



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1293

Introduced 1/31/2023, 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.

LRB103 05843 KTG 50863 b

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> 21 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, except that the benefits described in Section
2 5.46 must be used and conserved consistent with the provisions
3 under Section 5.46.

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

15 In disbursing funds from children's accounts, the
16 Department shall:

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

25 (2) Calculate on a monthly basis the amounts paid from
26 State funds for the child's board and care, medical care

1 not covered under Medicaid, and social services; and
2 utilize funds from the child's account, as covered by
3 regulation, to reimburse those costs. Monthly,
4 disbursements from all children's accounts, up to 1/12 of
5 \$13,000,000, shall be deposited by the Department into the
6 General Revenue Fund and the balance over 1/12 of
7 \$13,000,000 into the DCFS Children's Services Fund.

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

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

1 confidentiality of the person seeking to adopt the child and
2 of the child.

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

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

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

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

26 The Department shall provide written notification to the

1 court of the specific arrangements for supervised visitation
2 and projected monthly costs within 60 days of the court order.
3 The Department shall send to the court information related to
4 the costs incurred except in cases where the court has
5 determined the parties are financially unable to pay. The
6 court may order additional periodic reports as appropriate.

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

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

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

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

1 The caretaker shall be informed of any known social or
2 behavioral information (including, but not limited to,
3 criminal background, fire setting, perpetuation of sexual
4 abuse, destructive behavior, and substance abuse) necessary to
5 care for and safeguard the children to be placed or currently
6 in the home. The Department may prepare a written summary of
7 the information required by this paragraph, which may be
8 provided to the foster or prospective adoptive parent in
9 advance of a placement. The foster or prospective adoptive
10 parent may review the supporting documents in the child's file
11 in the presence of casework staff. In the case of an emergency
12 placement, casework staff shall at least provide known
13 information verbally, if necessary, and must subsequently
14 provide the information in writing as required by this
15 subsection.

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

1 parents or other caretaker. The information provided to the
2 prospective adoptive parent or parents or other caretaker
3 shall be reviewed and approved regarding accuracy at the
4 supervisory level.

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

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

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

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

23 (v-2) Prior to final approval for placement of a child,
24 the Department shall check its child abuse and neglect
25 registry for information concerning prospective foster and
26 adoptive parents, and any adult living in the home. If any

1 prospective foster or adoptive parent or other adult living in
2 the home has resided in another state in the preceding 5 years,
3 the Department shall request a check of that other state's
4 child abuse and neglect registry.

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

26 (x) The Department shall conduct annual credit history

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

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

22 (z) The Department shall access criminal history record
23 information as defined as "background information" in this
24 subsection and criminal history record information as defined
25 in the Illinois Uniform Conviction Information Act for each
26 Department employee or Department applicant. Each Department

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

14 For purposes of this subsection:

15 "Background information" means all of the following:

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

23 (ii) Information obtained by the Department of
24 Children and Family Services after performing a check of
25 the Illinois State Police's Sex Offender Database, as
26 authorized by Section 120 of the Sex Offender Community

1 Notification Law, concerning a Department employee or
2 Department applicant.

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

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

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

19 (Source: P.A. 101-13, eff. 6-12-19; 101-79, eff. 7-12-19;
20 101-81, eff. 7-12-19; 102-538, eff. 8-20-21; 102-558, eff.
21 8-20-21; 102-1014, eff. 5-27-22.)

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

24 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

1 Sec. 5-2. Classes of persons eligible. Medical assistance
2 under this Article shall be available to any of the following
3 classes of persons in respect to whom a plan for coverage has
4 been submitted to the Governor by the Illinois Department and
5 approved by him. If changes made in this Section 5-2 require
6 federal approval, they shall not take effect until such
7 approval has been received:

8 1. Recipients of basic maintenance grants under
9 Articles III and IV.

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

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

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

1 (ii) their income, after the deduction of
2 costs incurred for medical care and for other
3 types of remedial care, is equal to or less than
4 100% of the federal poverty level.

5 (b) (Blank).

6 3. (Blank).

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

12 5.(a) Beginning January 1, 2020, individuals during
13 pregnancy and during the 12-month period beginning on the
14 last day of the pregnancy, together with their infants,
15 whose income is at or below 200% of the federal poverty
16 level. Until September 30, 2019, or sooner if the
17 maintenance of effort requirements under the Patient
18 Protection and Affordable Care Act are eliminated or may
19 be waived before then, individuals during pregnancy and
20 during the 12-month period beginning on the last day of
21 the pregnancy, whose countable monthly income, after the
22 deduction of costs incurred for medical care and for other
23 types of remedial care as specified in administrative
24 rule, is equal to or less than the Medical Assistance-No
25 Grant(C) (MANG(C)) Income Standard in effect on April 1,
26 2013 as set forth in administrative rule.

1 (b) The plan for coverage shall provide ambulatory
2 prenatal care to pregnant individuals during a presumptive
3 eligibility period and establish an income eligibility
4 standard that is equal to 200% of the federal poverty
5 level, provided that costs incurred for medical care are
6 not taken into account in determining such income
7 eligibility.

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

20 6. (a) Subject to federal approval, children younger
21 than age 19 when countable income is at or below 313% of
22 the federal poverty level, as determined by the Department
23 and in accordance with all applicable federal
24 requirements. The Department is authorized to adopt
25 emergency rules to implement the changes made to this
26 paragraph by Public Act 102-43. Until September 30, 2019,

1 or sooner if the maintenance of effort requirements under
2 the Patient Protection and Affordable Care Act are
3 eliminated or may be waived before then, children younger
4 than age 19 whose countable monthly income, after the
5 deduction of costs incurred for medical care and for other
6 types of remedial care as specified in administrative
7 rule, is equal to or less than the Medical Assistance-No
8 Grant(C) (MANG(C)) Income Standard in effect on April 1,
9 2013 as set forth in administrative rule.

10 (b) Children and youth who are under temporary custody
11 or guardianship of the Department of Children and Family
12 Services or who receive financial assistance in support of
13 an adoption or guardianship placement from the Department
14 of Children and Family Services.

15 7. (Blank).

16 8. As required under federal law, persons who are
17 eligible for Transitional Medical Assistance as a result
18 of an increase in earnings or child or spousal support
19 received. The plan for coverage for this class of persons
20 shall:

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

23 (b) offer persons who have initially received 6
24 months of the coverage provided in paragraph (a)
25 above, the option of receiving an additional 6 months
26 of coverage, subject to the following:

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

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

5 (iii) no premium shall be charged for such
6 coverage; and

7 (iv) such coverage shall be suspended in the
8 event of a person's failure without good cause to
9 file in a timely fashion reports required for this
10 coverage under the Social Security Act and
11 coverage shall be reinstated upon the filing of
12 such reports if the person remains otherwise
13 eligible.

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

24 10. Participants in the long-term care insurance
25 partnership program established under the Illinois
26 Long-Term Care Partnership Program Act who meet the

1 qualifications for protection of resources described in
2 Section 15 of that Act.

3 11. Persons with disabilities who are employed and
4 eligible for Medicaid, pursuant to Section
5 1902(a)(10)(A)(ii)(xv) of the Social Security Act, and,
6 subject to federal approval, persons with a medically
7 improved disability who are employed and eligible for
8 Medicaid pursuant to Section 1902(a)(10)(A)(ii)(xvi) of
9 the Social Security Act, as provided by the Illinois
10 Department by rule. In establishing eligibility standards
11 under this paragraph 11, the Department shall, subject to
12 federal approval:

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

15 (b) exempt retirement accounts that the person
16 cannot access without penalty before the age of 59
17 1/2, and medical savings accounts established pursuant
18 to 26 U.S.C. 220;

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

22 (d) continue to apply subparagraphs (b) and (c) in
23 determining the eligibility of the person under this
24 Article even if the person loses eligibility under
25 this paragraph 11.

26 12. Subject to federal approval, persons who are

1 eligible for medical assistance coverage under applicable
2 provisions of the federal Social Security Act and the
3 federal Breast and Cervical Cancer Prevention and
4 Treatment Act of 2000. Those eligible persons are defined
5 to include, but not be limited to, the following persons:

6 (1) persons who have been screened for breast or
7 cervical cancer under the U.S. Centers for Disease
8 Control and Prevention Breast and Cervical Cancer
9 Program established under Title XV of the federal
10 Public Health Service Act in accordance with the
11 requirements of Section 1504 of that Act as
12 administered by the Illinois Department of Public
13 Health; and

14 (2) persons whose screenings under the above
15 program were funded in whole or in part by funds
16 appropriated to the Illinois Department of Public
17 Health for breast or cervical cancer screening.

18 "Medical assistance" under this paragraph 12 shall be
19 identical to the benefits provided under the State's
20 approved plan under Title XIX of the Social Security Act.
21 The Department must request federal approval of the
22 coverage under this paragraph 12 within 30 days after July
23 3, 2001 (the effective date of Public Act 92-47).

24 In addition to the persons who are eligible for
25 medical assistance pursuant to subparagraphs (1) and (2)
26 of this paragraph 12, and to be paid from funds

1 appropriated to the Department for its medical programs,
2 any uninsured person as defined by the Department in rules
3 residing in Illinois who is younger than 65 years of age,
4 who has been screened for breast and cervical cancer in
5 accordance with standards and procedures adopted by the
6 Department of Public Health for screening, and who is
7 referred to the Department by the Department of Public
8 Health as being in need of treatment for breast or
9 cervical cancer is eligible for medical assistance
10 benefits that are consistent with the benefits provided to
11 those persons described in subparagraphs (1) and (2).
12 Medical assistance coverage for the persons who are
13 eligible under the preceding sentence is not dependent on
14 federal approval, but federal moneys may be used to pay
15 for services provided under that coverage upon federal
16 approval.

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

22 14. Subject to the availability of funds for this
23 purpose, the Department may provide coverage under this
24 Article to persons who reside in Illinois who are not
25 eligible under any of the preceding paragraphs and who
26 meet the income guidelines of paragraph 2(a) of this

1 Section and (i) have an application for asylum pending
2 before the federal Department of Homeland Security or on
3 appeal before a court of competent jurisdiction and are
4 represented either by counsel or by an advocate accredited
5 by the federal Department of Homeland Security and
6 employed by a not-for-profit organization in regard to
7 that application or appeal, or (ii) are receiving services
8 through a federally funded torture treatment center.
9 Medical coverage under this paragraph 14 may be provided
10 for up to 24 continuous months from the initial
11 eligibility date so long as an individual continues to
12 satisfy the criteria of this paragraph 14. If an
13 individual has an appeal pending regarding an application
14 for asylum before the Department of Homeland Security,
15 eligibility under this paragraph 14 may be extended until
16 a final decision is rendered on the appeal. The Department
17 may adopt rules governing the implementation of this
18 paragraph 14.

19 15. Family Care Eligibility.

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

25 (b) Eligibility shall be reviewed annually.

26 (c) (Blank).

1 (d) (Blank).

2 (e) (Blank).

3 (f) (Blank).

4 (g) (Blank).

5 (h) (Blank).

6 (i) Following termination of an individual's
7 coverage under this paragraph 15, the individual must
8 be determined eligible before the person can be
9 re-enrolled.

10 16. Subject to appropriation, uninsured persons who
11 are not otherwise eligible under this Section who have
12 been certified and referred by the Department of Public
13 Health as having been screened and found to need
14 diagnostic evaluation or treatment, or both diagnostic
15 evaluation and treatment, for prostate or testicular
16 cancer. For the purposes of this paragraph 16, uninsured
17 persons are those who do not have creditable coverage, as
18 defined under the Health Insurance Portability and
19 Accountability Act, or have otherwise exhausted any
20 insurance benefits they may have had, for prostate or
21 testicular cancer diagnostic evaluation or treatment, or
22 both diagnostic evaluation and treatment. To be eligible,
23 a person must furnish a Social Security number. A person's
24 assets are exempt from consideration in determining
25 eligibility under this paragraph 16. Such persons shall be
26 eligible for medical assistance under this paragraph 16

1 for so long as they need treatment for the cancer. A person
2 shall be considered to need treatment if, in the opinion
3 of the person's treating physician, the person requires
4 therapy directed toward cure or palliation of prostate or
5 testicular cancer, including recurrent metastatic cancer
6 that is a known or presumed complication of prostate or
7 testicular cancer and complications resulting from the
8 treatment modalities themselves. Persons who require only
9 routine monitoring services are not considered to need
10 treatment. "Medical assistance" under this paragraph 16
11 shall be identical to the benefits provided under the
12 State's approved plan under Title XIX of the Social
13 Security Act. Notwithstanding any other provision of law,
14 the Department (i) does not have a claim against the
15 estate of a deceased recipient of services under this
16 paragraph 16 and (ii) does not have a lien against any
17 homestead property or other legal or equitable real
18 property interest owned by a recipient of services under
19 this paragraph 16.

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

1 (a) Limit the geographic areas in which the waiver
2 program operates.

3 (b) Determine the scope, quantity, duration, and
4 quality, and the rate and method of reimbursement, of
5 the medical services to be provided, which may differ
6 from those for other classes of persons eligible for
7 assistance under this Article.

8 (c) Restrict the persons' freedom in choice of
9 providers.

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

1 reduction in FMAP takes effect.

2 19. Beginning January 1, 2014, as required under 42
3 U.S.C. 1396a(a)(10)(A)(i)(IX), persons older than age 18
4 and younger than age 26 who are not otherwise eligible for
5 medical assistance under paragraphs (1) through (17) of
6 this Section who (i) were in foster care under the
7 responsibility of the State on the date of attaining age
8 18 or on the date of attaining age 22 ~~21~~ when a court has
9 continued wardship for good cause as provided in Section
10 2-31 of the Juvenile Court Act of 1987 and (ii) received
11 medical assistance under the Illinois Title XIX State Plan
12 or waiver of such plan while in foster care.

13 20. Beginning January 1, 2018, persons who are
14 foreign-born victims of human trafficking, torture, or
15 other serious crimes as defined in Section 2-19 of this
16 Code and their derivative family members if such persons:
17 (i) reside in Illinois; (ii) are not eligible under any of
18 the preceding paragraphs; (iii) meet the income guidelines
19 of subparagraph (a) of paragraph 2; and (iv) meet the
20 nonfinancial eligibility requirements of Sections 16-2,
21 16-3, and 16-5 of this Code. The Department may extend
22 medical assistance for persons who are foreign-born
23 victims of human trafficking, torture, or other serious
24 crimes whose medical assistance would be terminated
25 pursuant to subsection (b) of Section 16-5 if the
26 Department determines that the person, during the year of

1 initial eligibility (1) experienced a health crisis, (2)
2 has been unable, after reasonable attempts, to obtain
3 necessary information from a third party, or (3) has other
4 extenuating circumstances that prevented the person from
5 completing his or her application for status. The
6 Department may adopt any rules necessary to implement the
7 provisions of this paragraph.

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

1 and provide the medical assistance described in this
2 paragraph 21 to noncitizens who would otherwise meet the
3 eligibility requirements for the class of persons
4 described in this paragraph 21 for the duration of the
5 State emergency period.

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

15 The eligibility of any such person for medical assistance
16 under this Article is not affected by the payment of any grant
17 under the Senior Citizens and Persons with Disabilities
18 Property Tax Relief Act or any distributions or items of
19 income described under subparagraph (X) of paragraph (2) of
20 subsection (a) of Section 203 of the Illinois Income Tax Act.

21 The Department shall by rule establish the amounts of
22 assets to be disregarded in determining eligibility for
23 medical assistance, which shall at a minimum equal the amounts
24 to be disregarded under the Federal Supplemental Security
25 Income Program. The amount of assets of a single person to be
26 disregarded shall not be less than \$2,000, and the amount of

1 assets of a married couple to be disregarded shall not be less
2 than \$3,000.

3 To the extent permitted under federal law, any person
4 found guilty of a second violation of Article VIIIA shall be
5 ineligible for medical assistance under this Article, as
6 provided in Section 8A-8.

7 The eligibility of any person for medical assistance under
8 this Article shall not be affected by the receipt by the person
9 of donations or benefits from fundraisers held for the person
10 in cases of serious illness, as long as neither the person nor
11 members of the person's family have actual control over the
12 donations or benefits or the disbursement of the donations or
13 benefits.

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

26 Notwithstanding any other provision of this Code, if an

1 Act of Congress that becomes a Public Law eliminates Section
2 2001(a) of Public Law 111-148, the State or a unit of local
3 government shall be prohibited from enrolling individuals in
4 the Medical Assistance Program as the result of federal
5 approval of a State Medicaid waiver on or after June 14, 2012
6 (the effective date of Public Act 97-687), and any individuals
7 enrolled in the Medical Assistance Program pursuant to
8 eligibility permitted as a result of such a State Medicaid
9 waiver shall become immediately ineligible.

10 Effective October 1, 2013, the determination of
11 eligibility of persons who qualify under paragraphs 5, 6, 8,
12 15, 17, and 18 of this Section shall comply with the
13 requirements of 42 U.S.C. 1396a(e)(14) and applicable federal
14 regulations.

15 The Department of Healthcare and Family Services, the
16 Department of Human Services, and the Illinois health
17 insurance marketplace shall work cooperatively to assist
18 persons who would otherwise lose health benefits as a result
19 of changes made under Public Act 98-104 to transition to other
20 health insurance coverage.

21 (Source: P.A. 101-10, eff. 6-5-19; 101-649, eff. 7-7-20;
22 102-43, eff. 7-6-21; 102-558, eff. 8-20-21; 102-665, eff.
23 10-8-21; 102-813, eff. 5-13-22.)

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

1 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

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

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

1 supervision entered in accordance with Section 2-24.

2 However, in any case in which a minor is found by the
3 court to be neglected or abused under Section 2-3 of this
4 Act, custody of the minor shall not be restored to any
5 parent, guardian or legal custodian whose acts or
6 omissions or both have been identified, pursuant to
7 subsection (1) of Section 2-21, as forming the basis for
8 the court's finding of abuse or neglect, until such time
9 as a hearing is held on the issue of the best interests of
10 the minor and the fitness of such parent, guardian or
11 legal custodian to care for the minor without endangering
12 the minor's health or safety, and the court enters an
13 order that such parent, guardian or legal custodian is fit
14 to care for the minor.

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

19 However, in any case in which a minor is found by the
20 court to be dependent under Section 2-4 of this Act,
21 custody of the minor shall not be restored to any parent,
22 guardian or legal custodian whose acts or omissions or
23 both have been identified, pursuant to subsection (1) of
24 Section 2-21, as forming the basis for the court's finding
25 of dependency, until such time as a hearing is held on the
26 issue of the fitness of such parent, guardian or legal

1 custodian to care for the minor without endangering the
2 minor's health or safety, and the court enters an order
3 that such parent, guardian or legal custodian is fit to
4 care for the minor.

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

22 (c) When the court awards guardianship to the
23 Department of Children and Family Services, the court
24 shall order the parents to cooperate with the Department
25 of Children and Family Services, comply with the terms of
26 the service plans, and correct the conditions that require

1 the child to be in care, or risk termination of their
2 parental rights.

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

6 Unless the order of disposition expressly so provides, it
7 does not operate to close proceedings on the pending petition,
8 but is subject to modification, not inconsistent with Section
9 2-28, until final closing and discharge of the proceedings
10 under Section 2-31.

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

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

19 (3.5) If, after reviewing the evidence, including evidence
20 from the Department, the court determines that the minor's
21 current or planned placement is not necessary or appropriate
22 to facilitate achievement of the permanency goal, the court
23 shall put in writing the factual basis supporting its
24 determination and enter specific findings based on the
25 evidence. If the court finds that the minor's current or
26 planned placement is not necessary or appropriate, the court

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

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

1 or all of such restitution on the minor's behalf.

2 (5) Any order for disposition where the minor is committed
3 or placed in accordance with Section 2-27 shall provide for
4 the parents or guardian of the estate of such minor to pay to
5 the legal custodian or guardian of the person of the minor such
6 sums as are determined by the custodian or guardian of the
7 person of the minor as necessary for the minor's needs. Such
8 payments may not exceed the maximum amounts provided for by
9 Section 9.1 of the Children and Family Services Act.

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

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

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

19 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

20 Sec. 2-31. Duration of wardship and discharge of
21 proceedings.

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

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

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

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

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

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

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

24 (705 ILCS 405/2-33)

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

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

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

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

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

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

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

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

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

26 (iii) an order entered under subsection (3) of

1 Section 2-31 based on the minor's attaining the age of
2 19 years before the effective date of this amendatory
3 Act of the 101st General Assembly;

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

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

25 (4) A minor who is the subject of a petition to reinstate
26 wardship under this Section shall be provided with

1 representation in accordance with Sections 1-5 and 2-17 of
2 this Act.

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

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

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

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

16 (705 ILCS 405/2-34)

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

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

25 A motion to reinstate parental rights may be filed only by

1 the Department of Children and Family Services or the minor
2 regarding any minor who is presently a ward of the court under
3 Article II of this Act when all the conditions set out in
4 paragraphs (a), (b), (c), (d), (e), (f), and (g) of this
5 subsection (1) are met:

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

17 (b) (i) since the signing of the surrender, the
18 signing of the consent, or the unfitness finding, the
19 minor has remained a ward of the Court under Article II of
20 this Act; or

21 (ii) the minor was made a ward of the Court, the minor
22 was placed in the private guardianship of an individual or
23 individuals, and after the appointment of a private
24 guardian and a new petition alleging abuse, neglect, or
25 dependency pursuant to Section 2-3 or 2-4 is filed, and
26 the minor is again found by the court to be abused,

1 neglected or dependent; or a supplemental petition to
2 reinstate wardship is filed pursuant to Section 2-33, and
3 the court reinstates wardship; or

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

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

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

18 (e) the parent named in the motion wishes parental
19 rights to be reinstated and is currently appropriate to
20 have rights reinstated;

21 (f) more than 3 years have lapsed since the signing of
22 the consent or surrender, or the entry of the order
23 appointing a guardian with the power to consent to
24 adoption;

25 (g) (i) the child is 13 years of age or older or (ii)
26 the child is the younger sibling of such child, 13 years of

1 age or older, for whom reinstatement of parental rights is
2 being sought and the younger sibling independently meets
3 the criteria set forth in paragraphs (a) through (h) of
4 this subsection; and

5 (h) if the court has previously denied a motion to
6 reinstate parental rights filed by the Department, there
7 has been a substantial change in circumstances following
8 the denial of the earlier motion.

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

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

1 (4) The court shall not grant a motion for reinstatement
2 of parental rights unless the court finds that the motion is
3 supported by clear and convincing evidence. In ruling on a
4 motion to reinstate parental rights, the court shall make
5 findings consistent with the requirements in subsection (1) of
6 this Section. The court shall consider the reasons why the
7 child was initially brought to the attention of the court, the
8 history of the child's case as it relates to the parent seeking
9 reinstatement, and the current circumstances of the parent for
10 whom reinstatement of rights is sought. If reinstatement is
11 being considered subsequent to a finding of unfitness pursuant
12 to Section 2-29 of this Act having been entered with respect to
13 the parent whose rights are being restored, the court in
14 determining the minor's best interest shall consider, in
15 addition to the factors set forth in paragraph (4.05) of
16 Section 1-3 of this Act, the specific grounds upon which the
17 unfitness findings were made. Upon the entry of an order
18 granting a motion to reinstate parental rights, parental
19 rights of the parent named in the order shall be reinstated,
20 any previous order appointing a guardian with the power to
21 consent to adoption shall be void and with respect to the
22 parent named in the order, any consent shall be void.

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

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

4 (7) In any case involving a child over the age of 13 who
5 meets the criteria established in this Section for
6 reinstatement of parental rights, the Department of Children
7 and Family Services shall conduct an assessment of the child's
8 circumstances to assist in future planning for the child,
9 including, but not limited to a determination regarding the
10 appropriateness of filing a motion to reinstate parental
11 rights.

12 (8) (Blank).

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