



Rep. Sara Feigenholtz

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1 AMENDMENT TO SENATE BILL 1870

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1870 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Mental Health and Developmental  
5 Disabilities Administrative Act is amended by changing Section  
6 7.1 as follows:

7 (20 ILCS 1705/7.1) (from Ch. 91 1/2, par. 100-7.1)

8 Sec. 7.1. Individual Care Grants.

9 (a) For the purposes of this Section 7.1, "Department"  
10 means the Department of Healthcare and Family Services.

11 (b) To assist families in seeking intensive  
12 community-based services or residential placement for children  
13 with mental illness, for whom no appropriate care is available  
14 in State-operated facilities, the Department shall supplement  
15 the amount a family is able to pay, as determined by the  
16 Department and the amount available from other sources,

1 provided the Department's share shall not exceed a uniform  
2 maximum rate to be determined from time to time by the  
3 Department. The Department may exercise the authority under  
4 this Section as is necessary to implement the provisions of  
5 Section 5-5.23 of the Illinois Public Aid Code and to  
6 administer Individual Care Grants. The Department shall work  
7 collaboratively with stakeholders and family representatives  
8 in the implementation of this Section.

9 (c) A child shall continue to be eligible for an Individual  
10 Care Grant if the child is placed in the temporary custody of  
11 the Department of Children and Family Services under Article II  
12 of the Juvenile Care Act of 1987 because the child was left at  
13 a psychiatric hospital beyond medical necessity and an  
14 application for the Family Support Program was pending with the  
15 Department or an active application was being reviewed by the  
16 Department when the petition under the Juvenile Court Act of  
17 1987 was filed.

18 (d) If the Department determines that the child meets all  
19 the eligibility criteria for Family Support Services and  
20 approves the application, the Department shall notify the  
21 parents and the Department of Children and Family Services. The  
22 court hearing the child's case under the Juvenile Court Act of  
23 1987 shall conduct a hearing within 14 days after all parties  
24 have been notified and determine whether to vacate the custody  
25 or guardianship of the Department of Children and Family  
26 Services and return the child to the custody of his or her

1 parents with Family Support Services in place or whether the  
2 child shall continue in the custody of the Department of  
3 Children and Family Services and decline the Family Support  
4 Program. The court shall conduct the hearing under Section 2-4b  
5 of the Juvenile Court Act of 1987. If the court vacates the  
6 custody or guardianship of the Department of Children and  
7 Family Services and returns the child to the custody of the  
8 respondent with Family Support Services, the Department shall  
9 become fiscally responsible for providing services to the  
10 child. If the court determines that the child shall continue in  
11 the custody of the Department of Children and Family Services,  
12 the Department of Children and Family Services shall remain  
13 fiscally responsible for providing services to the child, the  
14 Family Support Services shall be declined, and the child shall  
15 no longer be eligible for Family Support Services. Nothing in  
16 this Section is intended to diminish the ability of the  
17 Department from seeking financial participation or  
18 reimbursement as permitted under State or federal law.

19 (e) The Department shall provide an expedited review  
20 process for applications for minors in the custody or  
21 guardianship of the Department of Children and Family Services  
22 who continue to remain eligible for Individual Care Grants. The  
23 Department shall work collaboratively with stakeholders,  
24 including legal representatives of minors in care, providers of  
25 residential treatment services, and with the Department of  
26 Children and Family Services, to ensure that minors who are

1 recipients of Individual Care Grants under this Section and  
2 Section 2-4b of the Juvenile Court Act of 1987 do not  
3 experience a disruption in services if the minor transitions  
4 from one program to another. The Department shall adopt rules  
5 to implement this Section no later than July 1, 2019.

6 (Source: P.A. 99-479, eff. 9-10-15; 100-978, eff. 8-19-18.)

7 Section 10. The Juvenile Court Act of 1987 is amended by  
8 changing Section 2-23 as follows:

9 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

10 Sec. 2-23. Kinds of dispositional orders.

11 (1) The following kinds of orders of disposition may be  
12 made in respect of wards of the court:

13 (a) A minor under 18 years of age found to be neglected  
14 or abused under Section 2-3 or dependent under Section 2-4  
15 may be (1) continued in the custody of his or her parents,  
16 guardian or legal custodian; (2) placed in accordance with  
17 Section 2-27; (3) restored to the custody of the parent,  
18 parents, guardian, or legal custodian, provided the court  
19 shall order the parent, parents, guardian, or legal  
20 custodian to cooperate with the Department of Children and  
21 Family Services and comply with the terms of an after-care  
22 plan or risk the loss of custody of the child and the  
23 possible termination of their parental rights; or (4)  
24 ordered partially or completely emancipated in accordance

1 with the provisions of the Emancipation of Minors Act.

2 However, in any case in which a minor is found by the  
3 court to be neglected or abused under Section 2-3 of this  
4 Act, custody of the minor shall not be restored to any  
5 parent, guardian or legal custodian whose acts or omissions  
6 or both have been identified, pursuant to subsection (1) of  
7 Section 2-21, as forming the basis for the court's finding  
8 of abuse or neglect, until such time as a hearing is held  
9 on the issue of the best interests of the minor and the  
10 fitness of such parent, guardian or legal custodian to care  
11 for the minor without endangering the minor's health or  
12 safety, and the court enters an order that such parent,  
13 guardian or legal custodian is fit to care for the minor.

14 (b) A minor under 18 years of age found to be dependent  
15 under Section 2-4 may be (1) placed in accordance with  
16 Section 2-27 or (2) ordered partially or completely  
17 emancipated in accordance with the provisions of the  
18 Emancipation of Minors Act.

19 However, in any case in which a minor is found by the  
20 court to be dependent under Section 2-4 of this Act,  
21 custody of the minor shall not be restored to any parent,  
22 guardian or legal custodian whose acts or omissions or both  
23 have been identified, pursuant to subsection (1) of Section  
24 2-21, as forming the basis for the court's finding of  
25 dependency, until such time as a hearing is held on the  
26 issue of the fitness of such parent, guardian or legal

1           custodian to care for the minor without endangering the  
2           minor's health or safety, and the court enters an order  
3           that such parent, guardian or legal custodian is fit to  
4           care for the minor.

5           (b-1) A minor between the ages of 18 and 21 may be  
6           placed pursuant to Section 2-27 of this Act if (1) the  
7           court has granted a supplemental petition to reinstate  
8           wardship of the minor pursuant to subsection (2) of Section  
9           2-33, (2) the court has adjudicated the minor a ward of the  
10          court, permitted the minor to return home under an order of  
11          protection, and subsequently made a finding that it is in  
12          the minor's best interest to vacate the order of protection  
13          and commit the minor to the Department of Children and  
14          Family Services for care and service, or (3) the court has  
15          adjudicated the minor a ward of the court, returned the  
16          minor to the custody of the respondent under Section 2-4b  
17          of this Act without terminating the proceedings under  
18          Section 2-31 of this Act, and subsequently made a finding  
19          that it is in the minor's best interest to commit the minor  
20          to the Department of Children and Family Services for care  
21          and services.

22          (c) When the court awards guardianship to the  
23          Department of Children and Family Services, the court shall  
24          order the parents to cooperate with the Department of  
25          Children and Family Services, comply with the terms of the  
26          service plans, and correct the conditions that require the

1 child to be in care, or risk termination of their parental  
2 rights.

3 (2) Any order of disposition may provide for protective  
4 supervision under Section 2-24 and may include an order of  
5 protection under Section 2-25.

6 Unless the order of disposition expressly so provides, it  
7 does not operate to close proceedings on the pending petition,  
8 but is subject to modification, not inconsistent with Section  
9 2-28, until final closing and discharge of the proceedings  
10 under Section 2-31.

11 (3) The court also shall enter any other orders necessary  
12 to fulfill the service plan, including, but not limited to, (i)  
13 orders requiring parties to cooperate with services, (ii)  
14 restraining orders controlling the conduct of any party likely  
15 to frustrate the achievement of the goal, and (iii) visiting  
16 orders. When the child is placed separately from a sibling, the  
17 court shall review the Sibling Contact Support Plan developed  
18 under subsection (f) of Section 7.4 of the Children and Family  
19 Services Act, if applicable. If the Department has not convened  
20 a meeting to develop a Sibling Contact Support Plan, or if the  
21 court finds that the existing Plan is not in the child's best  
22 interest, the court may enter an order requiring the Department  
23 to develop and implement a Sibling Contact Support Plan under  
24 subsection (f) of Section 7.4 of the Children and Family  
25 Services Act or order mediation. Unless otherwise specifically  
26 authorized by law, the court is not empowered under this

1 subsection (3) to order specific placements, specific  
2 services, or specific service providers to be included in the  
3 plan. If, after receiving evidence, the court determines that  
4 the services contained in the plan are not reasonably  
5 calculated to facilitate achievement of the permanency goal,  
6 the court shall put in writing the factual basis supporting the  
7 determination and enter specific findings based on the  
8 evidence. The court also shall enter an order for the  
9 Department to develop and implement a new service plan or to  
10 implement changes to the current service plan consistent with  
11 the court's findings. The new service plan shall be filed with  
12 the court and served on all parties within 45 days after the  
13 date of the order. The court shall continue the matter until  
14 the new service plan is filed. Except as authorized by  
15 subsection (3.5) of this Section or authorized by law, the  
16 court is not empowered under this Section to order specific  
17 placements, specific services, or specific service providers  
18 to be included in the service plan.

19 (3.5) If, after reviewing the evidence, including evidence  
20 from the Department, the court determines that the minor's  
21 current or planned placement is not necessary or appropriate to  
22 facilitate achievement of the permanency goal, the court shall  
23 put in writing the factual basis supporting its determination  
24 and enter specific findings based on the evidence. If the court  
25 finds that the minor's current or planned placement is not  
26 necessary or appropriate, the court may enter an order



1 directing the Department to implement a recommendation by the  
2 minor's treating clinician or a clinician contracted by the  
3 Department to evaluate the minor or a recommendation made by  
4 the Department. If the Department places a minor in a placement  
5 under an order entered under this subsection (3.5), the  
6 Department has the authority to remove the minor from that  
7 placement when a change in circumstances necessitates the  
8 removal to protect the minor's health, safety, and best  
9 interest. If the Department determines removal is necessary,  
10 the Department shall notify the parties of the planned  
11 placement change in writing no later than 10 days prior to the  
12 implementation of its determination unless remaining in the  
13 placement poses an imminent risk of harm to the minor, in which  
14 case the Department shall notify the parties of the placement  
15 change in writing immediately following the implementation of  
16 its decision. The Department shall notify others of the  
17 decision to change the minor's placement as required by  
18 Department rule.

19 (4) In addition to any other order of disposition, the  
20 court may order any minor adjudicated neglected with respect to  
21 his or her own injurious behavior to make restitution, in  
22 monetary or non-monetary form, under the terms and conditions  
23 of Section 5-5-6 of the Unified Code of Corrections, except  
24 that the "presentence hearing" referred to therein shall be the  
25 dispositional hearing for purposes of this Section. The parent,  
26 guardian or legal custodian of the minor may pay some or all of

1 such restitution on the minor's behalf.

2 (5) Any order for disposition where the minor is committed  
3 or placed in accordance with Section 2-27 shall provide for the  
4 parents or guardian of the estate of such minor to pay to the  
5 legal custodian or guardian of the person of the minor such  
6 sums as are determined by the custodian or guardian of the  
7 person of the minor as necessary for the minor's needs. Such  
8 payments may not exceed the maximum amounts provided for by  
9 Section 9.1 of the Children and Family Services Act.

10 (6) Whenever the order of disposition requires the minor to  
11 attend school or participate in a program of training, the  
12 truant officer or designated school official shall regularly  
13 report to the court if the minor is a chronic or habitual  
14 truant under Section 26-2a of the School Code.

15 (7) The court may terminate the parental rights of a parent  
16 at the initial dispositional hearing if all of the conditions  
17 in subsection (5) of Section 2-21 are met.

18 (Source: P.A. 100-45, eff. 8-11-17; 100-978, eff. 8-19-18.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law."