

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Sections 2-31 and 2-33 as follows:

6 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

7 Sec. 2-31. Duration of wardship and discharge of
8 proceedings.

9 (1) All proceedings under Article II of this Act in respect
10 of any minor ~~for whom a petition was filed after the effective~~
11 ~~date of this amendatory Act of 1991~~ automatically terminate
12 upon his or her attaining the age of 21 ~~19~~ years, ~~except that a~~
13 ~~court may continue the wardship of a minor until age 21 for~~
14 ~~good cause when there is satisfactory evidence presented to the~~
15 ~~court and the court makes written factual findings that the~~
16 ~~health, safety, and best interest of the minor and the public~~
17 ~~require the continuation of the wardship. A court shall find~~
18 ~~that it is in the minor's best interest to continue wardship if~~
19 ~~the Department of Children and Family Services has not made~~
20 ~~reasonable efforts to ensure that the minor has documents~~
21 ~~necessary for adult living as provided in Section 35.10 of the~~
22 ~~Children and Family Services Act.~~

23 (2) Whenever the court determines, and makes written

1 factual findings, that health, safety, and the best interests
2 of the minor and the public no longer require the wardship of
3 the court, the court shall order the wardship terminated and
4 all proceedings under this Act respecting that minor finally
5 closed and discharged. The court may at the same time continue
6 or terminate any custodianship or guardianship theretofore
7 ordered but the termination must be made in compliance with
8 Section 2-28. When terminating wardship under this Section, if
9 the minor is over 18, or if wardship is terminated in
10 conjunction with an order partially or completely emancipating
11 the minor in accordance with the Emancipation of Minors Act,
12 the court shall also consider the following factors, in
13 addition to the health, safety, and best interest of the minor
14 and the public: (A) the minor's wishes regarding case closure;
15 (B) the manner in which the minor will maintain independence
16 without services from the Department; (C) the minor's
17 engagement in services including placement offered by the
18 Department; (D) if the minor is not engaged, the Department's
19 efforts to engage the minor; (E) the nature of communication
20 between the minor and the Department; (F) the minor's
21 involvement in other State systems or services; (G) the minor's
22 connections with family and other community support; and (H)
23 any other factor the court deems relevant ~~also make specific~~
24 ~~findings of fact as to the minor's wishes regarding case~~
25 ~~closure and the manner in which the minor will maintain~~
26 ~~independence.~~ The minor's lack of cooperation with services

1 provided by the Department of Children and Family Services
2 shall not by itself be considered sufficient evidence that the
3 minor is prepared to live independently and that it is in the
4 best interest of the minor to terminate wardship. It shall not
5 be in the minor's best interest to terminate wardship of a
6 minor over the age of 18 who is in the guardianship of the
7 Department of Children and Family Services if the Department
8 has not made reasonable efforts to ensure that the minor has
9 documents necessary for adult living as provided in Section
10 35.10 of the Children and Family Services Act.

11 (3) The wardship of the minor and any custodianship or
12 guardianship respecting the minor for whom a petition was filed
13 after the effective date of this amendatory Act of 1991
14 automatically terminates when he attains the age of 19 years
15 except as set forth in subsection (1) of this Section. The
16 clerk of the court shall at that time record all proceedings
17 under this Act as finally closed and discharged for that
18 reason. The provisions of this subsection (3) become
19 inoperative on and after the effective date of this amendatory
20 Act of the 101st General Assembly.

21 (4) Notwithstanding any provision of law to the contrary,
22 the changes made by this amendatory Act of the 101st General
23 Assembly apply to all cases that are pending on or after the
24 effective date of this amendatory Act of the 101st General
25 Assembly.

26 (Source: P.A. 100-680, eff. 1-1-19.)

1 (705 ILCS 405/2-33)

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

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

6 (a) wardship and guardianship under the Juvenile Court
7 Act of 1987 was vacated in conjunction with the appointment
8 of a private guardian under the Probate Act of 1975;

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

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

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

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

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

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

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

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

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

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

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

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

1 (a) Within 30 days of such commitment, prepare and file
2 with the court a case plan which complies with the federal
3 Adoption Assistance and Child Welfare Act of 1980 and is
4 consistent with the health, safety and best interests of
5 the minor; and

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

9 (Source: P.A. 96-581, eff. 1-1-10.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.