

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.