided with

1 representation in accordance with Sections 1-5 and 2-17 of
2 this Act.

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

7 (a) Within 30 days of such commitment, prepare and
8 file with the court a case plan which complies with the
9 federal Adoption Assistance and Child Welfare Act of 1980
10 and is consistent with the health, safety and best
11 interests of the minor; and

12 (b) Promptly refer the minor for such services as are
13 necessary and consistent with the minor's health, safety
14 and best interests.

15 (6) Whenever the court grants a petition to reinstate
16 wardship under this Section, the court shall schedule the case
17 for a permanency hearing in accordance with Section 2-28 and a
18 Successful Transition to Adulthood Review hearing in
19 accordance with Section 2-28.2, if applicable.

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

21 (705 ILCS 405/5-745)

22 Sec. 5-745. Court review.

23 (1) The court may require any legal custodian or guardian
24 of the person appointed under this Act, including the
25 Department of Juvenile Justice for youth committed under

1 Section 5-750 of this Act, to report periodically to the court
2 or may cite the legal custodian or guardian into court and
3 require the legal custodian or guardian, or the legal
4 custodian's or guardian's agency, to make a full and accurate
5 report of the doings of the legal custodian, guardian, or
6 agency on behalf of the minor, including efforts to secure
7 post-release placement of the youth after release from the
8 Department's facilities. The legal custodian or guardian,
9 within 10 days after the citation, shall make the report,
10 either in writing verified by affidavit or orally under oath
11 in open court, or otherwise as the court directs. Upon the
12 hearing of the report the court may remove the legal custodian
13 or guardian and appoint another in the legal custodian's or
14 guardian's stead or restore the minor to the custody of the
15 minor's parents or former guardian or legal custodian.

16 (2) If the Department of Children and Family Services is
17 appointed legal custodian or guardian of a minor under Section
18 5-740 of this Act, the Department of Children and Family
19 Services shall file updated case plans with the court every 6
20 months. Every agency which has guardianship of a child shall
21 file a supplemental petition for court review, or review by an
22 administrative body appointed or approved by the court and
23 further order within 18 months of the sentencing order and
24 each 18 months thereafter. The petition shall state facts
25 relative to the child's present condition of physical, mental
26 and emotional health as well as facts relative to the minor's

1 present custodial or foster care. The petition shall be set
2 for hearing and the clerk shall mail 10 days notice of the
3 hearing by certified mail, return receipt requested, to the
4 person or agency having the physical custody of the child, the
5 minor and other interested parties unless a written waiver of
6 notice is filed with the petition.

7 If the minor is in the custody of the Illinois Department
8 of Children and Family Services, pursuant to an order entered
9 under this Article, the court shall conduct permanency
10 hearings as set out in subsections (1), (2), (2.3), (2.4), and
11 (3) of Section 2-28 of Article II of this Act and Successful
12 Transition to Adulthood Review hearings as set out in Section
13 2-28.2 of Article II of this Act.

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

17 (3) The minor or any person interested in the minor may
18 apply to the court for a change in custody of the minor and the
19 appointment of a new custodian or guardian of the person or for
20 the restoration of the minor to the custody of the minor's
21 parents or former guardian or custodian. In the event that the
22 minor has attained 18 years of age and the guardian or
23 custodian petitions the court for an order terminating the
24 minor's guardianship or custody, guardianship or legal custody
25 shall terminate automatically 30 days after the receipt of the
26 petition unless the court orders otherwise. No legal custodian

1 or guardian of the person may be removed without the legal
2 custodian's or guardian's consent until given notice and an
3 opportunity to be heard by the court.

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

8 (a) a critical incident involving a youth committed to
9 the Department; as used in this paragraph (a), "critical
10 incident" means any incident that involves a serious risk
11 to the life, health, or well-being of the youth and
12 includes, but is not limited to, an accident or suicide
13 attempt resulting in serious bodily harm or
14 hospitalization, psychiatric hospitalization, alleged or
15 suspected abuse, or escape or attempted escape from
16 custody, filed within 10 days of the occurrence;

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

21 (c) a youth, except a youth who has been adjudicated a
22 habitual or violent juvenile offender under Section 5-815
23 or 5-820 of this Act or committed for first degree murder,
24 who has been held in a Department facility for over one
25 consecutive year; or

26 (d) if a report has been filed under paragraph (c) of

1 this subsection, a supplemental report shall be filed
2 every 6 months thereafter.

3 The notification required by this subsection (4) shall contain
4 a brief description of the incident or situation and a summary
5 of the youth's current physical, mental, and emotional health
6 and the actions the Department took in response to the
7 incident or to identify an aftercare release host site, as
8 applicable. Upon receipt of the notification, the court may
9 require the Department to make a full report under subsection
10 (1) of this Section.

11 (5) With respect to any report required to be filed with
12 the court under this Section, the Independent Juvenile
13 Ombudsperson shall provide a copy to the minor's court
14 appointed guardian ad litem, if the Department has received
15 written notice of the appointment, and to the minor's
16 attorney, if the Department has received written notice of
17 representation from the attorney. If the Department has a
18 record that a guardian has been appointed for the minor and a
19 record of the last known address of the minor's court
20 appointed guardian, the Independent Juvenile Ombudsperson
21 shall send a notice to the guardian that the report is
22 available and will be provided by the Independent Juvenile
23 Ombudsperson upon request. If the Department has no record
24 regarding the appointment of a guardian for the minor, and the
25 Department's records include the last known addresses of the
26 minor's parents, the Independent Juvenile Ombudsperson shall

1 send a notice to the parents that the report is available and
2 will be provided by the Independent Juvenile Ombudsperson upon
3 request.

4 (Source: P.A. 103-22, eff. 8-8-23; 103-1061, eff. 2-5-25.)

5 Section 95. No acceleration or delay. Where this Act makes
6 changes in a statute that is represented in this Act by text
7 that is not yet or no longer in effect (for example, a Section
8 represented by multiple versions), the use of that text does
9 not accelerate or delay the taking effect of (i) the changes
10 made by this Act or (ii) provisions derived from any other
11 Public Act.

12 Section 99. Effective date. This Act takes effect July 1,
13 2026."