



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3595

Introduced 2/22/2021, by Rep. Terra Costa Howard

SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-10	from Ch. 37, par. 802-10
705 ILCS 405/2-23	from Ch. 37, par. 802-23
705 ILCS 405/2-28	from Ch. 37, par. 802-28
705 ILCS 405/2-33	

Amends the Abused, Neglected, or Dependent Minors Article of the Juvenile Court Act of 1987. Provides that if the minor is being restored to the custody of a parent, legal custodian, or guardian who lives outside of Illinois, and an Interstate Compact has been requested and refused, the court may order the Department of Children and Family Services to arrange for an assessment of the minor's proposed living arrangement and for ongoing monitoring of the health, safety, and best interest of the minor and compliance with any order of protective supervision. Provides that if a motion is filed to modify or vacate a private guardianship order and return the child to a parent, guardian, or legal custodian, the court may order the Department of Children and Family Services to assess the minor's current and proposed living arrangements and to provide ongoing monitoring of the health, safety, and best interest of the minor during the pendency of the motion to assist the court in making that determination. Provides that whenever a petition is filed to reinstate wardship, prior to granting the petition, the court may order the Department of Children and Family Services to assess the minor's current and proposed living arrangements and to provide ongoing monitoring of the health, safety, and best interest of the minor during the pendency of the petition to assist the court in making that determination. Effective immediately.

LRB102 16555 RLC 21951 b

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 2-10, 2-23, 2-28, and 2-33 as follows:

6 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

7 Sec. 2-10. Temporary custody hearing. At the appearance of
8 the minor before the court at the temporary custody hearing,
9 all witnesses present shall be examined before the court in
10 relation to any matter connected with the allegations made in
11 the petition.

12 (1) If the court finds that there is not probable cause to
13 believe that the minor is abused, neglected or dependent it
14 shall release the minor and dismiss the petition.

15 (2) If the court finds that there is probable cause to
16 believe that the minor is abused, neglected or dependent, the
17 court shall state in writing the factual basis supporting its
18 finding and the minor, his or her parent, guardian, custodian
19 and other persons able to give relevant testimony shall be
20 examined before the court. The Department of Children and
21 Family Services shall give testimony concerning indicated
22 reports of abuse and neglect, of which they are aware through
23 the central registry, involving the minor's parent, guardian

1 or custodian. After such testimony, the court may, consistent
2 with the health, safety and best interests of the minor, enter
3 an order that the minor shall be released upon the request of
4 parent, guardian or custodian if the parent, guardian or
5 custodian appears to take custody. If it is determined that a
6 parent's, guardian's, or custodian's compliance with critical
7 services mitigates the necessity for removal of the minor from
8 his or her home, the court may enter an Order of Protection
9 setting forth reasonable conditions of behavior that a parent,
10 guardian, or custodian must observe for a specified period of
11 time, not to exceed 12 months, without a violation; provided,
12 however, that the 12-month period shall begin anew after any
13 violation. "Custodian" includes the Department of Children and
14 Family Services, if it has been given custody of the child, or
15 any other agency of the State which has been given custody or
16 wardship of the child. If it is consistent with the health,
17 safety and best interests of the minor, the court may also
18 prescribe shelter care and order that the minor be kept in a
19 suitable place designated by the court or in a shelter care
20 facility designated by the Department of Children and Family
21 Services or a licensed child welfare agency; however, on and
22 after January 1, 2015 (the effective date of Public Act
23 98-803) and before January 1, 2017, a minor charged with a
24 criminal offense under the Criminal Code of 1961 or the
25 Criminal Code of 2012 or adjudicated delinquent shall not be
26 placed in the custody of or committed to the Department of

1 Children and Family Services by any court, except a minor less
2 than 16 years of age and committed to the Department of
3 Children and Family Services under Section 5-710 of this Act
4 or a minor for whom an independent basis of abuse, neglect, or
5 dependency exists; and on and after January 1, 2017, a minor
6 charged with a criminal offense under the Criminal Code of
7 1961 or the Criminal Code of 2012 or adjudicated delinquent
8 shall not be placed in the custody of or committed to the
9 Department of Children and Family Services by any court,
10 except a minor less than 15 years of age and committed to the
11 Department of Children and Family Services under Section 5-710
12 of this Act or a minor for whom an independent basis of abuse,
13 neglect, or dependency exists. An independent basis exists
14 when the allegations or adjudication of abuse, neglect, or
15 dependency do not arise from the same facts, incident, or
16 circumstances which give rise to a charge or adjudication of
17 delinquency.

18 In placing the minor, the Department or other agency
19 shall, to the extent compatible with the court's order, comply
20 with Section 7 of the Children and Family Services Act. In
21 determining the health, safety and best interests of the minor
22 to prescribe shelter care, the court must find that it is a
23 matter of immediate and urgent necessity for the safety and
24 protection of the minor or of the person or property of another
25 that the minor be placed in a shelter care facility or that he
26 or she is likely to flee the jurisdiction of the court, and

1 must further find that reasonable efforts have been made or
2 that, consistent with the health, safety and best interests of
3 the minor, no efforts reasonably can be made to prevent or
4 eliminate the necessity of removal of the minor from his or her
5 home. The court shall require documentation from the
6 Department of Children and Family Services as to the
7 reasonable efforts that were made to prevent or eliminate the
8 necessity of removal of the minor from his or her home or the
9 reasons why no efforts reasonably could be made to prevent or
10 eliminate the necessity of removal. When a minor is placed in
11 the home of a relative, the Department of Children and Family
12 Services shall complete a preliminary background review of the
13 members of the minor's custodian's household in accordance
14 with Section 4.3 of the Child Care Act of 1969 within 90 days
15 of that placement. If the minor is ordered placed in a shelter
16 care facility of the Department of Children and Family
17 Services or a licensed child welfare agency, the court shall,
18 upon request of the appropriate Department or other agency,
19 appoint the Department of Children and Family Services
20 Guardianship Administrator or other appropriate agency
21 executive temporary custodian of the minor and the court may
22 enter such other orders related to the temporary custody as it
23 deems fit and proper, including the provision of services to
24 the minor or his family to ameliorate the causes contributing
25 to the finding of probable cause or to the finding of the
26 existence of immediate and urgent necessity.

1 Where the Department of Children and Family Services
2 Guardianship Administrator is appointed as the executive
3 temporary custodian, the Department of Children and Family
4 Services shall file with the court and serve on the parties a
5 parent-child visiting plan, within 10 days, excluding weekends
6 and holidays, after the appointment. The parent-child visiting
7 plan shall set out the time and place of visits, the frequency
8 of visits, the length of visits, who shall be present at the
9 visits, and where appropriate, the minor's opportunities to
10 have telephone and mail communication with the parents.

11 Where the Department of Children and Family Services
12 Guardianship Administrator is appointed as the executive
13 temporary custodian, and when the child has siblings in care,
14 the Department of Children and Family Services shall file with
15 the court and serve on the parties a sibling placement and
16 contact plan within 10 days, excluding weekends and holidays,
17 after the appointment. The sibling placement and contact plan
18 shall set forth whether the siblings are placed together, and
19 if they are not placed together, what, if any, efforts are
20 being made to place them together. If the Department has
21 determined that it is not in a child's best interest to be
22 placed with a sibling, the Department shall document in the
23 sibling placement and contact plan the basis for its
24 determination. For siblings placed separately, the sibling
25 placement and contact plan shall set the time and place for
26 visits, the frequency of the visits, the length of visits, who

1 shall be present for the visits, and where appropriate, the
2 child's opportunities to have contact with their siblings in
3 addition to in person contact. If the Department determines it
4 is not in the best interest of a sibling to have contact with a
5 sibling, the Department shall document in the sibling
6 placement and contact plan the basis for its determination.
7 The sibling placement and contact plan shall specify a date
8 for development of the Sibling Contact Support Plan, under
9 subsection (f) of Section 7.4 of the Children and Family
10 Services Act, and shall remain in effect until the Sibling
11 Contact Support Plan is developed.

12 For good cause, the court may waive the requirement to
13 file the parent-child visiting plan or the sibling placement
14 and contact plan, or extend the time for filing either plan.
15 Any party may, by motion, request the court to review the
16 parent-child visiting plan to determine whether it is
17 reasonably calculated to expeditiously facilitate the
18 achievement of the permanency goal. A party may, by motion,
19 request the court to review the parent-child visiting plan or
20 the sibling placement and contact plan to determine whether it
21 is consistent with the minor's best interest. The court may
22 refer the parties to mediation where available. The frequency,
23 duration, and locations of visitation shall be measured by the
24 needs of the child and family, and not by the convenience of
25 Department personnel. Child development principles shall be
26 considered by the court in its analysis of how frequent

1 visitation should be, how long it should last, where it should
2 take place, and who should be present. If upon motion of the
3 party to review either plan and after receiving evidence, the
4 court determines that the parent-child visiting plan is not
5 reasonably calculated to expeditiously facilitate the
6 achievement of the permanency goal or that the restrictions
7 placed on parent-child contact or sibling placement or contact
8 are contrary to the child's best interests, the court shall
9 put in writing the factual basis supporting the determination
10 and enter specific findings based on the evidence. The court
11 shall enter an order for the Department to implement changes
12 to the parent-child visiting plan or sibling placement or
13 contact plan, consistent with the court's findings. At any
14 stage of proceeding, any party may by motion request the court
15 to enter any orders necessary to implement the parent-child
16 visiting plan, sibling placement or contact plan or
17 subsequently developed Sibling Contact Support Plan. Nothing
18 under this subsection (2) shall restrict the court from
19 granting discretionary authority to the Department to increase
20 opportunities for additional parent-child contacts or sibling
21 contacts, without further court orders. Nothing in this
22 subsection (2) shall restrict the Department from immediately
23 restricting or terminating parent-child contact or sibling
24 contacts, without either amending the parent-child visiting
25 plan or the sibling contact plan or obtaining a court order,
26 where the Department or its assigns reasonably believe that

1 continuation of the contact, as set out in the plan, would be
2 contrary to the child's health, safety, and welfare. The
3 Department shall file with the court and serve on the parties
4 any amendments to the plan within 10 days, excluding weekends
5 and holidays, of the change of the visitation.

6 Acceptance of services shall not be considered an
7 admission of any allegation in a petition made pursuant to
8 this Act, nor may a referral of services be considered as
9 evidence in any proceeding pursuant to this Act, except where
10 the issue is whether the Department has made reasonable
11 efforts to reunite the family. In making its findings that it
12 is consistent with the health, safety and best interests of
13 the minor to prescribe shelter care, the court shall state in
14 writing (i) the factual basis supporting its findings
15 concerning the immediate and urgent necessity for the
16 protection of the minor or of the person or property of another
17 and (ii) the factual basis supporting its findings that
18 reasonable efforts were made to prevent or eliminate the
19 removal of the minor from his or her home or that no efforts
20 reasonably could be made to prevent or eliminate the removal
21 of the minor from his or her home. The parents, guardian,
22 custodian, temporary custodian and minor shall each be
23 furnished a copy of such written findings. The temporary
24 custodian shall maintain a copy of the court order and written
25 findings in the case record for the child. The order together
26 with the court's findings of fact in support thereof shall be

1 entered of record in the court.

2 Once the court finds that it is a matter of immediate and
3 urgent necessity for the protection of the minor that the
4 minor be placed in a shelter care facility, the minor shall not
5 be returned to the parent, custodian or guardian until the
6 court finds that such placement is no longer necessary for the
7 protection of the minor.

8 If the child is placed in the temporary custody of the
9 Department of Children and Family Services for his or her
10 protection, the court shall admonish the parents, guardian,
11 custodian or responsible relative that the parents must
12 cooperate with the Department of Children and Family Services,
13 comply with the terms of the service plans, and correct the
14 conditions which require the child to be in care, or risk
15 termination of their parental rights. The court shall ensure,
16 by inquiring in open court of each parent, guardian, custodian
17 or responsible relative, that the parent, guardian, custodian
18 or responsible relative has had the opportunity to provide the
19 Department with all known names, addresses, and telephone
20 numbers of each of the minor's living maternal and paternal
21 adult relatives, including, but not limited to, grandparents,
22 aunts, uncles, and siblings. The court shall advise the
23 parents, guardian, custodian or responsible relative to inform
24 the Department if additional information regarding the minor's
25 adult relatives becomes available.

26 (3) If prior to the shelter care hearing for a minor

1 described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is
2 unable to serve notice on the party respondent, the shelter
3 care hearing may proceed ex parte. A shelter care order from an
4 ex parte hearing shall be endorsed with the date and hour of
5 issuance and shall be filed with the clerk's office and
6 entered of record. The order shall expire after 10 days from
7 the time it is issued unless before its expiration it is
8 renewed, at a hearing upon appearance of the party respondent,
9 or upon an affidavit of the moving party as to all diligent
10 efforts to notify the party respondent by notice as herein
11 prescribed. The notice prescribed shall be in writing and
12 shall be personally delivered to the minor or the minor's
13 attorney and to the last known address of the other person or
14 persons entitled to notice. The notice shall also state the
15 nature of the allegations, the nature of the order sought by
16 the State, including whether temporary custody is sought, and
17 the consequences of failure to appear and shall contain a
18 notice that the parties will not be entitled to further
19 written notices or publication notices of proceedings in this
20 case, including the filing of an amended petition or a motion
21 to terminate parental rights, except as required by Supreme
22 Court Rule 11; and shall explain the right of the parties and
23 the procedures to vacate or modify a shelter care order as
24 provided in this Section. The notice for a shelter care
25 hearing shall be substantially as follows:

26 NOTICE TO PARENTS AND CHILDREN

OF SHELTER CARE HEARING

On at, before the Honorable (address:), the State of Illinois will present evidence (1) that (name of child or children) are abused, neglected or dependent for the following reasons:

..... and (2) whether there is "immediate and urgent necessity" to remove the child or children from the responsible relative.

YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN PLACEMENT of the child or children in foster care until a trial can be held. A trial may not be held for up to 90 days. You will not be entitled to further notices of proceedings in this case, including the filing of an amended petition or a motion to terminate parental rights.

At the shelter care hearing, parents have the following rights:

1. To ask the court to appoint a lawyer if they cannot afford one.

2. To ask the court to continue the hearing to allow them time to prepare.

3. To present evidence concerning:

a. Whether or not the child or children were abused, neglected or dependent.

b. Whether or not there is "immediate and

1 urgent necessity" to remove the child from home
 2 (including: their ability to care for the child,
 3 conditions in the home, alternative means of
 4 protecting the child other than removal).

5 c. The best interests of the child.

6 4. To cross examine the State's witnesses.

7 The Notice for rehearings shall be substantially as
 8 follows:

9 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS
 10 TO REHEARING ON TEMPORARY CUSTODY

11 If you were not present at and did not have adequate
 12 notice of the Shelter Care Hearing at which temporary
 13 custody of was awarded to
 14, you have the right to request a full
 15 rehearing on whether the State should have temporary
 16 custody of To request this rehearing,
 17 you must file with the Clerk of the Juvenile Court
 18 (address):, in person or by
 19 mailing a statement (affidavit) setting forth the
 20 following:

- 21 1. That you were not present at the shelter care
- 22 hearing.
- 23 2. That you did not get adequate notice
- 24 (explaining how the notice was inadequate).
- 25 3. Your signature.

1 4. Signature must be notarized.

2 The rehearing should be scheduled within 48 hours of
3 your filing this affidavit.

4 At the rehearing, your rights are the same as at the
5 initial shelter care hearing. The enclosed notice explains
6 those rights.

7 At the Shelter Care Hearing, children have the
8 following rights:

9 1. To have a guardian ad litem appointed.

10 2. To be declared competent as a witness and to
11 present testimony concerning:

12 a. Whether they are abused, neglected or
13 dependent.

14 b. Whether there is "immediate and urgent
15 necessity" to be removed from home.

16 c. Their best interests.

17 3. To cross examine witnesses for other parties.

18 4. To obtain an explanation of any proceedings and
19 orders of the court.

20 (4) If the parent, guardian, legal custodian, responsible
21 relative, minor age 8 or over, or counsel of the minor did not
22 have actual notice of or was not present at the shelter care
23 hearing, he or she may file an affidavit setting forth these
24 facts, and the clerk shall set the matter for rehearing not
25 later than 48 hours, excluding Sundays and legal holidays,
26 after the filing of the affidavit. At the rehearing, the court

1 shall proceed in the same manner as upon the original hearing.

2 (5) Only when there is reasonable cause to believe that
3 the minor taken into custody is a person described in
4 subsection (3) of Section 5-105 may the minor be kept or
5 detained in a detention home or county or municipal jail. This
6 Section shall in no way be construed to limit subsection (6).

7 (6) No minor under 16 years of age may be confined in a
8 jail or place ordinarily used for the confinement of prisoners
9 in a police station. Minors under 18 years of age must be kept
10 separate from confined adults and may not at any time be kept
11 in the same cell, room, or yard with adults confined pursuant
12 to the criminal law.

13 (7) If the minor is not brought before a judicial officer
14 within the time period as specified in Section 2-9, the minor
15 must immediately be released from custody.

16 (8) If neither the parent, guardian or custodian appears
17 within 24 hours to take custody of a minor released upon
18 request pursuant to subsection (2) of this Section, then the
19 clerk of the court shall set the matter for rehearing not later
20 than 7 days after the original order and shall issue a summons
21 directed to the parent, guardian or custodian to appear. At
22 the same time the probation department shall prepare a report
23 on the minor. If a parent, guardian or custodian does not
24 appear at such rehearing, the judge may enter an order
25 prescribing that the minor be kept in a suitable place
26 designated by the Department of Children and Family Services

1 or a licensed child welfare agency.

2 (9) Notwithstanding any other provision of this Section
3 any interested party, including the State, the temporary
4 custodian, an agency providing services to the minor or family
5 under a service plan pursuant to Section 8.2 of the Abused and
6 Neglected Child Reporting Act, foster parent, or any of their
7 representatives, on notice to all parties entitled to notice,
8 may file a motion that it is in the best interests of the minor
9 to modify or vacate a temporary custody order on any of the
10 following grounds:

11 (a) It is no longer a matter of immediate and urgent
12 necessity that the minor remain in shelter care; or

13 (b) There is a material change in the circumstances of
14 the natural family from which the minor was removed and
15 the child can be cared for at home without endangering the
16 child's health or safety; or

17 (c) A person not a party to the alleged abuse, neglect
18 or dependency, including a parent, relative or legal
19 guardian, is capable of assuming temporary custody of the
20 minor; or

21 (d) Services provided by the Department of Children
22 and Family Services or a child welfare agency or other
23 service provider have been successful in eliminating the
24 need for temporary custody and the child can be cared for
25 at home without endangering the child's health or safety.

26 In ruling on the motion, the court shall determine whether

1 it is consistent with the health, safety and best interests of
2 the minor to modify or vacate a temporary custody order. If the
3 minor is being restored to the custody of a parent, legal
4 custodian, or guardian who lives outside of Illinois, and an
5 Interstate Compact has been requested and refused, the court
6 may order the Department of Children and Family Services to
7 arrange for an assessment of the minor's proposed living
8 arrangement and for ongoing monitoring of the health, safety,
9 and best interest of the minor and compliance with any order of
10 protective supervision entered in accordance with Section 2-20
11 or 2-25.

12 The clerk shall set the matter for hearing not later than
13 14 days after such motion is filed. In the event that the court
14 modifies or vacates a temporary custody order but does not
15 vacate its finding of probable cause, the court may order that
16 appropriate services be continued or initiated in behalf of
17 the minor and his or her family.

18 (10) When the court finds or has found that there is
19 probable cause to believe a minor is an abused minor as
20 described in subsection (2) of Section 2-3 and that there is an
21 immediate and urgent necessity for the abused minor to be
22 placed in shelter care, immediate and urgent necessity shall
23 be presumed for any other minor residing in the same household
24 as the abused minor provided:

25 (a) Such other minor is the subject of an abuse or
26 neglect petition pending before the court; and

1 (b) A party to the petition is seeking shelter care
2 for such other minor.

3 Once the presumption of immediate and urgent necessity has
4 been raised, the burden of demonstrating the lack of immediate
5 and urgent necessity shall be on any party that is opposing
6 shelter care for the other minor.

7 (11) The changes made to this Section by Public Act 98-61
8 apply to a minor who has been arrested or taken into custody on
9 or after January 1, 2014 (the effective date of Public Act
10 98-61).

11 (12) After the court has placed a minor in the care of a
12 temporary custodian pursuant to this Section, any party may
13 file a motion requesting the court to grant the temporary
14 custodian the authority to serve as a surrogate decision maker
15 for the minor under the Health Care Surrogate Act for purposes
16 of making decisions pursuant to paragraph (1) of subsection
17 (b) of Section 20 of the Health Care Surrogate Act. The court
18 may grant the motion if it determines by clear and convincing
19 evidence that it is in the best interests of the minor to grant
20 the temporary custodian such authority. In making its
21 determination, the court shall weigh the following factors in
22 addition to considering the best interests factors listed in
23 subsection (4.05) of Section 1-3 of this Act:

24 (a) the efforts to identify and locate the respondents
25 and adult family members of the minor and the results of
26 those efforts;

1 (b) the efforts to engage the respondents and adult
2 family members of the minor in decision making on behalf
3 of the minor;

4 (c) the length of time the efforts in paragraphs (a)
5 and (b) have been ongoing;

6 (d) the relationship between the respondents and adult
7 family members and the minor;

8 (e) medical testimony regarding the extent to which
9 the minor is suffering and the impact of a delay in
10 decision-making on the minor; and

11 (f) any other factor the court deems relevant.

12 If the Department of Children and Family Services is the
13 temporary custodian of the minor, in addition to the
14 requirements of paragraph (1) of subsection (b) of Section 20
15 of the Health Care Surrogate Act, the Department shall follow
16 its rules and procedures in exercising authority granted under
17 this subsection.

18 (Source: P.A. 99-625, eff. 1-1-17; 99-642, eff. 7-28-16;
19 100-159, eff. 8-18-17; 100-863, eff. 8-14-18; 100-959, eff.
20 1-1-19.)

21 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

25 (a) A minor found to be neglected or abused under

1 Section 2-3 or dependent under Section 2-4 may be (1)
2 continued in the custody of his or her parents, guardian
3 or legal custodian; (2) placed in accordance with Section
4 2-27; (3) restored to the custody of the parent, parents,
5 guardian, or legal custodian, provided the court shall
6 order the parent, parents, guardian, or legal custodian to
7 cooperate with the Department of Children and Family
8 Services and comply with the terms of an after-care plan
9 or risk the loss of custody of the child and the possible
10 termination of their parental rights; or (4) ordered
11 partially or completely emancipated in accordance with the
12 provisions of the Emancipation of Minors Act.

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

22 However, in any case in which a minor is found by the
23 court to be neglected or abused under Section 2-3 of this
24 Act, custody of the minor shall not be restored to any
25 parent, guardian or legal custodian whose acts or
26 omissions or both have been identified, pursuant to

1 subsection (1) of Section 2-21, as forming the basis for
2 the court's finding of abuse or neglect, until such time
3 as a hearing is held on the issue of the best interests of
4 the minor and the fitness of such parent, guardian or
5 legal custodian to care for the minor without endangering
6 the minor's health or safety, and the court enters an
7 order that such parent, guardian or legal custodian is fit
8 to care for the minor.

9 (b) A minor found to be dependent under Section 2-4
10 may be (1) placed in accordance with Section 2-27 or (2)
11 ordered partially or completely emancipated in accordance
12 with the provisions of the Emancipation of Minors Act.

13 However, in any case in which a minor is found by the
14 court to be dependent under Section 2-4 of this Act,
15 custody of the minor shall not be restored to any parent,
16 guardian or legal custodian whose acts or omissions or
17 both have been identified, pursuant to subsection (1) of
18 Section 2-21, as forming the basis for the court's finding
19 of dependency, until such time as a hearing is held on the
20 issue of the fitness of such parent, guardian or legal
21 custodian to care for the minor without endangering the
22 minor's health or safety, and the court enters an order
23 that such parent, guardian or legal custodian is fit to
24 care for the minor.

25 (b-1) A minor between the ages of 18 and 21 may be
26 placed pursuant to Section 2-27 of this Act if (1) the

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

16 (c) When the court awards guardianship to the
17 Department of Children and Family Services, the court
18 shall order the parents to cooperate with the Department
19 of Children and Family Services, comply with the terms of
20 the service plans, and correct the conditions that require
21 the child to be in care, or risk termination of their
22 parental rights.

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

26 Unless the order of disposition expressly so provides, it

1 does not operate to close proceedings on the pending petition,
2 but is subject to modification, not inconsistent with Section
3 2-28, until final closing and discharge of the proceedings
4 under Section 2-31.

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

1 basis supporting the determination and enter specific findings
2 based on the evidence. The court also shall enter an order for
3 the Department to develop and implement a new service plan or
4 to implement changes to the current service plan consistent
5 with the court's findings. The new service plan shall be filed
6 with the court and served on all parties within 45 days after
7 the date of the order. The court shall continue the matter
8 until the new service plan is filed. Except as authorized by
9 subsection (3.5) of this Section or authorized by law, the
10 court is not empowered under this Section to order specific
11 placements, specific services, or specific service providers
12 to be included in the service plan.

13 (3.5) If, after reviewing the evidence, including evidence
14 from the Department, the court determines that the minor's
15 current or planned placement is not necessary or appropriate
16 to facilitate achievement of the permanency goal, the court
17 shall put in writing the factual basis supporting its
18 determination and enter specific findings based on the
19 evidence. If the court finds that the minor's current or
20 planned placement is not necessary or appropriate, the court
21 may enter an order directing the Department to implement a
22 recommendation by the minor's treating clinician or a
23 clinician contracted by the Department to evaluate the minor
24 or a recommendation made by the Department. If the Department
25 places a minor in a placement under an order entered under this
26 subsection (3.5), the Department has the authority to remove

1 the minor from that placement when a change in circumstances
2 necessitates the removal to protect the minor's health,
3 safety, and best interest. If the Department determines
4 removal is necessary, the Department shall notify the parties
5 of the planned placement change in writing no later than 10
6 days prior to the implementation of its determination unless
7 remaining in the placement poses an imminent risk of harm to
8 the minor, in which case the Department shall notify the
9 parties of the placement change in writing immediately
10 following the implementation of its decision. The Department
11 shall notify others of the decision to change the minor's
12 placement as required by Department rule.

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

22 (5) Any order for disposition where the minor is committed
23 or placed in accordance with Section 2-27 shall provide for
24 the parents or guardian of the estate of such minor to pay to
25 the legal custodian or guardian of the person of the minor such
26 sums as are determined by the custodian or guardian of the

1 person of the minor as necessary for the minor's needs. Such
2 payments may not exceed the maximum amounts provided for by
3 Section 9.1 of the Children and Family Services Act.

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

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

12 (Source: P.A. 100-45, eff. 8-11-17; 100-978, eff. 8-19-18;
13 101-79, eff. 7-12-19.)

14 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

15 Sec. 2-28. Court review.

16 (1) The court may require any legal custodian or guardian
17 of the person appointed under this Act to report periodically
18 to the court or may cite him into court and require him or his
19 agency, to make a full and accurate report of his or its doings
20 in behalf of the minor. The custodian or guardian, within 10
21 days after such citation, or earlier if the court determines
22 it to be necessary to protect the health, safety, or welfare of
23 the minor, shall make the report, either in writing verified
24 by affidavit or orally under oath in open court, or otherwise
25 as the court directs. Upon the hearing of the report the court

1 may remove the custodian or guardian and appoint another in
2 his stead or restore the minor to the custody of his parents or
3 former guardian or custodian. However, custody of the minor
4 shall not be restored to any parent, guardian or legal
5 custodian in any case in which the minor is found to be
6 neglected or abused under Section 2-3 or dependent under
7 Section 2-4 of this Act, unless the minor can be cared for at
8 home without endangering the minor's health or safety and it
9 is in the best interests of the minor, and if such neglect,
10 abuse, or dependency is found by the court under paragraph (1)
11 of Section 2-21 of this Act to have come about due to the acts
12 or omissions or both of such parent, guardian or legal
13 custodian, until such time as an investigation is made as
14 provided in paragraph (5) and a hearing is held on the issue of
15 the fitness of such parent, guardian or legal custodian to
16 care for the minor and the court enters an order that such
17 parent, guardian or legal custodian is fit to care for the
18 minor.

19 (1.5) The public agency that is the custodian or guardian
20 of the minor shall file a written report with the court no
21 later than 15 days after a minor in the agency's care remains:

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

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

26 (3) in a detention center or Department of Juvenile

1 Justice facility solely because the public agency cannot
2 find an appropriate placement for the minor.

3 The report shall explain the steps the agency is taking to
4 ensure the minor is placed appropriately, how the minor's
5 needs are being met in the minor's shelter placement, and if a
6 future placement has been identified by the Department, why
7 the anticipated placement is appropriate for the needs of the
8 minor and the anticipated placement date.

9 (1.6) Within 35 days after placing a child in its care in a
10 qualified residential treatment program, as defined by the
11 federal Social Security Act, the Department of Children and
12 Family Services shall file a written report with the court and
13 send copies of the report to all parties. Within 20 days of the
14 filing of the report, the court shall hold a hearing to
15 consider the Department's report and determine whether
16 placement of the child in a qualified residential treatment
17 program provides the most effective and appropriate level of
18 care for the child in the least restrictive environment and if
19 the placement is consistent with the short-term and long-term
20 goals for the child, as specified in the permanency plan for
21 the child. The court shall approve or disapprove the
22 placement. If applicable, the requirements of Sections 2-27.1
23 and 2-27.2 must also be met. The Department's written report
24 and the court's written determination shall be included in and
25 made part of the case plan for the child. If the child remains
26 placed in a qualified residential treatment program, the

1 Department shall submit evidence at each status and permanency
2 hearing:

3 (1) demonstrating that on-going assessment of the
4 strengths and needs of the child continues to support the
5 determination that the child's needs cannot be met through
6 placement in a foster family home, that the placement
7 provides the most effective and appropriate level of care
8 for the child in the least restrictive, appropriate
9 environment, and that the placement is consistent with the
10 short-term and long-term permanency goal for the child, as
11 specified in the permanency plan for the child;

12 (2) documenting the specific treatment or service
13 needs that should be met for the child in the placement and
14 the length of time the child is expected to need the
15 treatment or services; and

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

20 (2) The first permanency hearing shall be conducted by the
21 judge. Subsequent permanency hearings may be heard by a judge
22 or by hearing officers appointed or approved by the court in
23 the manner set forth in Section 2-28.1 of this Act. The initial
24 hearing shall be held (a) within 12 months from the date
25 temporary custody was taken, regardless of whether an
26 adjudication or dispositional hearing has been completed

1 within that time frame, (b) if the parental rights of both
2 parents have been terminated in accordance with the procedure
3 described in subsection (5) of Section 2-21, within 30 days of
4 the order for termination of parental rights and appointment
5 of a guardian with power to consent to adoption, or (c) in
6 accordance with subsection (2) of Section 2-13.1. Subsequent
7 permanency hearings shall be held every 6 months or more
8 frequently if necessary in the court's determination following
9 the initial permanency hearing, in accordance with the
10 standards set forth in this Section, until the court
11 determines that the plan and goal have been achieved. Once the
12 plan and goal have been achieved, if the minor remains in
13 substitute care, the case shall be reviewed at least every 6
14 months thereafter, subject to the provisions of this Section,
15 unless the minor is placed in the guardianship of a suitable
16 relative or other person and the court determines that further
17 monitoring by the court does not further the health, safety or
18 best interest of the child and that this is a stable permanent
19 placement. The permanency hearings must occur within the time
20 frames set forth in this subsection and may not be delayed in
21 anticipation of a report from any source or due to the agency's
22 failure to timely file its written report (this written report
23 means the one required under the next paragraph and does not
24 mean the service plan also referred to in that paragraph).

25 The public agency that is the custodian or guardian of the
26 minor, or another agency responsible for the minor's care,

1 shall ensure that all parties to the permanency hearings are
2 provided a copy of the most recent service plan prepared
3 within the prior 6 months at least 14 days in advance of the
4 hearing. If not contained in the agency's service plan, the
5 agency shall also include a report setting forth (i) any
6 special physical, psychological, educational, medical,
7 emotional, or other needs of the minor or his or her family
8 that are relevant to a permanency or placement determination
9 and (ii) for any minor age 16 or over, a written description of
10 the programs and services that will enable the minor to
11 prepare for independent living. If not contained in the
12 agency's service plan, the agency's report shall specify if a
13 minor is placed in a licensed child care facility under a
14 corrective plan by the Department due to concerns impacting
15 the minor's safety and well-being. The report shall explain
16 the steps the Department is taking to ensure the safety and
17 well-being of the minor and that the minor's needs are met in
18 the facility. The agency's written report must detail what
19 progress or lack of progress the parent has made in correcting
20 the conditions requiring the child to be in care; whether the
21 child can be returned home without jeopardizing the child's
22 health, safety, and welfare, and if not, what permanency goal
23 is recommended to be in the best interests of the child, and
24 why the other permanency goals are not appropriate. The
25 caseworker must appear and testify at the permanency hearing.
26 If a permanency hearing has not previously been scheduled by

1 the court, the moving party shall move for the setting of a
2 permanency hearing and the entry of an order within the time
3 frames set forth in this subsection.

4 At the permanency hearing, the court shall determine the
5 future status of the child. The court shall set one of the
6 following permanency goals:

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

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

14 (B-1) The minor will be in short-term care with a
15 continued goal to return home pending a status hearing.
16 When the court finds that a parent has not made reasonable
17 efforts or reasonable progress to date, the court shall
18 identify what actions the parent and the Department must
19 take in order to justify a finding of reasonable efforts
20 or reasonable progress and shall set a status hearing to
21 be held not earlier than 9 months from the date of
22 adjudication nor later than 11 months from the date of
23 adjudication during which the parent's progress will again
24 be reviewed.

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

1 (D) Adoption, provided that parental rights have been
2 terminated or relinquished.

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

6 (F) The minor over age 15 will be in substitute care
7 pending independence. In selecting this permanency goal,
8 the Department of Children and Family Services may provide
9 services to enable reunification and to strengthen the
10 minor's connections with family, fictive kin, and other
11 responsible adults, provided the services are in the
12 minor's best interest. The services shall be documented in
13 the service plan.

14 (G) The minor will be in substitute care because he or
15 she cannot be provided for in a home environment due to
16 developmental disabilities or mental illness or because he
17 or she is a danger to self or others, provided that goals
18 (A) through (D) have been ruled out.

19 In selecting any permanency goal, the court shall indicate
20 in writing the reasons the goal was selected and why the
21 preceding goals were ruled out. Where the court has selected a
22 permanency goal other than (A), (B), or (B-1), the Department
23 of Children and Family Services shall not provide further
24 reunification services, except as provided in paragraph (F) of
25 this subsection (2), but shall provide services consistent
26 with the goal selected.

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

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

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

8 (3) The court has found compelling reasons, based
9 on written documentation reviewed by the court, to
10 place the minor in continuing foster care. Compelling
11 reasons include:

12 (a) the child does not wish to be adopted or to
13 be placed in the guardianship of his or her
14 relative or foster care placement;

15 (b) the child exhibits an extreme level of
16 need such that the removal of the child from his or
17 her placement would be detrimental to the child;
18 or

19 (c) the child who is the subject of the
20 permanency hearing has existing close and strong
21 bonds with a sibling, and achievement of another
22 permanency goal would substantially interfere with
23 the subject child's sibling relationship, taking
24 into consideration the nature and extent of the
25 relationship, and whether ongoing contact is in
26 the subject child's best interest, including

1 long-term emotional interest, as compared with the
2 legal and emotional benefit of permanence;

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

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

8 The court shall set a permanency goal that is in the best
9 interest of the child. In determining that goal, the court
10 shall consult with the minor in an age-appropriate manner
11 regarding the proposed permanency or transition plan for the
12 minor. The court's determination shall include the following
13 factors:

14 (1) Age of the child.

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

17 (3) Current placement of the child and the intent of
18 the family regarding adoption.

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

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

24 (6) Availability of services currently needed and
25 whether the services exist.

26 (7) Status of siblings of the minor.

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

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

26 If the permanency goal is to return home, the court shall

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

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

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

20 If, after receiving evidence, the court determines that
21 the services contained in the plan are not reasonably
22 calculated to facilitate achievement of the permanency goal,
23 the court shall put in writing the factual basis supporting
24 the determination and enter specific findings based on the
25 evidence. The court also shall enter an order for the
26 Department to develop and implement a new service plan or to

1 implement changes to the current service plan consistent with
2 the court's findings. The new service plan shall be filed with
3 the court and served on all parties within 45 days of the date
4 of the order. The court shall continue the matter until the new
5 service plan is filed. Except as authorized by subsection
6 (2.5) of this Section and as otherwise specifically authorized
7 by law, the court is not empowered under this Section to order
8 specific placements, specific services, or specific service
9 providers to be included in the service plan.

10 A guardian or custodian appointed by the court pursuant to
11 this Act shall file updated case plans with the court every 6
12 months.

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

16 (2.5) If, after reviewing the evidence, including evidence
17 from the Department, the court determines that the minor's
18 current or planned placement is not necessary or appropriate
19 to facilitate achievement of the permanency goal, the court
20 shall put in writing the factual basis supporting its
21 determination and enter specific findings based on the
22 evidence. If the court finds that the minor's current or
23 planned placement is not necessary or appropriate, the court
24 may enter an order directing the Department to implement a
25 recommendation by the minor's treating clinician or a
26 clinician contracted by the Department to evaluate the minor

1 or a recommendation made by the Department. If the Department
2 places a minor in a placement under an order entered under this
3 subsection (2.5), the Department has the authority to remove
4 the minor from that placement when a change in circumstances
5 necessitates the removal to protect the minor's health,
6 safety, and best interest. If the Department determines
7 removal is necessary, the Department shall notify the parties
8 of the planned placement change in writing no later than 10
9 days prior to the implementation of its determination unless
10 remaining in the placement poses an imminent risk of harm to
11 the minor, in which case the Department shall notify the
12 parties of the placement change in writing immediately
13 following the implementation of its decision. The Department
14 shall notify others of the decision to change the minor's
15 placement as required by Department rule.

16 (3) Following the permanency hearing, the court shall
17 enter a written order that includes the determinations
18 required under subsection (2) of this Section and sets forth
19 the following:

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

23 (b) If the permanency goal of the minor cannot be
24 achieved immediately, the specific reasons for continuing
25 the minor in the care of the Department of Children and
26 Family Services or other agency for short term placement,

1 and the following determinations:

2 (i) (Blank).

3 (ii) Whether the services required by the court
4 and by any service plan prepared within the prior 6
5 months have been provided and (A) if so, whether the
6 services were reasonably calculated to facilitate the
7 achievement of the permanency goal or (B) if not
8 provided, why the services were not provided.

9 (iii) Whether the minor's current or planned
10 placement is necessary, and appropriate to the plan
11 and goal, recognizing the right of minors to the least
12 restrictive (most family-like) setting available and
13 in close proximity to the parents' home consistent
14 with the health, safety, best interest and special
15 needs of the minor and, if the minor is placed
16 out-of-state, whether the out-of-state placement
17 continues to be appropriate and consistent with the
18 health, safety, and best interest of the minor.

19 (iv) (Blank).

20 (v) (Blank).

21 (4) The minor or any person interested in the minor may
22 apply to the court for a change in custody of the minor and the
23 appointment of a new custodian or guardian of the person or for
24 the restoration of the minor to the custody of his parents or
25 former guardian or custodian.

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

1 (a) The Department, the minor, or the current foster
2 parent or relative caregiver seeking private guardianship
3 may file a motion for private guardianship of the minor.
4 Appointment of a guardian under this Section requires
5 approval of the court.

6 (b) The State's Attorney may file a motion to
7 terminate parental rights of any parent who has failed to
8 make reasonable efforts to correct the conditions which
9 led to the removal of the child or reasonable progress
10 toward the return of the child, as defined in subdivision
11 (D)(m) of Section 1 of the Adoption Act or for whom any
12 other unfitness ground for terminating parental rights as
13 defined in subdivision (D) of Section 1 of the Adoption
14 Act exists.

15 When parental rights have been terminated for a
16 minimum of 3 years and the child who is the subject of the
17 permanency hearing is 13 years old or older and is not
18 currently placed in a placement likely to achieve
19 permanency, the Department of Children and Family Services
20 shall make reasonable efforts to locate parents whose
21 rights have been terminated, except when the Court
22 determines that those efforts would be futile or
23 inconsistent with the subject child's best interests. The
24 Department of Children and Family Services shall assess
25 the appropriateness of the parent whose rights have been
26 terminated, and shall, as appropriate, foster and support

1 connections between the parent whose rights have been
2 terminated and the youth. The Department of Children and
3 Family Services shall document its determinations and
4 efforts to foster connections in the child's case plan.

5 Custody of the minor shall not be restored to any parent,
6 guardian or legal custodian in any case in which the minor is
7 found to be neglected or abused under Section 2-3 or dependent
8 under Section 2-4 of this Act, unless the minor can be cared
9 for at home without endangering his or her health or safety and
10 it is in the best interest of the minor, and if such neglect,
11 abuse, or dependency is found by the court under paragraph (1)
12 of Section 2-21 of this Act to have come about due to the acts
13 or omissions or both of such parent, guardian or legal
14 custodian, until such time as an investigation is made as
15 provided in paragraph (5) and a hearing is held on the issue of
16 the health, safety and best interest of the minor and the
17 fitness of such parent, guardian or legal custodian to care
18 for the minor and the court enters an order that such parent,
19 guardian or legal custodian is fit to care for the minor. If a
20 motion is filed to modify or vacate a private guardianship
21 order and return the child to a parent, guardian, or legal
22 custodian, the court may order the Department of Children and
23 Family Services to assess the minor's current and proposed
24 living arrangements and to provide ongoing monitoring of the
25 health, safety, and best interest of the minor during the
26 pendency of the motion to assist the court in making that

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

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

17 If the minor is being restored to the custody of a parent,
18 legal custodian, or guardian who lives outside of Illinois,
19 and an Interstate Compact has been requested and refused, the
20 court may order the Department of Children and Family Services
21 to arrange for an assessment of the minor's proposed living
22 arrangement and for ongoing monitoring of the health, safety,
23 and best interest of the minor and compliance with any order of
24 protective supervision entered in accordance with Section
25 2-24.

26 (5) Whenever a parent, guardian, or legal custodian files

1 a motion for restoration of custody of the minor, and the minor
2 was adjudicated neglected, abused, or dependent as a result of
3 physical abuse, the court shall cause to be made an
4 investigation as to whether the movant has ever been charged
5 with or convicted of any criminal offense which would indicate
6 the likelihood of any further physical abuse to the minor.
7 Evidence of such criminal convictions shall be taken into
8 account in determining whether the minor can be cared for at
9 home without endangering his or her health or safety and
10 fitness of the parent, guardian, or legal custodian.

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

14 (b) The information derived from the investigation and
15 any conclusions or recommendations derived from the
16 information shall be provided to the parent, guardian, or
17 legal custodian seeking restoration of custody prior to
18 the hearing on fitness and the movant shall have an
19 opportunity at the hearing to refute the information or
20 contest its significance.

21 (c) All information obtained from any investigation
22 shall be confidential as provided in Section 5-150 of this
23 Act.

24 (Source: P.A. 100-45, eff. 8-11-17; 100-136, eff. 8-18-17;
25 100-229, eff. 1-1-18; 100-863, eff. 8-14-18; 100-978, eff.
26 8-19-18; 101-63, eff. 10-1-19.)

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
5 may 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
8 appointment of a private guardian under the Probate Act of
9 1975;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (Source: P.A. 101-78, eff. 7-12-19.)

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