

1 AN ACT concerning minors.

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

4 Section 5. The Child Care Act of 1969 is amended by  
5 changing Sections 2.17 and 4 as follows:

6 (225 ILCS 10/2.17) (from Ch. 23, par. 2212.17)

7 Sec. 2.17. "Foster family home" means a facility for child  
8 care in residences of families who receive no more than 6 &  
9 children unrelated to them, unless all the children are of  
10 common parentage, or residences of relatives who receive no  
11 more than 6 & related children placed by the Department, unless  
12 the children are of common parentage, for the purpose of  
13 providing family care and training for the children on a  
14 full-time basis, except the Director of Children and Family  
15 Services, pursuant to Department regulations, may waive the  
16 numerical limitation of foster children who may be cared for in  
17 a foster family home for any of the following reasons to allow:  
18 (1) a parenting youth in foster care to remain with the child  
19 of the parenting youth; (2) siblings to remain together; (3) a  
20 child with an established meaningful relationship with the  
21 family to remain with the family; or (4) a family with special  
22 training or skills to provide care to a child who has a severe  
23 disability limit of 8 children unrelated to an adoptive family

1 ~~for good cause and only to facilitate an adoptive placement.~~

2 The family's or relative's own children, under 18 years of age,  
3 shall be included in determining the maximum number of children  
4 served. For purposes of this Section, a "relative" includes any  
5 person, 21 years of age or over, other than the parent, who (i)  
6 is currently related to the child in any of the following ways  
7 by blood or adoption: grandparent, sibling, great-grandparent,  
8 uncle, aunt, nephew, niece, first cousin, great-uncle, or  
9 great-aunt; or (ii) is the spouse of such a relative; or (iii)  
10 is a child's step-father, step-mother, or adult step-brother or  
11 step-sister; or (iv) is a fictive kin; "relative" also includes  
12 a person related in any of the foregoing ways to a sibling of a  
13 child, even though the person is not related to the child, when  
14 the child and its sibling are placed together with that person.  
15 For purposes of placement of children pursuant to Section 7 of  
16 the Children and Family Services Act and for purposes of  
17 licensing requirements set forth in Section 4 of this Act, for  
18 children under the custody or guardianship of the Department  
19 pursuant to the Juvenile Court Act of 1987, after a parent  
20 signs a consent, surrender, or waiver or after a parent's  
21 rights are otherwise terminated, and while the child remains in  
22 the custody or guardianship of the Department, the child is  
23 considered to be related to those to whom the child was related  
24 under this Section prior to the signing of the consent,  
25 surrender, or waiver or the order of termination of parental  
26 rights. The term "foster family home" includes homes receiving

1 children from any State-operated institution for child care; or  
2 from any agency established by a municipality or other  
3 political subdivision of the State of Illinois authorized to  
4 provide care for children outside their own homes. The term  
5 "foster family home" does not include an "adoption-only home"  
6 as defined in Section 2.23 of this Act. The types of foster  
7 family homes are defined as follows:

8 (a) "Boarding home" means a foster family home which  
9 receives payment for regular full-time care of a child or  
10 children.

11 (b) "Free home" means a foster family home other than  
12 an adoptive home which does not receive payments for the  
13 care of a child or children.

14 (c) "Adoptive home" means a foster family home which  
15 receives a child or children for the purpose of adopting  
16 the child or children, but does not include an  
17 adoption-only home.

18 (d) "Work-wage home" means a foster family home which  
19 receives a child or children who pay part or all of their  
20 board by rendering some services to the family not  
21 prohibited by the Child Labor Law or by standards or  
22 regulations of the Department prescribed under this Act.  
23 The child or children may receive a wage in connection with  
24 the services rendered the foster family.

25 (e) "Agency-supervised home" means a foster family  
26 home under the direct and regular supervision of a licensed

1 child welfare agency, of the Department of Children and  
2 Family Services, of a circuit court, or of any other State  
3 agency which has authority to place children in child care  
4 facilities, and which receives no more than 8 children,  
5 unless of common parentage, who are placed and are  
6 regularly supervised by one of the specified agencies.

7 (f) "Independent home" means a foster family home,  
8 other than an adoptive home, which receives no more than 4  
9 children, unless of common parentage, directly from  
10 parents, or other legally responsible persons, by  
11 independent arrangement and which is not subject to direct  
12 and regular supervision of a specified agency except as  
13 such supervision pertains to licensing by the Department.

14 (Source: P.A. 98-804, eff. 1-1-15; 98-846, eff. 1-1-15; 99-78,  
15 eff. 7-20-15; 99-833, eff. 1-1-17.)

16 (225 ILCS 10/4) (from Ch. 23, par. 2214)

17 Sec. 4. License requirement; application; notice.

18 (a) Any person, group of persons or corporation who or  
19 which receives children or arranges for care or placement of  
20 one or more children unrelated to the operator must apply for a  
21 license to operate one of the types of facilities defined in  
22 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any  
23 relative, as defined in Section 2.17 of this Act, who receives  
24 a child or children for placement by the Department on a  
25 full-time basis may apply for a license to operate a foster

1 family home as defined in Section 2.17 of this Act.

2 (a-5) Any agency, person, group of persons, association,  
3 organization, corporation, institution, center, or group  
4 providing adoption services must be licensed by the Department  
5 as a child welfare agency as defined in Section 2.08 of this  
6 Act. "Providing adoption services" as used in this Act,  
7 includes facilitating or engaging in adoption services.

8 (b) Application for a license to operate a child care  
9 facility must be made to the Department in the manner and on  
10 forms prescribed by it. An application to operate a foster  
11 family home shall include, at a minimum: a completed written  
12 form; written authorization by the applicant and all adult  
13 members of the applicant's household to conduct a criminal  
14 background investigation; medical evidence in the form of a  
15 medical report, on forms prescribed by the Department, that the  
16 applicant and all members of the household are free from  
17 communicable diseases or physical and mental conditions that  
18 affect their ability to provide care for the child or children;  
19 the names and addresses of at least 3 persons not related to  
20 the applicant who can attest to the applicant's moral  
21 character; the name and address of at least one relative who  
22 can attest to the applicant's capability to care for the child  
23 or children; and fingerprints submitted by the applicant and  
24 all adult members of the applicant's household.

25 (b-5) Prior to submitting an application for a foster  
26 family home license, a quality of care concerns applicant as

1 defined in Section 2.22a of this Act must submit a preliminary  
2 application to the Department in the manner and on forms  
3 prescribed by it. The Department shall explain to the quality  
4 of care concerns applicant the grounds for requiring a  
5 preliminary application. The preliminary application shall  
6 include a list of (i) all children placed in the home by the  
7 Department who were removed by the Department for reasons other  
8 than returning to a parent and the circumstances under which  
9 they were removed and (ii) all children placed by the  
10 Department who were subsequently adopted by or placed in the  
11 private guardianship of the quality of care concerns applicant  
12 who are currently under 18 and who no longer reside in the home  
13 and the reasons why they no longer reside in the home. The  
14 preliminary application shall also include, if the quality of  
15 care concerns applicant chooses to submit, (1) a response to  
16 the quality of care concerns, including any reason the concerns  
17 are invalid, have been addressed or ameliorated, or no longer  
18 apply and (2) affirmative documentation demonstrating that the  
19 quality of care concerns applicant's home does not pose a risk  
20 to children and that the family will be able to meet the  
21 physical and emotional needs of children. The Department shall  
22 verify the information in the preliminary application and  
23 review (i) information regarding any prior licensing  
24 complaints, (ii) information regarding any prior child abuse or  
25 neglect investigations, and (iii) information regarding any  
26 involuntary foster home holds placed on the home by the

1 Department. Foster home applicants with quality of care  
2 concerns are presumed unsuitable for future licensure.

3 Notwithstanding the provisions of this subsection (b-5),  
4 the Department may make an exception and issue a foster family  
5 license to a quality of care concerns applicant if the  
6 Department is satisfied that the foster family home does not  
7 pose a risk to children and that the foster family will be able  
8 to meet the physical and emotional needs of children. In making  
9 this determination, the Department must obtain and carefully  
10 review all relevant documents and shall obtain consultation  
11 from its Clinical Division as appropriate and as prescribed by  
12 Department rule and procedure. The Department has the authority  
13 to deny a preliminary application based on the record of  
14 quality of care concerns of the foster family home. In the  
15 alternative, the Department may (i) approve the preliminary  
16 application, (ii) approve the preliminary application subject  
17 to obtaining additional information or assessments, or (iii)  
18 approve the preliminary application for purposes of placing a  
19 particular child or children only in the foster family home. If  
20 the Department approves a preliminary application, the foster  
21 family shall submit an application for licensure as described  
22 in subsection (b) of this Section. The Department shall notify  
23 the quality of care concerns applicant of its decision and the  
24 basis for its decision in writing.

25 (c) The Department shall notify the public when a child  
26 care institution, maternity center, or group home licensed by

1 the Department undergoes a change in (i) the range of care or  
2 services offered at the facility, (ii) the age or type of  
3 children served, or (iii) the area within the facility used by  
4 children. The Department shall notify the public of the change  
5 in a newspaper of general circulation in the county or  
6 municipality in which the applicant's facility is or is  
7 proposed to be located.

8 (d) If, upon examination of the facility and investigation  
9 of persons responsible for care of children and, in the case of  
10 a foster home, taking into account information obtained for  
11 purposes of evaluating a preliminary application, if  
12 applicable, the Department is satisfied that the facility and  
13 responsible persons reasonably meet standards prescribed for  
14 the type of facility for which application is made, it shall  
15 issue a license in proper form, designating on that license the  
16 type of child care facility and, except for a child welfare  
17 agency, the number of children to be served at any one time.

18 (e) The Department shall not issue or renew the license of  
19 any child welfare agency providing adoption services, unless  
20 the agency (i) is officially recognized by the United States  
21 Internal Revenue Service as a tax-exempt organization  
22 described in Section 501(c)(3) of the Internal Revenue Code of  
23 1986 (or any successor provision of federal tax law) and (ii)  
24 is in compliance with all of the standards necessary to  
25 maintain its status as an organization described in Section  
26 501(c)(3) of the Internal Revenue Code of 1986 (or any



1 successor provision of federal tax law). The Department shall  
2 grant a grace period of 24 months from the effective date of  
3 this amendatory Act of the 94th General Assembly for existing  
4 child welfare agencies providing adoption services to obtain  
5 501(c)(3) status. The Department shall permit an existing child  
6 welfare agency that converts from its current structure in  
7 order to be recognized as a 501(c)(3) organization as required  
8 by this Section to either retain its current license or  
9 transfer its current license to a newly formed entity, if the  
10 creation of a new entity is required in order to comply with  
11 this Section, provided that the child welfare agency  
12 demonstrates that it continues to meet all other licensing  
13 requirements and that the principal officers and directors and  
14 programs of the converted child welfare agency or newly  
15 organized child welfare agency are substantially the same as  
16 the original. The Department shall have the sole discretion to  
17 grant a one year extension to any agency unable to obtain  
18 501(c)(3) status within the timeframe specified in this  
19 subsection (e), provided that such agency has filed an  
20 application for 501(c)(3) status with the Internal Revenue  
21 Service within the 2-year timeframe specified in this  
22 subsection (e).

23 (Source: P.A. 98-804, eff. 1-1-15; 99-779, eff. 1-1-17.)

24 Section 10. The Juvenile Court Act of 1987 is amended by  
25 changing Section 2-28 as follows:

1 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

2 Sec. 2-28. Court review.

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

1 paragraph (5) and a hearing is held on the issue of the fitness  
2 of such parent, guardian or legal custodian to care for the  
3 minor and the court enters an order that such parent, guardian  
4 or legal custodian is fit to care for the minor.

5 (1.5) The public agency that is the custodian or guardian  
6 of the minor shall file a written report with the court no  
7 later than 15 days after a minor in the agency's care remains:

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

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

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

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

21 (1.6) Within 35 days after placing a child in its care in a  
22 qualified residential treatment program, as defined by the  
23 federal Social Security Act, the Department of Children and  
24 Family Services shall file a written report with the court and  
25 send copies of the report to all parties. Within 20 days of the  
26 filing of the report, the court shall hold a hearing to

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

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

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

1       treatment or services; and

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

6       (2) The first permanency hearing shall be conducted by the  
7       judge. Subsequent permanency hearings may be heard by a judge  
8       or by hearing officers appointed or approved by the court in  
9       the manner set forth in Section 2-28.1 of this Act. The initial  
10      hearing shall be held (a) within 12 months from the date  
11      temporary custody was taken, regardless of whether an  
12      adjudication or dispositional hearing has been completed  
13      within that time frame, (b) if the parental rights of both  
14      parents have been terminated in accordance with the procedure  
15      described in subsection (5) of Section 2-21, within 30 days of  
16      the order for termination of parental rights and appointment of  
17      a guardian with power to consent to adoption, or (c) in  
18      accordance with subsection (2) of Section 2-13.1. Subsequent  
19      permanency hearings shall be held every 6 months or more  
20      frequently if necessary in the court's determination following  
21      the initial permanency hearing, in accordance with the  
22      standards set forth in this Section, until the court determines  
23      that the plan and goal have been achieved. Once the plan and  
24      goal have been achieved, if the minor remains in substitute  
25      care, the case shall be reviewed at least every 6 months  
26      thereafter, subject to the provisions of this Section, unless

1 the minor is placed in the guardianship of a suitable relative  
2 or other person and the court determines that further  
3 monitoring by the court does not further the health, safety or  
4 best interest of the child and that this is a stable permanent  
5 placement. The permanency hearings must occur within the time  
6 frames set forth in this subsection and may not be delayed in  
7 anticipation of a report from any source or due to the agency's  
8 failure to timely file its written report (this written report  
9 means the one required under the next paragraph and does not  
10 mean the service plan also referred to in that paragraph).

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

1 well-being. The report shall explain the steps the Department  
2 is taking to ensure the safety and well-being of the minor and  
3 that the minor's needs are met in the facility. The agency's  
4 written report must detail what progress or lack of progress  
5 the parent has made in correcting the conditions requiring the  
6 child to be in care; whether the child can be returned home  
7 without jeopardizing the child's health, safety, and welfare,  
8 and if not, what permanency goal is recommended to be in the  
9 best interests of the child, and why the other permanency goals  
10 are not appropriate. The caseworker must appear and testify at  
11 the permanency hearing. If a permanency hearing has not  
12 previously been scheduled by the court, the moving party shall  
13 move for the setting of a permanency hearing and the entry of  
14 an order within the time frames set forth in this subsection.

15 At the permanency hearing, the court shall determine the  
16 future status of the child. The court shall set one of the  
17 following permanency goals:

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

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

25 (B-1) The minor will be in short-term care with a  
26 continued goal to return home pending a status hearing.

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

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

12           (D) Adoption, provided that parental rights have been  
13           terminated or relinquished.

14           (E) The guardianship of the minor will be transferred  
15           to an individual or couple on a permanent basis provided  
16           that goals (A) through (D) have been ruled out.

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

25           (G) The minor will be in substitute care because he or  
26           she cannot be provided for in a home environment due to



1 developmental disabilities or mental illness or because he  
2 or she is a danger to self or others, provided that goals  
3 (A) through (D) have been ruled out.

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

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

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

17 (2) The court has ruled out all other permanency  
18 goals based on the child's best interest;

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

23 (a) the child does not wish to be adopted or to  
24 be placed in the guardianship of his or her  
25 relative or foster care placement;

26 (b) the child exhibits an extreme level of need

1           such that the removal of the child from his or her  
2           placement would be detrimental to the child; or

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

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

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

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

24                 (1) Age of the child.

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

1           (3) Current placement of the child and the intent of  
2           the family regarding adoption.

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

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

8           (6) Availability of services currently needed and  
9           whether the services exist.

10          (7) Status of siblings of the minor.

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

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

1 shall include services reasonably related to remedy the  
2 conditions that gave rise to removal of the child from the home  
3 of his or her parents, guardian, or legal custodian or that the  
4 court has found must be remedied prior to returning the child  
5 home. Any tasks the court requires of the parents, guardian, or  
6 legal custodian or child prior to returning the child home,  
7 must be reasonably related to remedying a condition or  
8 conditions that gave rise to or which could give rise to any  
9 finding of child abuse or neglect.

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

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

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

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

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

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

26           (2.5) If, after reviewing the evidence, including evidence

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

26 (3) Following the permanency hearing, the court shall enter

1 a written order that includes the determinations required under  
2 subsection (2) of this Section and sets forth the following:

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

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

11 (i) (Blank).

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

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

1           and best interest of the minor.

2           (iv) (Blank).

3           (v) (Blank).

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

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

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

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

24           When parental rights have been terminated for a minimum  
25 of 3 years and the child who is the subject of the  
26 permanency hearing is 13 years old or older and is not



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

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

1 the minor and the court enters an order that such parent,  
2 guardian or legal custodian is fit to care for the minor. In  
3 the event that the minor has attained 18 years of age and the  
4 guardian or custodian petitions the court for an order  
5 terminating his guardianship or custody, guardianship or  
6 custody shall terminate automatically 30 days after the receipt  
7 of the petition unless the court orders otherwise. No legal  
8 custodian or guardian of the person may be removed without his  
9 consent until given notice and an opportunity to be heard by  
10 the court.

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

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

1 home without endangering his or her health or safety and  
2 fitness of the parent, guardian, or legal custodian.

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

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

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

16 (Source: P.A. 100-45, eff. 8-11-17; 100-136, eff. 8-18-17;  
17 100-229, eff. 1-1-18; 100-863, eff. 8-14-18; 100-978, eff.  
18 8-19-18.)

19 Section 99. Effective date. This Act takes effect July 1,  
20 2019, except Section 10 takes effect October 1, 2019.