



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4206

Introduced 1/5/2022, by Rep. Lakesia Collins

#### SYNOPSIS AS INTRODUCED:

15 ILCS 335/12	from Ch. 124, par. 32
20 ILCS 505/5	from Ch. 23, par. 5005
305 ILCS 5/5-2	from Ch. 23, par. 5-2
705 ILCS 405/2-23	from Ch. 37, par. 802-23
705 ILCS 405/2-31	from Ch. 37, par. 802-31
705 ILCS 405/2-33	
705 ILCS 405/2-34	

Amends the Children and Family Services Act. Redefines the term "children" to include persons under the age of 23 (rather than 21) who were committed to the Department of Children and Family Services pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987 and who continue under the jurisdiction of the court. Requires the Department to provide or authorize child welfare services, aimed at assisting minors to achieve sustainable self-sufficiency as independent adults, for any minor eligible for the reinstatement to wardship pursuant to the Juvenile Court Act of 1987, whether or not such reinstatement is sought or allowed, provided that the minor consents to such services and has not yet attained the age of 23 (rather than 21). Makes conforming changes in the Juvenile Court Act of 1987, the Illinois Identification Card Act, and the Medical Assistance Article of the Illinois Public Aid Code.

LRB102 19920 KTG 28698 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning foster youth.

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

4 Section 1. The Illinois Identification Card Act is amended  
5 by changing Section 12 as follows:

6 (15 ILCS 335/12) (from Ch. 124, par. 32)

7 Sec. 12. Fees concerning standard Illinois Identification  
8 Cards. The fees required under this Act for standard Illinois  
9 Identification Cards must accompany any application provided  
10 for in this Act, and the Secretary shall collect such fees as  
11 follows:

12	a. Original card .....	\$20
13	b. Renewal card.....	20
14	c. Corrected card.....	10
15	d. Duplicate card.....	20
16	e. Certified copy with seal .....	5
17	f. (Blank)	
18	g. Applicant 65 years of age or over .....	No Fee
19	h. (Blank)	
20	i. Individual living in Veterans	
21	Home or Hospital .....	No Fee
22	j. Original card under 18 years of age .....	\$5
23	k. Renewal card under 18 years of age .....	\$5

1	l. Corrected card under 18 years of age .....	\$5
2	m. Duplicate card under 18 years of age .....	\$5
3	n. Homeless person .....	No Fee
4	o. Duplicate card issued to an active-duty	
5	member of the United States Armed Forces,	
6	the member's spouse, or dependent	
7	children living with the member .....	No Fee
8	p. Duplicate temporary card .....	\$5
9	q. First card issued to a youth	
10	for whom the Department of Children	
11	and Family Services is legally responsible	
12	or a foster child upon turning the age of	
13	16 years old until he or she reaches	
14	the age of <u>23</u> <del>21</del> years old .....	No Fee
15	r. Original card issued to a committed	
16	person upon release on parole,	
17	mandatory supervised release,	
18	aftercare release, final	
19	discharge, or pardon from the	
20	Department of Corrections or	
21	Department of Juvenile Justice .....	No Fee
22	s. Limited-term Illinois Identification	
23	Card issued to a committed person	
24	upon release on parole, mandatory	
25	supervised release, aftercare	
26	release, final discharge, or pardon	

1 from the Department of  
 2 Corrections or Department of  
 3 Juvenile Justice ..... No Fee

4 t. Original card issued to a  
 5 person up to 14 days prior  
 6 to or upon conditional release  
 7 or absolute discharge from  
 8 the Department of Human Services ..... No Fee

9 u. Limited-term Illinois Identification  
 10 Card issued to a person up to  
 11 14 days prior to or upon  
 12 conditional release or absolute discharge  
 13 from the Department of Human Services ..... No Fee

14 All fees collected under this Act shall be paid into the  
 15 Road Fund of the State treasury, except that the following  
 16 amounts shall be paid into the General Revenue Fund: (i) 80% of  
 17 the fee for an original, renewal, or duplicate Illinois  
 18 Identification Card issued on or after January 1, 2005; and  
 19 (ii) 80% of the fee for a corrected Illinois Identification  
 20 Card issued on or after January 1, 2005.

21 An individual, who resides in a veterans home or veterans  
 22 hospital operated by the State or federal government, who  
 23 makes an application for an Illinois Identification Card to be  
 24 issued at no fee, must submit, along with the application, an  
 25 affirmation by the applicant on a form provided by the  
 26 Secretary of State, that such person resides in a veterans

1 home or veterans hospital operated by the State or federal  
2 government.

3 The application of a homeless individual for an Illinois  
4 Identification Card to be issued at no fee must be accompanied  
5 by an affirmation by a qualified person, as defined in Section  
6 4C of this Act, on a form provided by the Secretary of State,  
7 that the applicant is currently homeless as defined in Section  
8 1A of this Act.

9 For the application for the first Illinois Identification  
10 Card of a youth for whom the Department of Children and Family  
11 Services is legally responsible or a foster child to be issued  
12 at no fee, the youth must submit, along with the application,  
13 an affirmation by his or her court appointed attorney or an  
14 employee of the Department of Children and Family Services on  
15 a form provided by the Secretary of State, that the person is a  
16 youth for whom the Department of Children and Family Services  
17 is legally responsible or a foster child.

18 The fee for any duplicate identification card shall be  
19 waived for any person who presents the Secretary of State's  
20 Office with a police report showing that his or her  
21 identification card was stolen.

22 The fee for any duplicate identification card shall be  
23 waived for any person age 60 or older whose identification  
24 card has been lost or stolen.

25 As used in this Section, "active-duty member of the United  
26 States Armed Forces" means a member of the Armed Services or

1 Reserve Forces of the United States or a member of the Illinois  
2 National Guard who is called to active duty pursuant to an  
3 executive order of the President of the United States, an act  
4 of the Congress of the United States, or an order of the  
5 Governor.

6 (Source: P.A. 100-201, eff. 8-18-17; 100-717, eff. 7-1-19;  
7 100-827, eff. 8-13-18; 101-81, eff. 7-12-19; 101-232, eff.  
8 1-1-20.)

9 Section 5. The Children and Family Services Act is amended  
10 by changing Section 5 as follows:

11 (20 ILCS 505/5) (from Ch. 23, par. 5005)

12 Sec. 5. Direct child welfare services; Department of  
13 Children and Family Services. To provide direct child welfare  
14 services when not available through other public or private  
15 child care or program facilities.

16 (a) For purposes of this Section:

17 (1) "Children" means persons found within the State  
18 who are under the age of 18 years. The term also includes  
19 persons under age 23 ~~21~~ who:

20 (A) were committed to the Department pursuant to  
21 the Juvenile Court Act or the Juvenile Court Act of  
22 1987 and who continue under the jurisdiction of the  
23 court; or

24 (B) were accepted for care, service and training

1 by the Department prior to the age of 18 and whose best  
2 interest in the discretion of the Department would be  
3 served by continuing that care, service and training  
4 because of severe emotional disturbances, physical  
5 disability, social adjustment or any combination  
6 thereof, or because of the need to complete an  
7 educational or vocational training program.

8 (2) "Homeless youth" means persons found within the  
9 State who are under the age of 19, are not in a safe and  
10 stable living situation and cannot be reunited with their  
11 families.

12 (3) "Child welfare services" means public social  
13 services which are directed toward the accomplishment of  
14 the following purposes:

15 (A) protecting and promoting the health, safety  
16 and welfare of children, including homeless,  
17 dependent, or neglected children;

18 (B) remedying, or assisting in the solution of  
19 problems which may result in, the neglect, abuse,  
20 exploitation, or delinquency of children;

21 (C) preventing the unnecessary separation of  
22 children from their families by identifying family  
23 problems, assisting families in resolving their  
24 problems, and preventing the breakup of the family  
25 where the prevention of child removal is desirable and  
26 possible when the child can be cared for at home

1 without endangering the child's health and safety;

2 (D) restoring to their families children who have  
3 been removed, by the provision of services to the  
4 child and the families when the child can be cared for  
5 at home without endangering the child's health and  
6 safety;

7 (E) placing children in suitable adoptive homes,  
8 in cases where restoration to the biological family is  
9 not safe, possible, or appropriate;

10 (F) assuring safe and adequate care of children  
11 away from their homes, in cases where the child cannot  
12 be returned home or cannot be placed for adoption. At  
13 the time of placement, the Department shall consider  
14 concurrent planning, as described in subsection (1-1)  
15 of this Section so that permanency may occur at the  
16 earliest opportunity. Consideration should be given so  
17 that if reunification fails or is delayed, the  
18 placement made is the best available placement to  
19 provide permanency for the child;

20 (G) (blank);

21 (H) (blank); and

22 (I) placing and maintaining children in facilities  
23 that provide separate living quarters for children  
24 under the age of 18 and for children 18 years of age  
25 and older, unless a child 18 years of age is in the  
26 last year of high school education or vocational



1 training, in an approved individual or group treatment  
2 program, in a licensed shelter facility, or secure  
3 child care facility. The Department is not required to  
4 place or maintain children:

5 (i) who are in a foster home, or

6 (ii) who are persons with a developmental  
7 disability, as defined in the Mental Health and  
8 Developmental Disabilities Code, or

9 (iii) who are female children who are  
10 pregnant, pregnant and parenting, or parenting, or

11 (iv) who are siblings, in facilities that  
12 provide separate living quarters for children 18  
13 years of age and older and for children under 18  
14 years of age.

15 (b) (Blank).

16 (c) The Department shall establish and maintain  
17 tax-supported child welfare services and extend and seek to  
18 improve voluntary services throughout the State, to the end  
19 that services and care shall be available on an equal basis  
20 throughout the State to children requiring such services.

21 (d) The Director may authorize advance disbursements for  
22 any new program initiative to any agency contracting with the  
23 Department. As a prerequisite for an advance disbursement, the  
24 contractor must post a surety bond in the amount of the advance  
25 disbursement and have a purchase of service contract approved  
26 by the Department. The Department may pay up to 2 months

1 operational expenses in advance. The amount of the advance  
2 disbursement shall be prorated over the life of the contract  
3 or the remaining months of the fiscal year, whichever is less,  
4 and the installment amount shall then be deducted from future  
5 bills. Advance disbursement authorizations for new initiatives  
6 shall not be made to any agency after that agency has operated  
7 during 2 consecutive fiscal years. The requirements of this  
8 Section concerning advance disbursements shall not apply with  
9 respect to the following: payments to local public agencies  
10 for child day care services as authorized by Section 5a of this  
11 Act; and youth service programs receiving grant funds under  
12 Section 17a-4.

13 (e) (Blank).

14 (f) (Blank).

15 (g) The Department shall establish rules and regulations  
16 concerning its operation of programs designed to meet the  
17 goals of child safety and protection, family preservation,  
18 family reunification, and adoption, including, but not limited  
19 to:

20 (1) adoption;

21 (2) foster care;

22 (3) family counseling;

23 (4) protective services;

24 (5) (blank);

25 (6) homemaker service;

26 (7) return of runaway children;

1 (8) (blank);

2 (9) placement under Section 5-7 of the Juvenile Court  
3 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile  
4 Court Act of 1987 in accordance with the federal Adoption  
5 Assistance and Child Welfare Act of 1980; and

6 (10) interstate services.

7 Rules and regulations established by the Department shall  
8 include provisions for training Department staff and the staff  
9 of Department grantees, through contracts with other agencies  
10 or resources, in screening techniques to identify substance  
11 use disorders, as defined in the Substance Use Disorder Act,  
12 approved by the Department of Human Services, as a successor  
13 to the Department of Alcoholism and Substance Abuse, for the  
14 purpose of identifying children and adults who should be  
15 referred for an assessment at an organization appropriately  
16 licensed by the Department of Human Services for substance use  
17 disorder treatment.

18 (h) If the Department finds that there is no appropriate  
19 program or facility within or available to the Department for  
20 a youth in care and that no licensed private facility has an  
21 adequate and appropriate program or none agrees to accept the  
22 youth in care, the Department shall create an appropriate  
23 individualized, program-oriented plan for such youth in care.  
24 The plan may be developed within the Department or through  
25 purchase of services by the Department to the extent that it is  
26 within its statutory authority to do.

1           (i) Service programs shall be available throughout the  
2 State and shall include but not be limited to the following  
3 services:

- 4           (1) case management;
- 5           (2) homemakers;
- 6           (3) counseling;
- 7           (4) parent education;
- 8           (5) day care; and
- 9           (6) emergency assistance and advocacy.

10           In addition, the following services may be made available  
11 to assess and meet the needs of children and families:

- 12           (1) comprehensive family-based services;
- 13           (2) assessments;
- 14           (3) respite care; and
- 15           (4) in-home health services.

16           The Department shall provide transportation for any of the  
17 services it makes available to children or families or for  
18 which it refers children or families.

19           (j) The Department may provide categories of financial  
20 assistance and education assistance grants, and shall  
21 establish rules and regulations concerning the assistance and  
22 grants, to persons who adopt children with physical or mental  
23 disabilities, children who are older, or other hard-to-place  
24 children who (i) immediately prior to their adoption were  
25 youth in care or (ii) were determined eligible for financial  
26 assistance with respect to a prior adoption and who become

1 available for adoption because the prior adoption has been  
2 dissolved and the parental rights of the adoptive parents have  
3 been terminated or because the child's adoptive parents have  
4 died. The Department may continue to provide financial  
5 assistance and education assistance grants for a child who was  
6 determined eligible for financial assistance under this  
7 subsection (j) in the interim period beginning when the  
8 child's adoptive parents died and ending with the finalization  
9 of the new adoption of the child by another adoptive parent or  
10 parents. The Department may also provide categories of  
11 financial assistance and education assistance grants, and  
12 shall establish rules and regulations for the assistance and  
13 grants, to persons appointed guardian of the person under  
14 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
15 4-25, or 5-740 of the Juvenile Court Act of 1987 for children  
16 who were youth in care for 12 months immediately prior to the  
17 appointment of the guardian.

18 The amount of assistance may vary, depending upon the  
19 needs of the child and the adoptive parents, as set forth in  
20 the annual assistance agreement. Special purpose grants are  
21 allowed where the child requires special service but such  
22 costs may not exceed the amounts which similar services would  
23 cost the Department if it were to provide or secure them as  
24 guardian of the child.

25 Any financial assistance provided under this subsection is  
26 inalienable by assignment, sale, execution, attachment,

1 garnishment, or any other remedy for recovery or collection of  
2 a judgment or debt.

3 (j-5) The Department shall not deny or delay the placement  
4 of a child for adoption if an approved family is available  
5 either outside of the Department region handling the case, or  
6 outside of the State of Illinois.

7 (k) The Department shall accept for care and training any  
8 child who has been adjudicated neglected or abused, or  
9 dependent committed to it pursuant to the Juvenile Court Act  
10 or the Juvenile Court Act of 1987.

11 (l) The Department shall offer family preservation  
12 services, as defined in Section 8.2 of the Abused and  
13 Neglected Child Reporting Act, to help families, including  
14 adoptive and extended families. Family preservation services  
15 shall be offered (i) to prevent the placement of children in  
16 substitute care when the children can be cared for at home or  
17 in the custody of the person responsible for the children's  
18 welfare, (ii) to reunite children with their families, or  
19 (iii) to maintain an adoptive placement. Family preservation  
20 services shall only be offered when doing so will not endanger  
21 the children's health or safety. With respect to children who  
22 are in substitute care pursuant to the Juvenile Court Act of  
23 1987, family preservation services shall not be offered if a  
24 goal other than those of subdivisions (A), (B), or (B-1) of  
25 subsection (2) of Section 2-28 of that Act has been set, except  
26 that reunification services may be offered as provided in

1 paragraph (F) of subsection (2) of Section 2-28 of that Act.  
2 Nothing in this paragraph shall be construed to create a  
3 private right of action or claim on the part of any individual  
4 or child welfare agency, except that when a child is the  
5 subject of an action under Article II of the Juvenile Court Act  
6 of 1987 and the child's service plan calls for services to  
7 facilitate achievement of the permanency goal, the court  
8 hearing the action under Article II of the Juvenile Court Act  
9 of 1987 may order the Department to provide the services set  
10 out in the plan, if those services are not provided with  
11 reasonable promptness and if those services are available.

12 The Department shall notify the child and his family of  
13 the Department's responsibility to offer and provide family  
14 preservation services as identified in the service plan. The  
15 child and his family shall be eligible for services as soon as  
16 the report is determined to be "indicated". The Department may  
17 offer services to any child or family with respect to whom a  
18 report of suspected child abuse or neglect has been filed,  
19 prior to concluding its investigation under Section 7.12 of  
20 the Abused and Neglected Child Reporting Act. However, the  
21 child's or family's willingness to accept services shall not  
22 be considered in the investigation. The Department may also  
23 provide services to any child or family who is the subject of  
24 any report of suspected child abuse or neglect or may refer  
25 such child or family to services available from other agencies  
26 in the community, even if the report is determined to be

1 unfounded, if the conditions in the child's or family's home  
2 are reasonably likely to subject the child or family to future  
3 reports of suspected child abuse or neglect. Acceptance of  
4 such services shall be voluntary. The Department may also  
5 provide services to any child or family after completion of a  
6 family assessment, as an alternative to an investigation, as  
7 provided under the "differential response program" provided  
8 for in subsection (a-5) of Section 7.4 of the Abused and  
9 Neglected Child Reporting Act.

10 The Department may, at its discretion except for those  
11 children also adjudicated neglected or dependent, accept for  
12 care and training any child who has been adjudicated addicted,  
13 as a truant minor in need of supervision or as a minor  
14 requiring authoritative intervention, under the Juvenile Court  
15 Act or the Juvenile Court Act of 1987, but no such child shall  
16 be committed to the Department by any court without the  
17 approval of the Department. On and after January 1, 2015 (the  
18 effective date of Public Act 98-803) and before January 1,  
19 2017, a minor charged with a criminal offense under the  
20 Criminal Code of 1961 or the Criminal Code of 2012 or  
21 adjudicated delinquent shall not be placed in the custody of  
22 or committed to the Department by any court, except (i) a minor  
23 less than 16 years of age committed to the Department under  
24 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
25 for whom an independent basis of abuse, neglect, or dependency  
26 exists, which must be defined by departmental rule, or (iii) a



1 minor for whom the court has granted a supplemental petition  
2 to reinstate wardship pursuant to subsection (2) of Section  
3 2-33 of the Juvenile Court Act of 1987. On and after January 1,  
4 2017, a minor charged with a criminal offense under the  
5 Criminal Code of 1961 or the Criminal Code of 2012 or  
6 adjudicated delinquent shall not be placed in the custody of  
7 or committed to the Department by any court, except (i) a minor  
8 less than 15 years of age committed to the Department under  
9 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor  
10 for whom an independent basis of abuse, neglect, or dependency  
11 exists, which must be defined by departmental rule, or (iii) a  
12 minor for whom the court has granted a supplemental petition  
13 to reinstate wardship pursuant to subsection (2) of Section  
14 2-33 of the Juvenile Court Act of 1987. An independent basis  
15 exists when the allegations or adjudication of abuse, neglect,  
16 or dependency do not arise from the same facts, incident, or  
17 circumstances which give rise to a charge or adjudication of  
18 delinquency. The Department shall assign a caseworker to  
19 attend any hearing involving a youth in the care and custody of  
20 the Department who is placed on aftercare release, including  
21 hearings involving sanctions for violation of aftercare  
22 release conditions and aftercare release revocation hearings.

23 As soon as is possible after August 7, 2009 (the effective  
24 date of Public Act 96-134), the Department shall develop and  
25 implement a special program of family preservation services to  
26 support intact, foster, and adoptive families who are

1 experiencing extreme hardships due to the difficulty and  
2 stress of caring for a child who has been diagnosed with a  
3 pervasive developmental disorder if the Department determines  
4 that those services are necessary to ensure the health and  
5 safety of the child. The Department may offer services to any  
6 family whether or not a report has been filed under the Abused  
7 and Neglected Child Reporting Act. The Department may refer  
8 the child or family to services available from other agencies  
9 in the community if the conditions in the child's or family's  
10 home are reasonably likely to subject the child or family to  
11 future reports of suspected child abuse or neglect. Acceptance  
12 of these services shall be voluntary. The Department shall  
13 develop and implement a public information campaign to alert  
14 health and social service providers and the general public  
15 about these special family preservation services. The nature  
16 and scope of the services offered and the number of families  
17 served under the special program implemented under this  
18 paragraph shall be determined by the level of funding that the  
19 Department annually allocates for this purpose. The term  
20 "pervasive developmental disorder" under this paragraph means  
21 a neurological condition, including, but not limited to,  
22 Asperger's Syndrome and autism, as defined in the most recent  
23 edition of the Diagnostic and Statistical Manual of Mental  
24 Disorders of the American Psychiatric Association.

25 (1-1) The legislature recognizes that the best interests  
26 of the child require that the child be placed in the most

1 permanent living arrangement as soon as is practically  
2 possible. To achieve this goal, the legislature directs the  
3 Department of Children and Family Services to conduct  
4 concurrent planning so that permanency may occur at the  
5 earliest opportunity. Permanent living arrangements may  
6 include prevention of placement of a child outside the home of  
7 the family when the child can be cared for at home without  
8 endangering the child's health or safety; reunification with  
9 the family, when safe and appropriate, if temporary placement  
10 is necessary; or movement of the child toward the most  
11 permanent living arrangement and permanent legal status.

12 When determining reasonable efforts to be made with  
13 respect to a child, as described in this subsection, and in  
14 making such reasonable efforts, the child's health and safety  
15 shall be the paramount concern.

16 When a child is placed in foster care, the Department  
17 shall ensure and document that reasonable efforts were made to  
18 prevent or eliminate the need to remove the child from the  
19 child's home. The Department must make reasonable efforts to  
20 reunify the family when temporary placement of the child  
21 occurs unless otherwise required, pursuant to the Juvenile  
22 Court Act of 1987. At any time after the dispositional hearing  
23 where the Department believes that further reunification  
24 services would be ineffective, it may request a finding from  
25 the court that reasonable efforts are no longer appropriate.  
26 The Department is not required to provide further

1 reunification services after such a finding.

2 A decision to place a child in substitute care shall be  
3 made with considerations of the child's health, safety, and  
4 best interests. At the time of placement, consideration should  
5 also be given so that if reunification fails or is delayed, the  
6 placement made is the best available placement to provide  
7 permanency for the child.

8 The Department shall adopt rules addressing concurrent  
9 planning for reunification and permanency. The Department  
10 shall consider the following factors when determining  
11 appropriateness of concurrent planning:

12 (1) the likelihood of prompt reunification;

13 (2) the past history of the family;

14 (3) the barriers to reunification being addressed by  
15 the family;

16 (4) the level of cooperation of the family;

17 (5) the foster parents' willingness to work with the  
18 family to reunite;

19 (6) the willingness and ability of the foster family  
20 to provide an adoptive home or long-term placement;

21 (7) the age of the child;

22 (8) placement of siblings.

23 (m) The Department may assume temporary custody of any  
24 child if:

25 (1) it has received a written consent to such  
26 temporary custody signed by the parents of the child or by

1 the parent having custody of the child if the parents are  
2 not living together or by the guardian or custodian of the  
3 child if the child is not in the custody of either parent,  
4 or

5 (2) the child is found in the State and neither a  
6 parent, guardian nor custodian of the child can be  
7 located.

8 If the child is found in his or her residence without a parent,  
9 guardian, custodian, or responsible caretaker, the Department  
10 may, instead of removing the child and assuming temporary  
11 custody, place an authorized representative of the Department  
12 in that residence until such time as a parent, guardian, or  
13 custodian enters the home and expresses a willingness and  
14 apparent ability to ensure the child's health and safety and  
15 resume permanent charge of the child, or until a relative  
16 enters the home and is willing and able to ensure the child's  
17 health and safety and assume charge of the child until a  
18 parent, guardian, or custodian enters the home and expresses  
19 such willingness and ability to ensure the child's safety and  
20 resume permanent charge. After a caretaker has remained in the  
21 home for a period not to exceed 12 hours, the Department must  
22 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
23 5-415 of the Juvenile Court Act of 1987.

24 The Department shall have the authority, responsibilities  
25 and duties that a legal custodian of the child would have  
26 pursuant to subsection (9) of Section 1-3 of the Juvenile

1 Court Act of 1987. Whenever a child is taken into temporary  
2 custody pursuant to an investigation under the Abused and  
3 Neglected Child Reporting Act, or pursuant to a referral and  
4 acceptance under the Juvenile Court Act of 1987 of a minor in  
5 limited custody, the Department, during the period of  
6 temporary custody and before the child is brought before a  
7 judicial officer as required by Section 2-9, 3-11, 4-8, or  
8 5-415 of the Juvenile Court Act of 1987, shall have the  
9 authority, responsibilities and duties that a legal custodian  
10 of the child would have under subsection (9) of Section 1-3 of  
11 the Juvenile Court Act of 1987.

12 The Department shall ensure that any child taken into  
13 custody is scheduled for an appointment for a medical  
14 examination.

15 A parent, guardian, or custodian of a child in the  
16 temporary custody of the Department who would have custody of  
17 the child if he were not in the temporary custody of the  
18 Department may deliver to the Department a signed request that  
19 the Department surrender the temporary custody of the child.  
20 The Department may retain temporary custody of the child for  
21 10 days after the receipt of the request, during which period  
22 the Department may cause to be filed a petition pursuant to the  
23 Juvenile Court Act of 1987. If a petition is so filed, the  
24 Department shall retain temporary custody of the child until  
25 the court orders otherwise. If a petition is not filed within  
26 the 10-day period, the child shall be surrendered to the

1 custody of the requesting parent, guardian, or custodian not  
2 later than the expiration of the 10-day period, at which time  
3 the authority and duties of the Department with respect to the  
4 temporary custody of the child shall terminate.

5 (m-1) The Department may place children under 18 years of  
6 age in a secure child care facility licensed by the Department  
7 that cares for children who are in need of secure living  
8 arrangements for their health, safety, and well-being after a  
9 determination is made by the facility director and the  
10 Director or the Director's designate prior to admission to the  
11 facility subject to Section 2-27.1 of the Juvenile Court Act  
12 of 1987. This subsection (m-1) does not apply to a child who is  
13 subject to placement in a correctional facility operated  
14 pursuant to Section 3-15-2 of the Unified Code of Corrections,  
15 unless the child is a youth in care who was placed in the care  
16 of the Department before being subject to placement in a  
17 correctional facility and a court of competent jurisdiction  
18 has ordered placement of the child in a secure care facility.

19 (n) The Department may place children under 18 years of  
20 age in licensed child care facilities when in the opinion of  
21 the Department, appropriate services aimed at family  
22 preservation have been unsuccessful and cannot ensure the  
23 child's health and safety or are unavailable and such  
24 placement would be for their best interest. Payment for board,  
25 clothing, care, training and supervision of any child placed  
26 in a licensed child care facility may be made by the

1 Department, by the parents or guardians of the estates of  
2 those children, or by both the Department and the parents or  
3 guardians, except that no payments shall be made by the  
4 Department for any child placed in a licensed child care  
5 facility for board, clothing, care, training and supervision  
6 of such a child that exceed the average per capita cost of  
7 maintaining and of caring for a child in institutions for  
8 dependent or neglected children operated by the Department.  
9 However, such restriction on payments does not apply in cases  
10 where children require specialized care and treatment for  
11 problems of severe emotional disturbance, physical disability,  
12 social adjustment, or any combination thereof and suitable  
13 facilities for the placement of such children are not  
14 available at payment rates within the limitations set forth in  
15 this Section. All reimbursements for services delivered shall  
16 be absolutely inalienable by assignment, sale, attachment, or  
17 garnishment or otherwise.

18 (n-1) The Department shall provide or authorize child  
19 welfare services, aimed at assisting minors to achieve  
20 sustainable self-sufficiency as independent adults, for any  
21 minor eligible for the reinstatement of wardship pursuant to  
22 subsection (2) of Section 2-33 of the Juvenile Court Act of  
23 1987, whether or not such reinstatement is sought or allowed,  
24 provided that the minor consents to such services and has not  
25 yet attained the age of 23 ~~21~~. The Department shall have  
26 responsibility for the development and delivery of services



1 under this Section. An eligible youth may access services  
2 under this Section through the Department of Children and  
3 Family Services or by referral from the Department of Human  
4 Services. Youth participating in services under this Section  
5 shall cooperate with the assigned case manager in developing  
6 an agreement identifying the services to be provided and how  
7 the youth will increase skills to achieve self-sufficiency. A  
8 homeless shelter is not considered appropriate housing for any  
9 youth receiving child welfare services under this Section. The  
10 Department shall continue child welfare services under this  
11 Section to any eligible minor until the minor becomes 23 ~~21~~  
12 years of age, no longer consents to participate, or achieves  
13 self-sufficiency as identified in the minor's service plan.  
14 The Department of Children and Family Services shall create  
15 clear, readable notice of the rights of former foster youth to  
16 child welfare services under this Section and how such  
17 services may be obtained. The Department of Children and  
18 Family Services and the Department of Human Services shall  
19 disseminate this information statewide. The Department shall  
20 adopt regulations describing services intended to assist  
21 minors in achieving sustainable self-sufficiency as  
22 independent adults.

23 (o) The Department shall establish an administrative  
24 review and appeal process for children and families who  
25 request or receive child welfare services from the Department.  
26 Youth in care who are placed by private child welfare

1 agencies, and foster families with whom those youth are  
2 placed, shall be afforded the same procedural and appeal  
3 rights as children and families in the case of placement by the  
4 Department, including the right to an initial review of a  
5 private agency decision by that agency. The Department shall  
6 ensure that any private child welfare agency, which accepts  
7 youth in care for placement, affords those rights to children  
8 and foster families. The Department shall accept for  
9 administrative review and an appeal hearing a complaint made  
10 by (i) a child or foster family concerning a decision  
11 following an initial review by a private child welfare agency  
12 or (ii) a prospective adoptive parent who alleges a violation  
13 of subsection (j-5) of this Section. An appeal of a decision  
14 concerning a change in the placement of a child shall be  
15 conducted in an expedited manner. A court determination that a  
16 current foster home placement is necessary and appropriate  
17 under Section 2-28 of the Juvenile Court Act of 1987 does not  
18 constitute a judicial determination on the merits of an  
19 administrative appeal, filed by a former foster parent,  
20 involving a change of placement decision.

21 (p) (Blank).

22 (q) The Department may receive and use, in their entirety,  
23 for the benefit of children any gift, donation, or bequest of  
24 money or other property which is received on behalf of such  
25 children, or any financial benefits to which such children are  
26 or may become entitled while under the jurisdiction or care of

1 the Department.

2 The Department shall set up and administer no-cost,  
3 interest-bearing accounts in appropriate financial  
4 institutions for children for whom the Department is legally  
5 responsible and who have been determined eligible for  
6 Veterans' Benefits, Social Security benefits, assistance  
7 allotments from the armed forces, court ordered payments,  
8 parental voluntary payments, Supplemental Security Income,  
9 Railroad Retirement payments, Black Lung benefits, or other  
10 miscellaneous payments. Interest earned by each account shall  
11 be credited to the account, unless disbursed in accordance  
12 with this subsection.

13 In disbursing funds from children's accounts, the  
14 Department shall:

15 (1) Establish standards in accordance with State and  
16 federal laws for disbursing money from children's  
17 accounts. In all circumstances, the Department's  
18 "Guardianship Administrator" or his or her designee must  
19 approve disbursements from children's accounts. The  
20 Department shall be responsible for keeping complete  
21 records of all disbursements for each account for any  
22 purpose.

23 (2) Calculate on a monthly basis the amounts paid from  
24 State funds for the child's board and care, medical care  
25 not covered under Medicaid, and social services; and  
26 utilize funds from the child's account, as covered by

1 regulation, to reimburse those costs. Monthly,  
2 disbursements from all children's accounts, up to 1/12 of  
3 \$13,000,000, shall be deposited by the Department into the  
4 General Revenue Fund and the balance over 1/12 of  
5 \$13,000,000 into the DCFS Children's Services Fund.

6 (3) Maintain any balance remaining after reimbursing  
7 for the child's costs of care, as specified in item (2).  
8 The balance shall accumulate in accordance with relevant  
9 State and federal laws and shall be disbursed to the child  
10 or his or her guardian, or to the issuing agency.

11 (r) The Department shall promulgate regulations  
12 encouraging all adoption agencies to voluntarily forward to  
13 the Department or its agent names and addresses of all persons  
14 who have applied for and have been approved for adoption of a  
15 hard-to-place child or child with a disability and the names  
16 of such children who have not been placed for adoption. A list  
17 of such names and addresses shall be maintained by the  
18 Department or its agent, and coded lists which maintain the  
19 confidentiality of the person seeking to adopt the child and  
20 of the child shall be made available, without charge, to every  
21 adoption agency in the State to assist the agencies in placing  
22 such children for adoption. The Department may delegate to an  
23 agent its duty to maintain and make available such lists. The  
24 Department shall ensure that such agent maintains the  
25 confidentiality of the person seeking to adopt the child and  
26 of the child.

1           (s) The Department of Children and Family Services may  
2 establish and implement a program to reimburse Department and  
3 private child welfare agency foster parents licensed by the  
4 Department of Children and Family Services for damages  
5 sustained by the foster parents as a result of the malicious or  
6 negligent acts of foster children, as well as providing third  
7 party coverage for such foster parents with regard to actions  
8 of foster children to other individuals. Such coverage will be  
9 secondary to the foster parent liability insurance policy, if  
10 applicable. The program shall be funded through appropriations  
11 from the General Revenue Fund, specifically designated for  
12 such purposes.

13           (t) The Department shall perform home studies and  
14 investigations and shall exercise supervision over visitation  
15 as ordered by a court pursuant to the Illinois Marriage and  
16 Dissolution of Marriage Act or the Adoption Act only if:

17                 (1) an order entered by an Illinois court specifically  
18                 directs the Department to perform such services; and

19                 (2) the court has ordered one or both of the parties to  
20                 the proceeding to reimburse the Department for its  
21                 reasonable costs for providing such services in accordance  
22                 with Department rules, or has determined that neither  
23                 party is financially able to pay.

24           The Department shall provide written notification to the  
25 court of the specific arrangements for supervised visitation  
26 and projected monthly costs within 60 days of the court order.

1 The Department shall send to the court information related to  
2 the costs incurred except in cases where the court has  
3 determined the parties are financially unable to pay. The  
4 court may order additional periodic reports as appropriate.

5 (u) In addition to other information that must be  
6 provided, whenever the Department places a child with a  
7 prospective adoptive parent or parents, in a licensed foster  
8 home, group home, or child care institution, or in a relative  
9 home, the Department shall provide to the prospective adoptive  
10 parent or parents or other caretaker:

11 (1) available detailed information concerning the  
12 child's educational and health history, copies of  
13 immunization records (including insurance and medical card  
14 information), a history of the child's previous  
15 placements, if any, and reasons for placement changes  
16 excluding any information that identifies or reveals the  
17 location of any previous caretaker;

18 (2) a copy of the child's portion of the client  
19 service plan, including any visitation arrangement, and  
20 all amendments or revisions to it as related to the child;  
21 and

22 (3) information containing details of the child's  
23 individualized educational plan when the child is  
24 receiving special education services.

25 The caretaker shall be informed of any known social or  
26 behavioral information (including, but not limited to,

1 criminal background, fire setting, perpetuation of sexual  
2 abuse, destructive behavior, and substance abuse) necessary to  
3 care for and safeguard the children to be placed or currently  
4 in the home. The Department may prepare a written summary of  
5 the information required by this paragraph, which may be  
6 provided to the foster or prospective adoptive parent in  
7 advance of a placement. The foster or prospective adoptive  
8 parent may review the supporting documents in the child's file  
9 in the presence of casework staff. In the case of an emergency  
10 placement, casework staff shall at least provide known  
11 information verbally, if necessary, and must subsequently  
12 provide the information in writing as required by this  
13 subsection.

14 The information described in this subsection shall be  
15 provided in writing. In the case of emergency placements when  
16 time does not allow prior review, preparation, and collection  
17 of written information, the Department shall provide such  
18 information as it becomes available. Within 10 business days  
19 after placement, the Department shall obtain from the  
20 prospective adoptive parent or parents or other caretaker a  
21 signed verification of receipt of the information provided.  
22 Within 10 business days after placement, the Department shall  
23 provide to the child's guardian ad litem a copy of the  
24 information provided to the prospective adoptive parent or  
25 parents or other caretaker. The information provided to the  
26 prospective adoptive parent or parents or other caretaker

1 shall be reviewed and approved regarding accuracy at the  
2 supervisory level.

3 (u-5) Effective July 1, 1995, only foster care placements  
4 licensed as foster family homes pursuant to the Child Care Act  
5 of 1969 shall be eligible to receive foster care payments from  
6 the Department. Relative caregivers who, as of July 1, 1995,  
7 were approved pursuant to approved relative placement rules  
8 previously promulgated by the Department at 89 Ill. Adm. Code  
9 335 and had submitted an application for licensure as a foster  
10 family home may continue to receive foster care payments only  
11 until the Department determines that they may be licensed as a  
12 foster family home or that their application for licensure is  
13 denied or until September 30, 1995, whichever occurs first.

14 (v) The Department shall access criminal history record  
15 information as defined in the Illinois Uniform Conviction  
16 Information Act and information maintained in the adjudicatory  
17 and dispositional record system as defined in Section 2605-355  
18 of the Illinois State Police Law if the Department determines  
19 the information is necessary to perform its duties under the  
20 Abused and Neglected Child Reporting Act, the Child Care Act  
21 of 1969, and the Children and Family Services Act. The  
22 Department shall provide for interactive computerized  
23 communication and processing equipment that permits direct  
24 on-line communication with the Illinois State Police's central  
25 criminal history data repository. The Department shall comply  
26 with all certification requirements and provide certified



1 operators who have been trained by personnel from the Illinois  
2 State Police. In addition, one Office of the Inspector General  
3 investigator shall have training in the use of the criminal  
4 history information access system and have access to the  
5 terminal. The Department of Children and Family Services and  
6 its employees shall abide by rules and regulations established  
7 by the Illinois State Police relating to the access and  
8 dissemination of this information.

9 (v-1) Prior to final approval for placement of a child,  
10 the Department shall conduct a criminal records background  
11 check of the prospective foster or adoptive parent, including  
12 fingerprint-based checks of national crime information  
13 databases. Final approval for placement shall not be granted  
14 if the record check reveals a felony conviction for child  
15 abuse or neglect, for spousal abuse, for a crime against  
16 children, or for a crime involving violence, including rape,  
17 sexual assault, or homicide, but not including other physical  
18 assault or battery, or if there is a felony conviction for  
19 physical assault, battery, or a drug-related offense committed  
20 within the past 5 years.

21 (v-2) Prior to final approval for placement of a child,  
22 the Department shall check its child abuse and neglect  
23 registry for information concerning prospective foster and  
24 adoptive parents, and any adult living in the home. If any  
25 prospective foster or adoptive parent or other adult living in  
26 the home has resided in another state in the preceding 5 years,

1 the Department shall request a check of that other state's  
2 child abuse and neglect registry.

3 (w) Within 120 days of August 20, 1995 (the effective date  
4 of Public Act 89-392), the Department shall prepare and submit  
5 to the Governor and the General Assembly, a written plan for  
6 the development of in-state licensed secure child care  
7 facilities that care for children who are in need of secure  
8 living arrangements for their health, safety, and well-being.  
9 For purposes of this subsection, secure care facility shall  
10 mean a facility that is designed and operated to ensure that  
11 all entrances and exits from the facility, a building or a  
12 distinct part of the building, are under the exclusive control  
13 of the staff of the facility, whether or not the child has the  
14 freedom of movement within the perimeter of the facility,  
15 building, or distinct part of the building. The plan shall  
16 include descriptions of the types of facilities that are  
17 needed in Illinois; the cost of developing these secure care  
18 facilities; the estimated number of placements; the potential  
19 cost savings resulting from the movement of children currently  
20 out-of-state who are projected to be returned to Illinois; the  
21 necessary geographic distribution of these facilities in  
22 Illinois; and a proposed timetable for development of such  
23 facilities.

24 (x) The Department shall conduct annual credit history  
25 checks to determine the financial history of children placed  
26 under its guardianship pursuant to the Juvenile Court Act of

1 1987. The Department shall conduct such credit checks starting  
2 when a youth in care turns 12 years old and each year  
3 thereafter for the duration of the guardianship as terminated  
4 pursuant to the Juvenile Court Act of 1987. The Department  
5 shall determine if financial exploitation of the child's  
6 personal information has occurred. If financial exploitation  
7 appears to have taken place or is presently ongoing, the  
8 Department shall notify the proper law enforcement agency, the  
9 proper State's Attorney, or the Attorney General.

10 (y) Beginning on July 22, 2010 (the effective date of  
11 Public Act 96-1189), a child with a disability who receives  
12 residential and educational services from the Department shall  
13 be eligible to receive transition services in accordance with  
14 Article 14 of the School Code from the age of 14.5 through age  
15 21, inclusive, notwithstanding the child's residential  
16 services arrangement. For purposes of this subsection, "child  
17 with a disability" means a child with a disability as defined  
18 by the federal Individuals with Disabilities Education  
19 Improvement Act of 2004.

20 (z) The Department shall access criminal history record  
21 information as defined as "background information" in this  
22 subsection and criminal history record information as defined  
23 in the Illinois Uniform Conviction Information Act for each  
24 Department employee or Department applicant. Each Department  
25 employee or Department applicant shall submit his or her  
26 fingerprints to the Illinois State Police in the form and

1 manner prescribed by the Illinois State Police. These  
2 fingerprints shall be checked against the fingerprint records  
3 now and hereafter filed in the Illinois State Police and the  
4 Federal Bureau of Investigation criminal history records  
5 databases. The Illinois State Police shall charge a fee for  
6 conducting the criminal history record check, which shall be  
7 deposited into the State Police Services Fund and shall not  
8 exceed the actual cost of the record check. The Illinois State  
9 Police shall furnish, pursuant to positive identification, all  
10 Illinois conviction information to the Department of Children  
11 and Family Services.

12 For purposes of this subsection:

13 "Background information" means all of the following:

14 (i) Upon the request of the Department of Children and  
15 Family Services, conviction information obtained from the  
16 Illinois State Police as a result of a fingerprint-based  
17 criminal history records check of the Illinois criminal  
18 history records database and the Federal Bureau of  
19 Investigation criminal history records database concerning  
20 a Department employee or Department applicant.

21 (ii) Information obtained by the Department of  
22 Children and Family Services after performing a check of  
23 the Illinois State Police's Sex Offender Database, as  
24 authorized by Section 120 of the Sex Offender Community  
25 Notification Law, concerning a Department employee or  
26 Department applicant.

1 (iii) Information obtained by the Department of  
2 Children and Family Services after performing a check of  
3 the Child Abuse and Neglect Tracking System (CANTS)  
4 operated and maintained by the Department.

5 "Department employee" means a full-time or temporary  
6 employee coded or certified within the State of Illinois  
7 Personnel System.

8 "Department applicant" means an individual who has  
9 conditional Department full-time or part-time work, a  
10 contractor, an individual used to replace or supplement staff,  
11 an academic intern, a volunteer in Department offices or on  
12 Department contracts, a work-study student, an individual or  
13 entity licensed by the Department, or an unlicensed service  
14 provider who works as a condition of a contract or an agreement  
15 and whose work may bring the unlicensed service provider into  
16 contact with Department clients or client records.

17 (Source: P.A. 101-13, eff. 6-12-19; 101-79, eff. 7-12-19;  
18 101-81, eff. 7-12-19; 102-538, eff. 8-20-21; 102-558, eff.  
19 8-20-21.)

20 Section 10. The Illinois Public Aid Code is amended by  
21 changing Section 5-2 as follows:

22 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

23 Sec. 5-2. Classes of persons eligible. Medical assistance  
24 under this Article shall be available to any of the following

1 classes of persons in respect to whom a plan for coverage has  
2 been submitted to the Governor by the Illinois Department and  
3 approved by him. If changes made in this Section 5-2 require  
4 federal approval, they shall not take effect until such  
5 approval has been received:

6 1. Recipients of basic maintenance grants under  
7 Articles III and IV.

8 2. Beginning January 1, 2014, persons otherwise  
9 eligible for basic maintenance under Article III,  
10 excluding any eligibility requirements that are  
11 inconsistent with any federal law or federal regulation,  
12 as interpreted by the U.S. Department of Health and Human  
13 Services, but who fail to qualify thereunder on the basis  
14 of need, and who have insufficient income and resources to  
15 meet the costs of necessary medical care, including, but  
16 not limited to, the following:

17 (a) All persons otherwise eligible for basic  
18 maintenance under Article III but who fail to qualify  
19 under that Article on the basis of need and who meet  
20 either of the following requirements:

21 (i) their income, as determined by the  
22 Illinois Department in accordance with any federal  
23 requirements, is equal to or less than 100% of the  
24 federal poverty level; or

25 (ii) their income, after the deduction of  
26 costs incurred for medical care and for other

1 types of remedial care, is equal to or less than  
2 100% of the federal poverty level.

3 (b) (Blank).

4 3. (Blank).

5 4. Persons not eligible under any of the preceding  
6 paragraphs who fall sick, are injured, or die, not having  
7 sufficient money, property or other resources to meet the  
8 costs of necessary medical care or funeral and burial  
9 expenses.

10 5.(a) Beginning January 1, 2020, women during  
11 pregnancy and during the 12-month period beginning on the  
12 last day of the pregnancy, together with their infants,  
13 whose income is at or below 200% of the federal poverty  
14 level. Until September 30, 2019, or sooner if the  
15 maintenance of effort requirements under the Patient  
16 Protection and Affordable Care Act are eliminated or may  
17 be waived before then, women during pregnancy and during  
18 the 12-month period beginning on the last day of the  
19 pregnancy, whose countable monthly income, after the  
20 deduction of costs incurred for medical care and for other  
21 types of remedial care as specified in administrative  
22 rule, is equal to or less than the Medical Assistance-No  
23 Grant(C) (MANG(C)) Income Standard in effect on April 1,  
24 2013 as set forth in administrative rule.

25 (b) The plan for coverage shall provide ambulatory  
26 prenatal care to pregnant women during a presumptive

1 eligibility period and establish an income eligibility  
2 standard that is equal to 200% of the federal poverty  
3 level, provided that costs incurred for medical care are  
4 not taken into account in determining such income  
5 eligibility.

6 (c) The Illinois Department may conduct a  
7 demonstration in at least one county that will provide  
8 medical assistance to pregnant women, together with their  
9 infants and children up to one year of age, where the  
10 income eligibility standard is set up to 185% of the  
11 nonfarm income official poverty line, as defined by the  
12 federal Office of Management and Budget. The Illinois  
13 Department shall seek and obtain necessary authorization  
14 provided under federal law to implement such a  
15 demonstration. Such demonstration may establish resource  
16 standards that are not more restrictive than those  
17 established under Article IV of this Code.

18 6. (a) Children younger than age 19 when countable  
19 income is at or below 133% of the federal poverty level.  
20 Until September 30, 2019, or sooner if the maintenance of  
21 effort requirements under the Patient Protection and  
22 Affordable Care Act are eliminated or may be waived before  
23 then, children younger than age 19 whose countable monthly  
24 income, after the deduction of costs incurred for medical  
25 care and for other types of remedial care as specified in  
26 administrative rule, is equal to or less than the Medical



1 Assistance-No Grant (C) (MANG(C)) Income Standard in effect  
2 on April 1, 2013 as set forth in administrative rule.

3 (b) Children and youth who are under temporary custody  
4 or guardianship of the Department of Children and Family  
5 Services or who receive financial assistance in support of  
6 an adoption or guardianship placement from the Department  
7 of Children and Family Services.

8 7. (Blank).

9 8. As required under federal law, persons who are  
10 eligible for Transitional Medical Assistance as a result  
11 of an increase in earnings or child or spousal support  
12 received. The plan for coverage for this class of persons  
13 shall:

14 (a) extend the medical assistance coverage to the  
15 extent required by federal law; and

16 (b) offer persons who have initially received 6  
17 months of the coverage provided in paragraph (a)  
18 above, the option of receiving an additional 6 months  
19 of coverage, subject to the following:

20 (i) such coverage shall be pursuant to  
21 provisions of the federal Social Security Act;

22 (ii) such coverage shall include all services  
23 covered under Illinois' State Medicaid Plan;

24 (iii) no premium shall be charged for such  
25 coverage; and

26 (iv) such coverage shall be suspended in the

1 event of a person's failure without good cause to  
2 file in a timely fashion reports required for this  
3 coverage under the Social Security Act and  
4 coverage shall be reinstated upon the filing of  
5 such reports if the person remains otherwise  
6 eligible.

7 9. Persons with acquired immunodeficiency syndrome  
8 (AIDS) or with AIDS-related conditions with respect to  
9 whom there has been a determination that but for home or  
10 community-based services such individuals would require  
11 the level of care provided in an inpatient hospital,  
12 skilled nursing facility or intermediate care facility the  
13 cost of which is reimbursed under this Article. Assistance  
14 shall be provided to such persons to the maximum extent  
15 permitted under Title XIX of the Federal Social Security  
16 Act.

17 10. Participants in the long-term care insurance  
18 partnership program established under the Illinois  
19 Long-Term Care Partnership Program Act who meet the  
20 qualifications for protection of resources described in  
21 Section 15 of that Act.

22 11. Persons with disabilities who are employed and  
23 eligible for Medicaid, pursuant to Section  
24 1902(a)(10)(A)(ii)(xv) of the Social Security Act, and,  
25 subject to federal approval, persons with a medically  
26 improved disability who are employed and eligible for

1 Medicaid pursuant to Section 1902(a)(10)(A)(ii)(xvi) of  
2 the Social Security Act, as provided by the Illinois  
3 Department by rule. In establishing eligibility standards  
4 under this paragraph 11, the Department shall, subject to  
5 federal approval:

6 (a) set the income eligibility standard at not  
7 lower than 350% of the federal poverty level;

8 (b) exempt retirement accounts that the person  
9 cannot access without penalty before the age of 59  
10 1/2, and medical savings accounts established pursuant  
11 to 26 U.S.C. 220;

12 (c) allow non-exempt assets up to \$25,000 as to  
13 those assets accumulated during periods of eligibility  
14 under this paragraph 11; and

15 (d) continue to apply subparagraphs (b) and (c) in  
16 determining the eligibility of the person under this  
17 Article even if the person loses eligibility under  
18 this paragraph 11.

19 12. Subject to federal approval, persons who are  
20 eligible for medical assistance coverage under applicable  
21 provisions of the federal Social Security Act and the  
22 federal Breast and Cervical Cancer Prevention and  
23 Treatment Act of 2000. Those eligible persons are defined  
24 to include, but not be limited to, the following persons:

25 (1) persons who have been screened for breast or  
26 cervical cancer under the U.S. Centers for Disease

1 Control and Prevention Breast and Cervical Cancer  
2 Program established under Title XV of the federal  
3 Public Health Service ~~Services~~ Act in accordance with  
4 the requirements of Section 1504 of that Act as  
5 administered by the Illinois Department of Public  
6 Health; and

7 (2) persons whose screenings under the above  
8 program were funded in whole or in part by funds  
9 appropriated to the Illinois Department of Public  
10 Health for breast or cervical cancer screening.

11 "Medical assistance" under this paragraph 12 shall be  
12 identical to the benefits provided under the State's  
13 approved plan under Title XIX of the Social Security Act.  
14 The Department must request federal approval of the  
15 coverage under this paragraph 12 within 30 days after July  
16 3, 2001 (the effective date of Public Act 92-47) ~~this~~  
17 ~~amendatory Act of the 92nd General Assembly.~~

18 In addition to the persons who are eligible for  
19 medical assistance pursuant to subparagraphs (1) and (2)  
20 of this paragraph 12, and to be paid from funds  
21 appropriated to the Department for its medical programs,  
22 any uninsured person as defined by the Department in rules  
23 residing in Illinois who is younger than 65 years of age,  
24 who has been screened for breast and cervical cancer in  
25 accordance with standards and procedures adopted by the  
26 Department of Public Health for screening, and who is

1 referred to the Department by the Department of Public  
2 Health as being in need of treatment for breast or  
3 cervical cancer is eligible for medical assistance  
4 benefits that are consistent with the benefits provided to  
5 those persons described in subparagraphs (1) and (2).  
6 Medical assistance coverage for the persons who are  
7 eligible under the preceding sentence is not dependent on  
8 federal approval, but federal moneys may be used to pay  
9 for services provided under that coverage upon federal  
10 approval.

11 13. Subject to appropriation and to federal approval,  
12 persons living with HIV/AIDS who are not otherwise  
13 eligible under this Article and who qualify for services  
14 covered under Section 5-5.04 as provided by the Illinois  
15 Department by rule.

16 14. Subject to the availability of funds for this  
17 purpose, the Department may provide coverage under this  
18 Article to persons who reside in Illinois who are not  
19 eligible under any of the preceding paragraphs and who  
20 meet the income guidelines of paragraph 2(a) of this  
21 Section and (i) have an application for asylum pending  
22 before the federal Department of Homeland Security or on  
23 appeal before a court of competent jurisdiction and are  
24 represented either by counsel or by an advocate accredited  
25 by the federal Department of Homeland Security and  
26 employed by a not-for-profit organization in regard to

1           that application or appeal, or (ii) are receiving services  
2           through a federally funded torture treatment center.  
3           Medical coverage under this paragraph 14 may be provided  
4           for up to 24 continuous months from the initial  
5           eligibility date so long as an individual continues to  
6           satisfy the criteria of this paragraph 14. If an  
7           individual has an appeal pending regarding an application  
8           for asylum before the Department of Homeland Security,  
9           eligibility under this paragraph 14 may be extended until  
10          a final decision is rendered on the appeal. The Department  
11          may adopt rules governing the implementation of this  
12          paragraph 14.

13           15. Family Care Eligibility.

14           (a) On and after July 1, 2012, a parent or other  
15           caretaker relative who is 19 years of age or older when  
16           countable income is at or below 133% of the federal  
17           poverty level. A person may not spend down to become  
18           eligible under this paragraph 15.

19           (b) Eligibility shall be reviewed annually.

20           (c) (Blank).

21           (d) (Blank).

22           (e) (Blank).

23           (f) (Blank).

24           (g) (Blank).

25           (h) (Blank).

26           (i) Following termination of an individual's

1 coverage under this paragraph 15, the individual must  
2 be determined eligible before the person can be  
3 re-enrolled.

4 16. Subject to appropriation, uninsured persons who  
5 are not otherwise eligible under this Section who have  
6 been certified and referred by the Department of Public  
7 Health as having been screened and found to need  
8 diagnostic evaluation or treatment, or both diagnostic  
9 evaluation and treatment, for prostate or testicular  
10 cancer. For the purposes of this paragraph 16, uninsured  
11 persons are those who do not have creditable coverage, as  
12 defined under the Health Insurance Portability and  
13 Accountability Act, or have otherwise exhausted any  
14 insurance benefits they may have had, for prostate or  
15 testicular cancer diagnostic evaluation or treatment, or  
16 both diagnostic evaluation and treatment. To be eligible,  
17 a person must furnish a Social Security number. A person's  
18 assets are exempt from consideration in determining  
19 eligibility under this paragraph 16. Such persons shall be  
20 eligible for medical assistance under this paragraph 16  
21 for so long as they need treatment for the cancer. A person  
22 shall be considered to need treatment if, in the opinion  
23 of the person's treating physician, the person requires  
24 therapy directed toward cure or palliation of prostate or  
25 testicular cancer, including recurrent metastatic cancer  
26 that is a known or presumed complication of prostate or

1           testicular cancer and complications resulting from the  
2           treatment modalities themselves. Persons who require only  
3           routine monitoring services are not considered to need  
4           treatment. "Medical assistance" under this paragraph 16  
5           shall be identical to the benefits provided under the  
6           State's approved plan under Title XIX of the Social  
7           Security Act. Notwithstanding any other provision of law,  
8           the Department (i) does not have a claim against the  
9           estate of a deceased recipient of services under this  
10          paragraph 16 and (ii) does not have a lien against any  
11          homestead property or other legal or equitable real  
12          property interest owned by a recipient of services under  
13          this paragraph 16.

14                 17. Persons who, pursuant to a waiver approved by the  
15                 Secretary of the U.S. Department of Health and Human  
16                 Services, are eligible for medical assistance under Title  
17                 XIX or XXI of the federal Social Security Act.  
18                 Notwithstanding any other provision of this Code and  
19                 consistent with the terms of the approved waiver, the  
20                 Illinois Department, may by rule:

21                         (a) Limit the geographic areas in which the waiver  
22                         program operates.

23                         (b) Determine the scope, quantity, duration, and  
24                         quality, and the rate and method of reimbursement, of  
25                         the medical services to be provided, which may differ  
26                         from those for other classes of persons eligible for



1 assistance under this Article.

2 (c) Restrict the persons' freedom in choice of  
3 providers.

4 18. Beginning January 1, 2014, persons aged 19 or  
5 older, but younger than 65, who are not otherwise eligible  
6 for medical assistance under this Section 5-2, who qualify  
7 for medical assistance pursuant to 42 U.S.C.  
8 1396a(a)(10)(A)(i)(VIII) and applicable federal  
9 regulations, and who have income at or below 133% of the  
10 federal poverty level plus 5% for the applicable family  
11 size as determined pursuant to 42 U.S.C. 1396a(e)(14) and  
12 applicable federal regulations. Persons eligible for  
13 medical assistance under this paragraph 18 shall receive  
14 coverage for the Health Benefits Service Package as that  
15 term is defined in subsection (m) of Section 5-1.1 of this  
16 Code. If Illinois' federal medical assistance percentage  
17 (FMAP) is reduced below 90% for persons eligible for  
18 medical assistance under this paragraph 18, eligibility  
19 under this paragraph 18 shall cease no later than the end  
20 of the third month following the month in which the  
21 reduction in FMAP takes effect.

22 19. Beginning January 1, 2014, as required under 42  
23 U.S.C. 1396a(a)(10)(A)(i)(IX), persons older than age 18  
24 and younger than age 26 who are not otherwise eligible for  
25 medical assistance under paragraphs (1) through (17) of  
26 this Section who (i) were in foster care under the

1 responsibility of the State on the date of attaining age  
2 18 or on the date of attaining age 22 ~~21~~ when a court has  
3 continued wardship for good cause as provided in Section  
4 2-31 of the Juvenile Court Act of 1987 and (ii) received  
5 medical assistance under the Illinois Title XIX State Plan  
6 or waiver of such plan while in foster care.

7 20. Beginning January 1, 2018, persons who are  
8 foreign-born victims of human trafficking, torture, or  
9 other serious crimes as defined in Section 2-19 of this  
10 Code and their derivative family members if such persons:  
11 (i) reside in Illinois; (ii) are not eligible under any of  
12 the preceding paragraphs; (iii) meet the income guidelines  
13 of subparagraph (a) of paragraph 2; and (iv) meet the  
14 nonfinancial eligibility requirements of Sections 16-2,  
15 16-3, and 16-5 of this Code. The Department may extend  
16 medical assistance for persons who are foreign-born  
17 victims of human trafficking, torture, or other serious  
18 crimes whose medical assistance would be terminated  
19 pursuant to subsection (b) of Section 16-5 if the  
20 Department determines that the person, during the year of  
21 initial eligibility (1) experienced a health crisis, (2)  
22 has been unable, after reasonable attempts, to obtain  
23 necessary information from a third party, or (3) has other  
24 extenuating circumstances that prevented the person from  
25 completing his or her application for status. The  
26 Department may adopt any rules necessary to implement the

1 provisions of this paragraph.

2 21. Persons who are not otherwise eligible for medical  
3 assistance under this Section who may qualify for medical  
4 assistance pursuant to 42 U.S.C.  
5 1396a(a)(10)(A)(ii)(XXIII) and 42 U.S.C. 1396(ss) for the  
6 duration of any federal or State declared emergency due to  
7 COVID-19. Medical assistance to persons eligible for  
8 medical assistance solely pursuant to this paragraph 21  
9 shall be limited to any in vitro diagnostic product (and  
10 the administration of such product) described in 42 U.S.C.  
11 1396d(a)(3)(B) on or after March 18, 2020, any visit  
12 described in 42 U.S.C. 1396o(a)(2)(G), or any other  
13 medical assistance that may be federally authorized for  
14 this class of persons. The Department may also cover  
15 treatment of COVID-19 for this class of persons, or any  
16 similar category of uninsured individuals, to the extent  
17 authorized under a federally approved 1115 Waiver or other  
18 federal authority. Notwithstanding the provisions of  
19 Section 1-11 of this Code, due to the nature of the  
20 COVID-19 public health emergency, the Department may cover  
21 and provide the medical assistance described in this  
22 paragraph 21 to noncitizens who would otherwise meet the  
23 eligibility requirements for the class of persons  
24 described in this paragraph 21 for the duration of the  
25 State emergency period.

26 In implementing the provisions of Public Act 96-20, the

1 Department is authorized to adopt only those rules necessary,  
2 including emergency rules. Nothing in Public Act 96-20 permits  
3 the Department to adopt rules or issue a decision that expands  
4 eligibility for the FamilyCare Program to a person whose  
5 income exceeds 185% of the Federal Poverty Level as determined  
6 from time to time by the U.S. Department of Health and Human  
7 Services, unless the Department is provided with express  
8 statutory authority.

9 The eligibility of any such person for medical assistance  
10 under this Article is not affected by the payment of any grant  
11 under the Senior Citizens and Persons with Disabilities  
12 Property Tax Relief Act or any distributions or items of  
13 income described under subparagraph (X) of paragraph (2) of  
14 subsection (a) of Section 203 of the Illinois Income Tax Act.

15 The Department shall by rule establish the amounts of  
16 assets to be disregarded in determining eligibility for  
17 medical assistance, which shall at a minimum equal the amounts  
18 to be disregarded under the Federal Supplemental Security  
19 Income Program. The amount of assets of a single person to be  
20 disregarded shall not be less than \$2,000, and the amount of  
21 assets of a married couple to be disregarded shall not be less  
22 than \$3,000.

23 To the extent permitted under federal law, any person  
24 found guilty of a second violation of Article VIII A shall be  
25 ineligible for medical assistance under this Article, as  
26 provided in Section 8A-8.

1           The eligibility of any person for medical assistance under  
2 this Article shall not be affected by the receipt by the person  
3 of donations or benefits from fundraisers held for the person  
4 in cases of serious illness, as long as neither the person nor  
5 members of the person's family have actual control over the  
6 donations or benefits or the disbursement of the donations or  
7 benefits.

8           Notwithstanding any other provision of this Code, if the  
9 United States Supreme Court holds Title II, Subtitle A,  
10 Section 2001(a) of Public Law 111-148 to be unconstitutional,  
11 or if a holding of Public Law 111-148 makes Medicaid  
12 eligibility allowed under Section 2001(a) inoperable, the  
13 State or a unit of local government shall be prohibited from  
14 enrolling individuals in the Medical Assistance Program as the  
15 result of federal approval of a State Medicaid waiver on or  
16 after June 14, 2012 (the effective date of Public Act 97-687)  
17 ~~this amendatory Act of the 97th General Assembly~~, and any  
18 individuals enrolled in the Medical Assistance Program  
19 pursuant to eligibility permitted as a result of such a State  
20 Medicaid waiver shall become immediately ineligible.

21           Notwithstanding any other provision of this Code, if an  
22 Act of Congress that becomes a Public Law eliminates Section  
23 2001(a) of Public Law 111-148, the State or a unit of local  
24 government shall be prohibited from enrolling individuals in  
25 the Medical Assistance Program as the result of federal  
26 approval of a State Medicaid waiver on or after June 14, 2012

1 ~~(the effective date of Public Act 97-687) ~~this amendatory Act~~~~  
2 ~~of the 97th General Assembly,~~ and any individuals enrolled in  
3 the Medical Assistance Program pursuant to eligibility  
4 permitted as a result of such a State Medicaid waiver shall  
5 become immediately ineligible.

6 Effective October 1, 2013, the determination of  
7 eligibility of persons who qualify under paragraphs 5, 6, 8,  
8 15, 17, and 18 of this Section shall comply with the  
9 requirements of 42 U.S.C. 1396a(e)(14) and applicable federal  
10 regulations.

11 The Department of Healthcare and Family Services, the  
12 Department of Human Services, and the Illinois health  
13 insurance marketplace shall work cooperatively to assist  
14 persons who would otherwise lose health benefits as a result  
15 of changes made under Public Act 98-104 ~~this amendatory Act of~~  
16 ~~the 98th General Assembly~~ to transition to other health  
17 insurance coverage.

18 (Source: P.A. 101-10, eff. 6-5-19; 101-649, eff. 7-7-20;  
19 revised 8-24-20.)

20 Section 15. The Juvenile Court Act of 1987 is amended by  
21 changing Sections 2-23, 2-31, 2-33, and 2-34 as follows:

22 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

24 (1) The following kinds of orders of disposition may be

1 made in respect of wards of the court:

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

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

24 However, in any case in which a minor is found by the  
25 court to be neglected or abused under Section 2-3 of this  
26 Act, custody of the minor shall not be restored to any

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

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

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



1 (b-1) A minor between the ages of 18 and 23 ~~21~~ may be  
2 placed pursuant to Section 2-27 of this Act if (1) the  
3 court has granted a supplemental petition to reinstate  
4 wardship of the minor pursuant to subsection (2) of  
5 Section 2-33, (2) the court has adjudicated the minor a  
6 ward of the court, permitted the minor to return home  
7 under an order of protection, and subsequently made a  
8 finding that it is in the minor's best interest to vacate  
9 the order of protection and commit the minor to the  
10 Department of Children and Family Services for care and  
11 service, or (3) the court returned the minor to the  
12 custody of the respondent under Section 2-4b of this Act  
13 without terminating the proceedings under Section 2-31 of  
14 this Act, and subsequently made a finding that it is in the  
15 minor's best interest to commit the minor to the  
16 Department of Children and Family Services for care and  
17 services.

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

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

1 protection under Section 2-25.

2 Unless the order of disposition expressly so provides, it  
3 does not operate to close proceedings on the pending petition,  
4 but is subject to modification, not inconsistent with Section  
5 2-28, until final closing and discharge of the proceedings  
6 under Section 2-31.

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

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

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

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

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

24 (5) Any order for disposition where the minor is committed  
25 or placed in accordance with Section 2-27 shall provide for  
26 the parents or guardian of the estate of such minor to pay to

1 the legal custodian or guardian of the person of the minor such  
2 sums as are determined by the custodian or guardian of the  
3 person of the minor as necessary for the minor's needs. Such  
4 payments may not exceed the maximum amounts provided for by  
5 Section 9.1 of the Children and Family Services Act.

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

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

14 (Source: P.A. 101-79, eff. 7-12-19; 102-489, eff. 8-20-21.)

15 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

16 Sec. 2-31. Duration of wardship and discharge of  
17 proceedings.

18 (1) All proceedings under Article II of this Act in  
19 respect of any minor automatically terminate upon his or her  
20 attaining the age of 23 ~~21~~ years.

21 (2) Whenever the court determines, and makes written  
22 factual findings, that health, safety, and the best interests  
23 of the minor and the public no longer require the wardship of  
24 the court, the court shall order the wardship terminated and  
25 all proceedings under this Act respecting that minor finally

1 closed and discharged. The court may at the same time continue  
2 or terminate any custodianship or guardianship theretofore  
3 ordered but the termination must be made in compliance with  
4 Section 2-28. When terminating wardship under this Section, if  
5 the minor is over 18 or if wardship is terminated in  
6 conjunction with an order partially or completely emancipating  
7 the minor in accordance with the Emancipation of Minors Act,  
8 the court shall also consider the following factors, in  
9 addition to the health, safety, and best interest of the minor  
10 and the public: (A) the minor's wishes regarding case closure;  
11 (B) the manner in which the minor will maintain independence  
12 without services from the Department; (C) the minor's  
13 engagement in services including placement offered by the  
14 Department; (D) if the minor is not engaged, the Department's  
15 efforts to engage the minor; (E) the nature of communication  
16 between the minor and the Department; (F) the minor's  
17 involvement in other State systems or services; (G) the  
18 minor's connections with family and other community support;  
19 and (H) any other factor the court deems relevant. The minor's  
20 lack of cooperation with services provided by the Department  
21 of Children and Family Services shall not by itself be  
22 considered sufficient evidence that the minor is prepared to  
23 live independently and that it is in the best interest of the  
24 minor to terminate wardship. It shall not be in the minor's  
25 best interest to terminate wardship of a minor over the age of  
26 18 who is in the guardianship of the Department of Children and

1 Family Services if the Department has not made reasonable  
2 efforts to ensure that the minor has documents necessary for  
3 adult living as provided in Section 35.10 of the Children and  
4 Family Services Act.

5 (3) The wardship of the minor and any custodianship or  
6 guardianship respecting the minor for whom a petition was  
7 filed after July 24, 1991 (the effective date of Public Act  
8 87-14) automatically terminates when he attains the age of 19  
9 years, except as set forth in subsection (1) of this Section.  
10 The clerk of the court shall at that time record all  
11 proceedings under this Act as finally closed and discharged  
12 for that reason. The provisions of this subsection (3) become  
13 inoperative on and after July 12, 2019 (the effective date of  
14 Public Act 101-78).

15 (4) Notwithstanding any provision of law to the contrary,  
16 the changes made by Public Act 101-78 apply to all cases that  
17 are pending on or after July 12, 2019 (the effective date of  
18 Public Act 101-78).

19 (Source: P.A. 101-78, eff. 7-12-19; 102-558, eff. 8-20-21.)

20 (705 ILCS 405/2-33)

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

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

25 (a) wardship and guardianship under the Juvenile Court

1 Act of 1987 was vacated in conjunction with the  
2 appointment of a private guardian under the Probate Act of  
3 1975;

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

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

10 (2) Any time prior to a minor's 23rd ~~21st~~ birthday,  
11 pursuant to a supplemental petition filed under this Section,  
12 the court may reinstate wardship and open a previously closed  
13 case when:

14 (a) wardship and guardianship under this Act was  
15 vacated pursuant to:

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

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

22 (iii) an order entered under subsection (3) of  
23 Section 2-31 based on the minor's attaining the age of  
24 19 years before the effective date of this amendatory  
25 Act of the 101st General Assembly;

26 (b) the minor is not presently a ward of the court



1 under Article II of this Act nor is there a petition for  
2 adjudication of wardship pending on behalf of the minor;  
3 and

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

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

14 (3.5) Whenever a petition is filed to reinstate wardship  
15 pursuant to subsection (1), prior to granting the petition,  
16 the court may order the Department of Children and Family  
17 Services to assess the minor's current and proposed living  
18 arrangements and to provide ongoing monitoring of the health,  
19 safety, and best interest of the minor during the pendency of  
20 the petition to assist the court in making that determination.

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

25 (5) Whenever a minor is committed to the Department of  
26 Children and Family Services for care and services following

1 the reinstatement of wardship under this Section, the  
2 Department shall:

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

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

11 (Source: P.A. 101-78, eff. 7-12-19; 102-489, eff. 8-20-21.)

12 (705 ILCS 405/2-34)

13 Sec. 2-34. Motion to reinstate parental rights.

14 (1) For purposes of this subsection (1), the term "parent"  
15 refers to the person or persons whose rights were terminated  
16 as described in paragraph (a) of this subsection; and the term  
17 "minor" means a person under the age of 23 ~~21~~ years subject to  
18 this Act for whom the Department of Children and Family  
19 Services Guardianship Administrator is appointed the temporary  
20 custodian or guardian.

21 A motion to reinstate parental rights may be filed only by  
22 the Department of Children and Family Services or the minor  
23 regarding any minor who is presently a ward of the court under  
24 Article II of this Act when all the conditions set out in  
25 paragraphs (a), (b), (c), (d), (e), (f), and (g) of this

1 subsection (1) are met:

2 (a) while the minor was under the jurisdiction of the  
3 court under Article II of this Act, the minor's parent or  
4 parents surrendered the minor for adoption to an agency  
5 legally authorized to place children for adoption, or the  
6 minor's parent or parents consented to his or her  
7 adoption, or the minor's parent or parents consented to  
8 his or her adoption by a specified person or persons, or  
9 the parent or parents' rights were terminated pursuant to  
10 a finding of unfitness pursuant to Section 2-29 of this  
11 Act and a guardian was appointed with the power to consent  
12 to adoption pursuant to Section 2-29 of this Act; and

13 (b) (i) since the signing of the surrender, the  
14 signing of the consent, or the unfitness finding, the  
15 minor has remained a ward of the Court under Article II of  
16 this Act; or

17 (ii) the minor was made a ward of the Court, the minor  
18 was placed in the private guardianship of an individual or  
19 individuals, and after the appointment of a private  
20 guardian and a new petition alleging abuse, neglect, or  
21 dependency pursuant to Section 2-3 or 2-4 is filed, and  
22 the minor is again found by the court to be abused,  
23 neglected or dependent; or a supplemental petition to  
24 reinstate wardship is filed pursuant to Section 2-33, and  
25 the court reinstates wardship; or

26 (iii) the minor was made a ward of the Court, wardship

1 was terminated after the minor was adopted, after the  
2 adoption a new petition alleging abuse, neglect, or  
3 dependency pursuant to Section 2-3 or 2-4 is filed, and  
4 the minor is again found by the court to be abused,  
5 neglected, or dependent, and either (i) the adoptive  
6 parent or parents are deceased, (ii) the adoptive parent  
7 or parents signed a surrender of parental rights, or (iii)  
8 the parental rights of the adoptive parent or parents were  
9 terminated;

10 (c) the minor is not currently in a placement likely  
11 to achieve permanency;

12 (d) it is in the minor's best interest that parental  
13 rights be reinstated;

14 (e) the parent named in the motion wishes parental  
15 rights to be reinstated and is currently appropriate to  
16 have rights reinstated;

17 (f) more than 3 years have lapsed since the signing of  
18 the consent or surrender, or the entry of the order  
19 appointing a guardian with the power to consent to  
20 adoption;

21 (g) (i) the child is 13 years of age or older or (ii)  
22 the child is the younger sibling of such child, 13 years of  
23 age or older, for whom reinstatement of parental rights is  
24 being sought and the younger sibling independently meets  
25 the criteria set forth in paragraphs (a) through (h) of  
26 this subsection; and

1           (h) if the court has previously denied a motion to  
2           reinstate parental rights filed by the Department, there  
3           has been a substantial change in circumstances following  
4           the denial of the earlier motion.

5           (2) The motion may be filed only by the Department of  
6           Children and Family Services or by the minor. Unless excused  
7           by the court for good cause shown, the movant shall give notice  
8           of the time and place of the hearing on the motion, in person  
9           or by mail, to the parties to the juvenile court proceeding.  
10          Notice shall be provided at least 14 days in advance of the  
11          hearing date. The motion shall include the allegations  
12          required in subsection (1) of this Section.

13          (3) Any party may file a motion to dismiss the motion with  
14          prejudice on the basis that the parent has intentionally acted  
15          to prevent the child from being adopted, after parental rights  
16          were terminated or the parent intentionally acted to disrupt  
17          the child's adoption. If the court finds by a preponderance of  
18          the evidence that the parent has intentionally acted to  
19          prevent the child from being adopted, after parental rights  
20          were terminated or that the parent intentionally acted to  
21          disrupt the child's adoption, the court shall dismiss the  
22          petition with prejudice.

23          (4) The court shall not grant a motion for reinstatement  
24          of parental rights unless the court finds that the motion is  
25          supported by clear and convincing evidence. In ruling on a  
26          motion to reinstate parental rights, the court shall make

1 findings consistent with the requirements in subsection (1) of  
2 this Section. The court shall consider the reasons why the  
3 child was initially brought to the attention of the court, the  
4 history of the child's case as it relates to the parent seeking  
5 reinstatement, and the current circumstances of the parent for  
6 whom reinstatement of rights is sought. If reinstatement is  
7 being considered subsequent to a finding of unfitness pursuant  
8 to Section 2-29 of this Act having been entered with respect to  
9 the parent whose rights are being restored, the court in  
10 determining the minor's best interest shall consider, in  
11 addition to the factors set forth in paragraph (4.05) of  
12 Section 1-3 of this Act, the specific grounds upon which the  
13 unfitness findings were made. Upon the entry of an order  
14 granting a motion to reinstate parental rights, parental  
15 rights of the parent named in the order shall be reinstated,  
16 any previous order appointing a guardian with the power to  
17 consent to adoption shall be void and with respect to the  
18 parent named in the order, any consent shall be void.

19 (5) If the case is post-disposition, the court, upon the  
20 entry of an order granting a motion to reinstate parental  
21 rights, shall schedule the matter for a permanency hearing  
22 pursuant to Section 2-28 of this Act within 45 days.

23 (6) Custody of the minor shall not be restored to the  
24 parent, except by order of court pursuant to subsection (4) of  
25 Section 2-28 of this Act.

26 (7) In any case involving a child over the age of 13 who

1 meets the criteria established in this Section for  
2 reinstatement of parental rights, the Department of Children  
3 and Family Services shall conduct an assessment of the child's  
4 circumstances to assist in future planning for the child,  
5 including, but not limited to a determination regarding the  
6 appropriateness of filing a motion to reinstate parental  
7 rights.

8 (8) (Blank).

9 (Source: P.A. 98-477, eff. 8-16-13.)