

1 AN ACT concerning children.

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

4 Section 1. This Act may be referred to as the Kinship in
5 Demand (KIND) Act.

6 Section 2. Legislative findings and declaration of policy.
7 The General Assembly finds, determines, and declares the
8 following:

9 (1) The Kinship in Demand Act creates the statutory
10 vision and authority for the Department of Children and
11 Family Services to execute a kin-first approach to service
12 delivery and directs the juvenile courts to provide
13 necessary oversight of the Department's obligations to
14 maintain family connections and promote equitable
15 opportunities for youth and families to thrive with
16 relational permanence.

17 (2) Connection to family, community, and culture
18 creates emotional and relational permanency. Emotional and
19 relational permanency includes recognizing and supporting
20 many types of important long-term relationships that help
21 a youth feel loved and connected.

22 (3) Federal policy prioritizes placement with
23 relatives or close family friends when youth enter into

1 the foster system. Research consistently demonstrates that
2 placing youth with their kin lessens the trauma of family
3 separation, reduces placement disruptions, enhances
4 permanency options if youth cannot be reunified, results
5 in higher placement satisfaction for youth in care, and
6 delivers better social, behavioral, mental health, and
7 educational outcomes for youth than non-kin foster care.

8 (4) Kinship placements are not only more stable, they
9 are shown to reduce the time to permanence when both
10 subsidized guardianship and adoption are available as
11 permanency options. By making the duration in foster care
12 shorter, kinship placements can help to mitigate the
13 long-term consequences of family separation. This reality
14 means that the State should encourage kinship
15 guardianship, and carefully consider how such arrangements
16 help children with existing family structures which can be
17 damaged by the termination of parental rights.

18 (5) It is in the State's public policy interest to
19 adopt a kin-first culture for the Illinois foster system
20 and ensure that youth placed in the care of relatives by
21 the Department of Children and Family Services receive
22 equitable resources and permanency planning tailored to
23 each family's unique needs. The Department of Children and
24 Family Services must promote kinship placement, help youth
25 in care maintain connections with their families, tailor
26 services and supports to kinship families, and listen to

1 the voices of youth, their families, and kinship
2 caregivers to materially improve young people's
3 experiences. The Department's policies and resource
4 allocations must align with kin-first values and the
5 Department must pursue federal funding opportunities to
6 enhance kinship care. Lawyers and judges in juvenile court
7 play a meaningful role in creating a kin-first culture.
8 The juvenile court must have sufficient information at all
9 stages of the process to provide essential judicial
10 oversight of the Department's efforts to contact and
11 engage relatives.

12 (6) The financial costs of raising a child, whether
13 borne by a relative or a foster parent, are significant.
14 Youth in care who are placed with relatives should not be
15 deprived of the financial resources available to
16 non-relative foster parents. Foster home licensing
17 standards comprise the foundation on which different and
18 insufficient financial support for relative caregivers
19 compared to non-relatives is built, a disparity that
20 undermines the economic security, well-being, and
21 equitable access to federal foster care maintenance
22 payments for youth living with kin. In September 2023, the
23 U.S. Department of Health and Human Services authorized
24 states to voluntarily establish different licensing or
25 approval standards for kinship caregivers to remove
26 barriers to kinship caregiving that harms youth and

1 impedes attainment of permanency. To address inequities
2 and harms, the General Assembly intends to effectuate this
3 federal rule and to leverage every opportunity permitted
4 by the federal government to obtain federal funds for (i)
5 family finding and relative placements, including payments
6 for kinship caregivers at least equivalent to those
7 provided to licensed foster parents and (ii) kinship
8 navigator programs, which the federal government asserts
9 are essential components of the foster system, designed to
10 support kinship caregivers who are providing homes for
11 youth in care.

12 Section 5. The Children and Family Services Act is amended
13 by changing Sections 4d, 5, 6a, 7, and 7.3 and by adding
14 Sections 46 and 55 as follows:

15 (20 ILCS 505/4d)

16 Sec. 4d. Definitions ~~Definition~~. As used in this Act:

17 "Caregiver" means a certified relative caregiver, relative
18 caregiver, or foster parent with whom a youth in care is
19 placed.

20 "Certified relative caregiver" has the meaning ascribed to
21 that term in Section 2.36 of the Child Care Act of 1969.

22 "Certified relative caregiver home" has the meaning
23 ascribed to that term in Section 2.37 of the Child Care Act of
24 1969.

1 "Fictive kin" means a person who is unrelated to a child by
2 birth, marriage, tribal custom, or adoption who is shown to
3 have significant and close personal or emotional ties with the
4 child or the child's family.

5 "Relative" means a person who is: (i) related to a child by
6 blood, marriage, tribal custom, adoption, or to a child's
7 sibling in any of the foregoing ways, even though the person is
8 not related to the child, when the child and the child's
9 sibling are placed together with that person or (ii) fictive
10 kin. For children who have been in the guardianship of the
11 Department following the termination of their parents'
12 parental rights, been adopted or placed in subsidized or
13 unsubsidized guardianship, and are subsequently returned to
14 the temporary custody or guardianship of the Department,
15 "relative" includes any person who would have qualified as a
16 relative under this Section prior to the termination of the
17 parents' parental rights if the Department determines, and
18 documents, or the court finds that it would be in the child's
19 best interests to consider this person a relative, based upon
20 the factors for determining best interests set forth in
21 subsection (4.05) of Section 1-3 of the Juvenile Court Act of
22 1987.

23 "Relative caregiver" means a person responsible for the
24 care and supervision of a child placed by the Department,
25 other than the parent, who is a relative.

26 "Relative home" means a home of a relative that is not a

1 foster family home or a certified relative caregiver home but
2 provides care to a child placed by the Department who is a
3 relative of a household member of the relative's home.

4 "Subsidized guardian" means a person who signs a
5 subsidized guardianship agreement prior to being appointed as
6 plenary guardian of the person of a minor.

7 "Subsidized guardianship" means a permanency outcome when
8 a caregiver is appointed as a plenary guardian of the person of
9 a minor exiting the foster care system, who receives
10 guardianship assistance program payments. Payments may be
11 funded through State funds, federal funds, or both State and
12 federal funds.

13 "Youth in care" means persons placed in the temporary
14 custody or guardianship of the Department pursuant to the
15 Juvenile Court Act of 1987.

16 (Source: P.A. 100-159, eff. 8-18-17.)

17 (20 ILCS 505/5)

18 Sec. 5. Direct child welfare services; Department of
19 Children and Family Services. To provide direct child welfare
20 services when not available through other public or private
21 child care or program facilities.

22 (a) For purposes of this Section:

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

1 (A) were committed to the Department pursuant to
2 the Juvenile Court Act or the Juvenile Court Act of
3 1987 and who continue under the jurisdiction of the
4 court; or

5 (B) were accepted for care, service and training
6 by the Department prior to the age of 18 and whose best
7 interest in the discretion of the Department would be
8 served by continuing that care, service and training
9 because of severe emotional disturbances, physical
10 disability, social adjustment or any combination
11 thereof, or because of the need to complete an
12 educational or vocational training program.

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

17 (3) "Child welfare services" means public social
18 services which are directed toward the accomplishment of
19 the following purposes:

20 (A) protecting and promoting the health, safety
21 and welfare of children, including homeless,
22 dependent, or neglected children;

23 (B) remedying, or assisting in the solution of
24 problems which may result in, the neglect, abuse,
25 exploitation, or delinquency of children;

26 (C) preventing the unnecessary separation of

1 children from their families by identifying family
2 problems, assisting families in resolving their
3 problems, and preventing the breakup of the family
4 where the prevention of child removal is desirable and
5 possible when the child can be cared for at home
6 without endangering the child's health and safety;

7 (D) restoring to their families children who have
8 been removed, by the provision of services to the
9 child and the families when the child can be cared for
10 at home without endangering the child's health and
11 safety;

12 (E) placing children in suitable permanent family
13 arrangements, through guardianship or adoption, in
14 cases where restoration to the birth family is not
15 safe, possible, or appropriate;

16 (F) at the time of placement, conducting
17 concurrent planning, as described in subsection (1-1)
18 of this Section, so that permanency may occur at the
19 earliest opportunity. Consideration should be given so
20 that if reunification fails or is delayed, the
21 placement made is the best available placement to
22 provide permanency for the child;

23 (G) (blank);

24 (H) (blank); and

25 (I) placing and maintaining children in facilities
26 that provide separate living quarters for children

1 under the age of 18 and for children 18 years of age
2 and older, unless a child 18 years of age is in the
3 last year of high school education or vocational
4 training, in an approved individual or group treatment
5 program, in a licensed shelter facility, or secure
6 child care facility. The Department is not required to
7 place or maintain children:

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

9 (ii) who are persons with a developmental
10 disability, as defined in the Mental Health and
11 Developmental Disabilities Code, or

12 (iii) who are female children who are
13 pregnant, pregnant and parenting, or parenting, or

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

18 (b) (Blank).

19 (b-5) The Department shall adopt rules to establish a
20 process for all licensed residential providers in Illinois to
21 submit data as required by the Department if they contract or
22 receive reimbursement for children's mental health, substance
23 use, and developmental disability services from the Department
24 of Human Services, the Department of Juvenile Justice, or the
25 Department of Healthcare and Family Services. The requested
26 data must include, but is not limited to, capacity, staffing,

1 and occupancy data for the purpose of establishing State need
2 and placement availability.

3 All information collected, shared, or stored pursuant to
4 this subsection shall be handled in accordance with all State
5 and federal privacy laws and accompanying regulations and
6 rules, including without limitation the federal Health
7 Insurance Portability and Accountability Act of 1996 (Public
8 Law 104-191) and the Mental Health and Developmental
9 Disabilities Confidentiality Act.

10 (c) The Department shall establish and maintain
11 tax-supported child welfare services and extend and seek to
12 improve voluntary services throughout the State, to the end
13 that services and care shall be available on an equal basis
14 throughout the State to children requiring such services.

15 (d) The Director may authorize advance disbursements for
16 any new program initiative to any agency contracting with the
17 Department. As a prerequisite for an advance disbursement, the
18 contractor must post a surety bond in the amount of the advance
19 disbursement and have a purchase of service contract approved
20 by the Department. The Department may pay up to 2 months
21 operational expenses in advance. The amount of the advance
22 disbursement shall be prorated over the life of the contract
23 or the remaining months of the fiscal year, whichever is less,
24 and the installment amount shall then be deducted from future
25 bills. Advance disbursement authorizations for new initiatives
26 shall not be made to any agency after that agency has operated

1 during 2 consecutive fiscal years. The requirements of this
2 Section concerning advance disbursements shall not apply with
3 respect to the following: payments to local public agencies
4 for child day care services as authorized by Section 5a of this
5 Act; and youth service programs receiving grant funds under
6 Section 17a-4.

7 (e) (Blank).

8 (f) (Blank).

9 (g) The Department shall establish rules and regulations
10 concerning its operation of programs designed to meet the
11 goals of child safety and protection, family preservation, and
12 permanency, family reunification, and adoption, including, but
13 not limited to:

14 (1) reunification, guardianship, and adoption;

15 (2) relative and licensed foster care;

16 (3) family counseling;

17 (4) protective services;

18 (5) (blank);

19 (6) homemaker service;

20 (7) return of runaway children;

21 (8) (blank);

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

26 (10) interstate services.

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

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

21 (i) Service programs shall be available throughout the
22 State and shall include but not be limited to the following
23 services:

- 24 (1) case management;
25 (2) homemakers;
26 (3) counseling;

- 1 (4) parent education;
- 2 (5) day care; ~~and~~
- 3 (6) emergency assistance and advocacy; and ~~—~~
- 4 (7) kinship navigator and relative caregiver supports.

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

- 7 (1) comprehensive family-based services;
- 8 (2) assessments;
- 9 (3) respite care; and
- 10 (4) in-home health services.

11 The Department shall provide transportation for any of the
12 services it makes available to children or families or for
13 which it refers children or families.

14 (j) The Department may provide categories of financial
15 assistance and education assistance grants, and shall
16 establish rules and regulations concerning the assistance and
17 grants, to persons who adopt or become subsidized guardians of
18 children with physical or mental disabilities, children who
19 are older, or other hard-to-place children who (i) immediately
20 prior to their adoption or subsidized guardianship were youth
21 in care or (ii) were determined eligible for financial
22 assistance with respect to a prior adoption and who become
23 available for adoption because the prior adoption has been
24 dissolved and the parental rights of the adoptive parents have
25 been terminated or because the child's adoptive parents have
26 died. The Department may continue to provide financial

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

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

21 Any financial assistance provided under this subsection is
22 inalienable by assignment, sale, execution, attachment,
23 garnishment, or any other remedy for recovery or collection of
24 a judgment or debt.

25 (j-5) The Department shall not deny or delay the placement
26 of a child for adoption if an approved family is available

1 either outside of the Department region handling the case, or
2 outside of the State of Illinois.

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

7 (l) The Department shall offer family preservation
8 services, as defined in Section 8.2 of the Abused and
9 Neglected Child Reporting Act, to help families, including
10 adoptive and extended families. Family preservation services
11 shall be offered (i) to prevent the placement of children in
12 substitute care when the children can be cared for at home or
13 in the custody of the person responsible for the children's
14 welfare, (ii) to reunite children with their families, or
15 (iii) to maintain an adoption or subsidized guardianship
16 ~~adoptive placement~~. Family preservation services shall only be
17 offered when doing so will not endanger the children's health
18 or safety. With respect to children who are in substitute care
19 pursuant to the Juvenile Court Act of 1987, family
20 preservation services shall not be offered if a goal other
21 than those of subdivisions (A), (B), or (B-1) of subsection
22 (2.3) ~~(2)~~ of Section 2-28 of that Act has been set, except that
23 reunification services may be offered as provided in paragraph
24 (F) of subsection (2.3) ~~(2)~~ of Section 2-28 of that Act.
25 Nothing in this paragraph shall be construed to create a
26 private right of action or claim on the part of any individual

1 or child welfare agency, except that when a child is the
2 subject of an action under Article II of the Juvenile Court Act
3 of 1987 and the child's service plan calls for services to
4 facilitate achievement of the permanency goal, the court
5 hearing the action under Article II of the Juvenile Court Act
6 of 1987 may order the Department to provide the services set
7 out in the plan, if those services are not provided with
8 reasonable promptness and if those services are available.

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

1 child abuse or neglect. Acceptance of such services shall be
2 voluntary. The Department may also provide services to any
3 child or family after completion of a family assessment, as an
4 alternative to an investigation, as provided under the
5 "differential response program" provided for in subsection
6 (a-5) of Section 7.4 of the Abused and Neglected Child
7 Reporting Act.

8 The Department may, at its discretion except for those
9 children also adjudicated neglected or dependent, accept for
10 care and training any child who has been adjudicated addicted,
11 as a truant minor in need of supervision or as a minor
12 requiring authoritative intervention, under the Juvenile Court
13 Act or the Juvenile Court Act of 1987, but no such child shall
14 be committed to the Department by any court without the
15 approval of the Department. On and after January 1, 2015 (the
16 effective date of Public Act 98-803) and before January 1,
17 2017, a minor charged with a criminal offense under the
18 Criminal Code of 1961 or the Criminal Code of 2012 or
19 adjudicated delinquent shall not be placed in the custody of
20 or committed to the Department by any court, except (i) a minor
21 less than 16 years of age committed to the Department under
22 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
23 for whom an independent basis of abuse, neglect, or dependency
24 exists, which must be defined by departmental rule, or (iii) a
25 minor for whom the court has granted a supplemental petition
26 to reinstate wardship pursuant to subsection (2) of Section

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

21 As soon as is possible ~~after August 7, 2009 (the effective~~
22 ~~date of Public Act 96-134)~~, the Department shall develop and
23 implement a special program of family preservation services to
24 support intact, relative, foster, and adoptive families who
25 are experiencing extreme hardships due to the difficulty and
26 stress of caring for a child who has been diagnosed with a

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

23 (1-1) The General Assembly recognizes that the best
24 interests of the child require that the child be placed in the
25 most permanent living arrangement that is an appropriate
26 option for the child, consistent with the child's best

1 interest, using the factors set forth in subsection (4.05) of
2 Section 1-3 of the Juvenile Court Act of 1987 as soon as is
3 practically possible. To achieve this goal, the General
4 Assembly directs the Department of Children and Family
5 Services to conduct concurrent planning so that permanency may
6 occur at the earliest opportunity. Permanent living
7 arrangements may include prevention of placement of a child
8 outside the home of the family when the child can be cared for
9 at home without endangering the child's health or safety;
10 reunification with the family, when safe and appropriate, if
11 temporary placement is necessary; or movement of the child
12 toward the most appropriate ~~permanent~~ living arrangement and
13 ~~permanent~~ legal status.

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

18 When a child is placed in foster care, the Department
19 shall ensure and document that reasonable efforts were made to
20 prevent or eliminate the need to remove the child from the
21 child's home. The Department must make reasonable efforts to
22 reunify the family when temporary placement of the child
23 occurs unless otherwise required, pursuant to the Juvenile
24 Court Act of 1987. At any time after the dispositional hearing
25 where the Department believes that further reunification
26 services would be ineffective, it may request a finding from

1 the court that reasonable efforts are no longer appropriate.
2 The Department is not required to provide further
3 reunification services after such a finding.

4 A decision to place a child in substitute care shall be
5 made with considerations of the child's health, safety, and
6 best interests. The Department shall make diligent efforts to
7 place the child with a relative, document those diligent
8 efforts, and document reasons for any failure or inability to
9 secure such a relative placement. If the primary issue
10 preventing an emergency placement of a child with a relative
11 is a lack of resources, including, but not limited to,
12 concrete goods, safety modifications, and services, the
13 Department shall make diligent efforts to assist the relative
14 in obtaining the necessary resources. No later than July 1,
15 2025, the Department shall adopt rules defining what is
16 diligent and necessary in providing supports to potential
17 relative placements. At the time of placement, consideration
18 should also be given so that if reunification fails or is
19 delayed, the placement has the potential to be an appropriate
20 permanent placement ~~made is the best available placement to~~
21 ~~provide permanency~~ for the child.

22 The Department shall adopt rules addressing concurrent
23 planning for reunification and permanency. The Department
24 shall consider the following factors when determining
25 appropriateness of concurrent planning:

26 (1) the likelihood of prompt reunification;

- 1 (2) the past history of the family;
- 2 (3) the barriers to reunification being addressed by
- 3 the family;
- 4 (4) the level of cooperation of the family;
- 5 (4.5) the child's wishes;
- 6 (5) the caregivers' ~~foster parents'~~ willingness to
- 7 work with the family to reunite;
- 8 (6) the willingness and ability of the caregivers'
- 9 ~~foster family~~ to provide a permanent placement ~~an adoptive~~
- 10 ~~home or long term placement;~~
- 11 (7) the age of the child;
- 12 (8) placement of siblings; and -
- 13 (9) the wishes of the parent or parents unless the
- 14 parental preferences are contrary to the best interests of
- 15 the child.

16 (m) The Department may assume temporary custody of any
17 child if:

- 18 (1) it has received a written consent to such
- 19 temporary custody signed by the parents of the child or by
- 20 the parent having custody of the child if the parents are
- 21 not living together or by the guardian or custodian of the
- 22 child if the child is not in the custody of either parent,
- 23 or
- 24 (2) the child is found in the State and neither a
- 25 parent, guardian nor custodian of the child can be
- 26 located.

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

17 The Department shall have the authority, responsibilities
18 and duties that a legal custodian of the child would have
19 pursuant to subsection (9) of Section 1-3 of the Juvenile
20 Court Act of 1987. Whenever a child is taken into temporary
21 custody pursuant to an investigation under the Abused and
22 Neglected Child Reporting Act, or pursuant to a referral and
23 acceptance under the Juvenile Court Act of 1987 of a minor in
24 limited custody, the Department, during the period of
25 temporary custody and before the child is brought before a
26 judicial officer as required by Section 2-9, 3-11, 4-8, or

1 5-415 of the Juvenile Court Act of 1987, shall have the
2 authority, responsibilities and duties that a legal custodian
3 of the child would have under subsection (9) of Section 1-3 of
4 the Juvenile Court Act of 1987.

5 The Department shall ensure that any child taken into
6 custody is scheduled for an appointment for a medical
7 examination.

8 A parent, guardian, or custodian of a child in the
9 temporary custody of the Department who would have custody of
10 the child if the child were not in the temporary custody of the
11 Department may deliver to the Department a signed request that
12 the Department surrender the temporary custody of the child.
13 The Department may retain temporary custody of the child for
14 10 days after the receipt of the request, during which period
15 the Department may cause to be filed a petition pursuant to the
16 Juvenile Court Act of 1987. If a petition is so filed, the
17 Department shall retain temporary custody of the child until
18 the court orders otherwise. If a petition is not filed within
19 the 10-day period, the child shall be surrendered to the
20 custody of the requesting parent, guardian, or custodian not
21 later than the expiration of the 10-day period, at which time
22 the authority and duties of the Department with respect to the
23 temporary custody of the child shall terminate.

24 (m-1) The Department may place children under 18 years of
25 age in a secure child care facility licensed by the Department
26 that cares for children who are in need of secure living

1 arrangements for their health, safety, and well-being after a
2 determination is made by the facility director and the
3 Director or the Director's designate prior to admission to the
4 facility subject to Section 2-27.1 of the Juvenile Court Act
5 of 1987. This subsection (m-1) does not apply to a child who is
6 subject to placement in a correctional facility operated
7 pursuant to Section 3-15-2 of the Unified Code of Corrections,
8 unless the child is a youth in care who was placed in the care
9 of the Department before being subject to placement in a
10 correctional facility and a court of competent jurisdiction
11 has ordered placement of the child in a secure care facility.

12 (n) The Department may place children under 18 years of
13 age in licensed child care facilities when in the opinion of
14 the Department, appropriate services aimed at family
15 preservation have been unsuccessful and cannot ensure the
16 child's health and safety or are unavailable and such
17 placement would be for their best interest. Payment for board,
18 clothing, care, training and supervision of any child placed
19 in a licensed child care facility may be made by the
20 Department, by the parents or guardians of the estates of
21 those children, or by both the Department and the parents or
22 guardians, except that no payments shall be made by the
23 Department for any child placed in a licensed child care
24 facility for board, clothing, care, training, and supervision
25 of such a child that exceed the average per capita cost of
26 maintaining and of caring for a child in institutions for

1 dependent or neglected children operated by the Department.
2 However, such restriction on payments does not apply in cases
3 where children require specialized care and treatment for
4 problems of severe emotional disturbance, physical disability,
5 social adjustment, or any combination thereof and suitable
6 facilities for the placement of such children are not
7 available at payment rates within the limitations set forth in
8 this Section. All reimbursements for services delivered shall
9 be absolutely inalienable by assignment, sale, attachment, or
10 garnishment or otherwise.

11 (n-1) The Department shall provide or authorize child
12 welfare services, aimed at assisting minors to achieve
13 sustainable self-sufficiency as independent adults, for any
14 minor eligible for the reinstatement of wardship pursuant to
15 subsection (2) of Section 2-33 of the Juvenile Court Act of
16 1987, whether or not such reinstatement is sought or allowed,
17 provided that the minor consents to such services and has not
18 yet attained the age of 21. The Department shall have
19 responsibility for the development and delivery of services
20 under this Section. An eligible youth may access services
21 under this Section through the Department of Children and
22 Family Services or by referral from the Department of Human
23 Services. Youth participating in services under this Section
24 shall cooperate with the assigned case manager in developing
25 an agreement identifying the services to be provided and how
26 the youth will increase skills to achieve self-sufficiency. A

1 homeless shelter is not considered appropriate housing for any
2 youth receiving child welfare services under this Section. The
3 Department shall continue child welfare services under this
4 Section to any eligible minor until the minor becomes 21 years
5 of age, no longer consents to participate, or achieves
6 self-sufficiency as identified in the minor's service plan.
7 The Department of Children and Family Services shall create
8 clear, readable notice of the rights of former foster youth to
9 child welfare services under this Section and how such
10 services may be obtained. The Department of Children and
11 Family Services and the Department of Human Services shall
12 disseminate this information statewide. The Department shall
13 adopt regulations describing services intended to assist
14 minors in achieving sustainable self-sufficiency as
15 independent adults.

16 (o) The Department shall establish an administrative
17 review and appeal process for children and families who
18 request or receive child welfare services from the Department.
19 Youth in care who are placed by private child welfare
20 agencies, and caregivers ~~foster families~~ with whom those youth
21 are placed, shall be afforded the same procedural and appeal
22 rights as children and families in the case of placement by the
23 Department, including the right to an initial review of a
24 private agency decision by that agency. The Department shall
25 ensure that any private child welfare agency, which accepts
26 youth in care for placement, affords those rights to children

1 and caregivers with whom those children are placed ~~foster~~
2 ~~families~~. The Department shall accept for administrative
3 review and an appeal hearing a complaint made by (i) a child or
4 caregiver with whom the child is placed ~~foster family~~
5 concerning a decision following an initial review by a private
6 child welfare agency or (ii) a prospective adoptive parent who
7 alleges a violation of subsection (j-5) of this Section. An
8 appeal of a decision concerning a change in the placement of a
9 child shall be conducted in an expedited manner. A court
10 determination that a current ~~foster home~~ placement is
11 necessary and appropriate under Section 2-28 of the Juvenile
12 Court Act of 1987 does not constitute a judicial determination
13 on the merits of an administrative appeal, filed by a former
14 caregiver ~~foster parent~~, involving a change of placement
15 decision. No later than July 1, 2025, the Department shall
16 adopt rules to develop a reconsideration process to review: a
17 denial of certification of a relative, a denial of placement
18 with a relative, and a denial of visitation with an identified
19 relative. Rules shall include standards and criteria for
20 reconsideration that incorporate the best interests of the
21 child under subsection (4.05) of Section 1-3 of the Juvenile
22 Court Act of 1987, address situations where multiple relatives
23 seek certification, and provide that all rules regarding
24 placement changes shall be followed. The rules shall outline
25 the essential elements of each form used in the implementation
26 and enforcement of the provisions of this amendatory Act of

1 the 103rd General Assembly.

2 (p) (Blank).

3 (q) The Department may receive and use, in their entirety,
4 for the benefit of children any gift, donation, or bequest of
5 money or other property which is received on behalf of such
6 children, or any financial benefits to which such children are
7 or may become entitled while under the jurisdiction or care of
8 the Department, except that the benefits described in Section
9 5.46 must be used and conserved consistent with the provisions
10 under Section 5.46.

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

22 In disbursing funds from children's accounts, the
23 Department shall:

24 (1) Establish standards in accordance with State and
25 federal laws for disbursing money from children's
26 accounts. In all circumstances, the Department's

1 Guardianship Administrator or the Guardianship
2 Administrator's designee must approve disbursements from
3 children's accounts. The Department shall be responsible
4 for keeping complete records of all disbursements for each
5 account for any purpose.

6 (2) Calculate on a monthly basis the amounts paid from
7 State funds for the child's board and care, medical care
8 not covered under Medicaid, and social services; and
9 utilize funds from the child's account, as covered by
10 regulation, to reimburse those costs. Monthly,
11 disbursements from all children's accounts, up to 1/12 of
12 \$13,000,000, shall be deposited by the Department into the
13 General Revenue Fund and the balance over 1/12 of
14 \$13,000,000 into the DCFS Children's Services Fund.

15 (3) Maintain any balance remaining after reimbursing
16 for the child's costs of care, as specified in item (2).
17 The balance shall accumulate in accordance with relevant
18 State and federal laws and shall be disbursed to the child
19 or the child's guardian or to the issuing agency.

20 (r) The Department shall promulgate regulations
21 encouraging all adoption agencies to voluntarily forward to
22 the Department or its agent names and addresses of all persons
23 who have applied for and have been approved for adoption of a
24 hard-to-place child or child with a disability and the names
25 of such children who have not been placed for adoption. A list
26 of such names and addresses shall be maintained by the

1 Department or its agent, and coded lists which maintain the
2 confidentiality of the person seeking to adopt the child and
3 of the child shall be made available, without charge, to every
4 adoption agency in the State to assist the agencies in placing
5 such children for adoption. The Department may delegate to an
6 agent its duty to maintain and make available such lists. The
7 Department shall ensure that such agent maintains the
8 confidentiality of the person seeking to adopt the child and
9 of the child.

10 (s) The Department of Children and Family Services may
11 establish and implement a program to reimburse caregivers
12 ~~Department and private child welfare agency foster parents~~
13 licensed, certified, or otherwise approved by the Department
14 of Children and Family Services for damages sustained by the
15 caregivers ~~foster parents~~ as a result of the malicious or
16 negligent acts of ~~foster~~ children placed by the Department, as
17 well as providing third party coverage for such caregivers
18 ~~foster parents~~ with regard to actions of ~~foster~~ children
19 placed by the Department to other individuals. Such coverage
20 will be secondary to the caregiver's ~~foster parent~~ liability
21 insurance policy, if applicable. The program shall be funded
22 through appropriations from the General Revenue Fund,
23 specifically designated for such purposes.

24 (t) The Department shall perform home studies and
25 investigations and shall exercise supervision over visitation
26 as ordered by a court pursuant to the Illinois Marriage and

1 Dissolution of Marriage Act or the Adoption Act only if:

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

4 (2) the court has ordered one or both of the parties to
5 the proceeding to reimburse the Department for its
6 reasonable costs for providing such services in accordance
7 with Department rules, or has determined that neither
8 party is financially able to pay.

9 The Department shall provide written notification to the
10 court of the specific arrangements for supervised visitation
11 and projected monthly costs within 60 days of the court order.
12 The Department shall send to the court information related to
13 the costs incurred except in cases where the court has
14 determined the parties are financially unable to pay. The
15 court may order additional periodic reports as appropriate.

16 (u) In addition to other information that must be
17 provided, whenever the Department places a child with a
18 prospective adoptive parent or parents, in a licensed foster
19 home, group home, or child care institution, ~~or~~ in a relative
20 home, or in a certified relative caregiver home, the
21 Department shall provide to the caregiver, appropriate
22 facility staff, or prospective adoptive parent or parents ~~or~~
23 ~~other caretaker:~~

24 (1) available detailed information concerning the
25 child's educational and health history, copies of
26 immunization records (including insurance and medical card

1 information), a history of the child's previous
2 placements, if any, and reasons for placement changes
3 excluding any information that identifies or reveals the
4 location of any previous caregiver or adoptive parents
5 ~~caretaker~~;

6 (2) a copy of the child's portion of the client
7 service plan, including any visitation arrangement, and
8 all amendments or revisions to it as related to the child;
9 and

10 (3) information containing details of the child's
11 individualized educational plan when the child is
12 receiving special education services.

13 The caregiver, appropriate facility staff, or prospective
14 adoptive parent or parents, caretaker shall be informed of any
15 known social or behavioral information (including, but not
16 limited to, criminal background, fire setting, perpetuation of
17 sexual abuse, destructive behavior, and substance abuse)
18 necessary to care for and safeguard the children to be placed
19 or currently in the home or setting. The Department may
20 prepare a written summary of the information required by this
21 paragraph, which may be provided to the caregiver, appropriate
22 facility staff, or foster ~~or~~ prospective adoptive parent in
23 advance of a placement. The caregiver, appropriate facility
24 staff, foster or prospective adoptive parent may review the
25 supporting documents in the child's file in the presence of
26 casework staff. In the case of an emergency placement,

1 casework staff shall at least provide known information
2 verbally, if necessary, and must subsequently provide the
3 information in writing as required by this subsection.

4 The information described in this subsection shall be
5 provided in writing. In the case of emergency placements when
6 time does not allow prior review, preparation, and collection
7 of written information, the Department shall provide such
8 information as it becomes available. Within 10 business days
9 after placement, the Department shall obtain from the
10 caregiver, appropriate facility staff, or prospective adoptive
11 parent or parents ~~or other caretaker~~ a signed verification of
12 receipt of the information provided. Within 10 business days
13 after placement, the Department shall provide to the child's
14 guardian ad litem a copy of the information provided to the
15 caregiver, appropriate facility staff, or prospective adoptive
16 parent or parents ~~or other caretaker~~. The information provided
17 to the caregiver, appropriate facility staff, or prospective
18 adoptive parent or parents ~~or other caretaker~~ shall be
19 reviewed and approved regarding accuracy at the supervisory
20 level.

21 (u-5) Beginning July 1, 2025, certified relative caregiver
22 homes under Section 3.4 of the Child Care Act of 1969 shall be
23 eligible to receive foster care maintenance payments from the
24 Department in an amount no less than payments made to licensed
25 foster family homes. Beginning July 1, 2025, relative homes
26 providing care to a child placed by the Department that are not

1 a certified relative caregiver home under Section 3.4 of the
2 Child Care Act of 1969 or a licensed foster family home shall
3 be eligible to receive payments from the Department in an
4 amount no less 90% of the payments made to licensed foster
5 family homes and certified relative caregiver homes. Effective
6 ~~July 1, 1995, only foster care placements licensed as foster~~
7 ~~family homes pursuant to the Child Care Act of 1969 shall be~~
8 ~~eligible to receive foster care payments from the Department.~~
9 ~~Relative caregivers who, as of July 1, 1995, were approved~~
10 ~~pursuant to approved relative placement rules previously~~
11 ~~promulgated by the Department at 89 Ill. Adm. Code 335 and had~~
12 ~~submitted an application for licensure as a foster family home~~
13 ~~may continue to receive foster care payments only until the~~
14 ~~Department determines that they may be licensed as a foster~~
15 ~~family home or that their application for licensure is denied~~
16 ~~or until September 30, 1995, whichever occurs first.~~

17 (u-6) To assist relative and certified relative
18 caregivers, no later than July 1, 2025, the Department shall
19 adopt rules to implement a relative support program, as
20 follows:

21 (1) For relative and certified relative caregivers,
22 the Department is authorized to reimburse or prepay
23 reasonable expenditures to remedy home conditions
24 necessary to fulfill the home safety-related requirements
25 of relative caregiver homes.

26 (2) The Department may provide short-term emergency

1 funds to relative and certified relative caregiver homes
2 experiencing extreme hardships due to the difficulty and
3 stress associated with adding youth in care as new
4 household members.

5 (3) Consistent with federal law, the Department shall
6 include in any State Plan made in accordance with the
7 Adoption Assistance and Child Welfare Act of 1980, Titles
8 IV-E and XIX of the Social Security Act, and any other
9 applicable federal laws the provision of kinship navigator
10 program services. The Department shall apply for and
11 administer all relevant federal aid in accordance with
12 law. Federal funds acquired for the kinship navigator
13 program shall be used for the development, implementation,
14 and operation of kinship navigator program services. The
15 kinship navigator program services may provide
16 information, referral services, support, and assistance to
17 relative and certified relative caregivers of youth in
18 care to address their unique needs and challenges. Until
19 the Department is approved to receive federal funds for
20 these purposes, the Department shall publicly post on the
21 Department's website semi-annual updates regarding the
22 Department's progress in pursuing federal funding.
23 Whenever the Department publicly posts these updates on
24 its website, the Department shall notify the General
25 Assembly through the General Assembly's designee.

26 (u-7) To support finding permanency for children through

1 subsidized guardianship and adoption and to prevent disruption
2 in guardianship and adoptive placements, the Department shall
3 establish and maintain accessible subsidized guardianship and
4 adoption support services for all children under 18 years of
5 age placed in guardianship or adoption who, immediately
6 preceding the guardianship or adoption, were in the custody or
7 guardianship of the Department under Article II of the
8 Juvenile Court Act of 1987.

9 The Department shall establish and maintain a toll-free
10 number to respond to requests from the public about its
11 subsidized guardianship and adoption support services under
12 this subsection and shall staff the toll-free number so that
13 calls are answered on a timely basis, but in no event more than
14 one business day after the receipt of a request. These
15 requests from the public may be made anonymously. To meet this
16 obligation, the Department may utilize the same toll-free
17 number the Department operates to respond to post-adoption
18 requests under subsection (b-5) of Section 18.9 of the
19 Adoption Act. The Department shall publicize information about
20 the Department's subsidized guardianship support services and
21 toll-free number as follows:

22 (1) it shall post information on the Department's
23 website;

24 (2) it shall provide the information to every licensed
25 child welfare agency and any entity providing subsidized
26 guardianship support services in Illinois courts;

1 (3) it shall reference such information in the
2 materials the Department provides to caregivers pursuing
3 subsidized guardianship to inform them of their rights and
4 responsibilities under the Child Care Act of 1969 and this
5 Act;

6 (4) it shall provide the information, including the
7 Department's Post Adoption and Guardianship Services
8 booklet, to eligible caregivers as part of its
9 guardianship training and at the time they are presented
10 with the Permanency Commitment form;

11 (5) it shall include, in each annual notification
12 letter mailed to subsidized guardians, a short, 2-sided
13 flier or news bulletin in plain language that describes
14 access to post-guardianship services, how to access
15 services under the Family Support Program, formerly known
16 as the Individual Care Grant Program, the webpage address
17 to the Post Adoption and Guardianship Services booklet,
18 information on how to request that a copy of the booklet be
19 mailed; and

20 (6) it shall ensure that kinship navigator programs of
21 this State, when established, have this information to
22 include in materials the programs provide to caregivers.

23 No later than July 1, 2026, the Department shall provide a
24 mechanism for the public to make information requests by
25 electronic means.

26 The Department shall review and update annually all

1 information relating to its subsidized guardianship support
2 services, including its Post Adoption and Guardianship
3 Services booklet, to include updated information on Family
4 Support Program services eligibility and subsidized
5 guardianship support services that are available through the
6 medical assistance program established under Article V of the
7 Illinois Public Aid Code or any other State program for mental
8 health services. The Department and the Department of
9 Healthcare and Family Services shall coordinate their efforts
10 in the development of these resources.

11 Every licensed child welfare agency and any entity
12 providing kinship navigator programs funded by the Department
13 shall provide the Department's website address and link to the
14 Department's subsidized guardianship support services
15 information set forth in subsection (d), including the
16 Department's toll-free number, to every relative who is or
17 will be providing guardianship placement for a child placed by
18 the Department.

19 (v) The Department shall access criminal history record
20 information as defined in the Illinois Uniform Conviction
21 Information Act and information maintained in the adjudicatory
22 and dispositional record system as defined in Section 2605-355
23 of the Illinois State Police Law if the Department determines
24 the information is necessary to perform its duties under the
25 Abused and Neglected Child Reporting Act, the Child Care Act
26 of 1969, and the Children and Family Services Act. The

1 Department shall provide for interactive computerized
2 communication and processing equipment that permits direct
3 on-line communication with the Illinois State Police's central
4 criminal history data repository. The Department shall comply
5 with all certification requirements and provide certified
6 operators who have been trained by personnel from the Illinois
7 State Police. In addition, one Office of the Inspector General
8 investigator shall have training in the use of the criminal
9 history information access system and have access to the
10 terminal. The Department of Children and Family Services and
11 its employees shall abide by rules and regulations established
12 by the Illinois State Police relating to the access and
13 dissemination of this information.

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

26 (v-2) Prior to final approval for placement of a child

1 with a foster or adoptive parent, the Department shall check
2 its child abuse and neglect registry for information
3 concerning prospective foster and adoptive parents, and any
4 adult living in the home. If any prospective foster or
5 adoptive parent or other adult living in the home has resided
6 in another state in the preceding 5 years, the Department
7 shall request a check of that other state's child abuse and
8 neglect registry.

9 (v-3) Prior to the final approval of final placement of a
10 related child in a certified relative caregiver home as
11 defined in Section 2.37 of the Child Care Act of 1969, the
12 Department shall ensure that the background screening meets
13 the standards required under subsection (c) of Section 3.4 of
14 the Child Care Act of 1969.

15 (v-4) Prior to final approval for placement of a child
16 with a relative, as defined in Section 4d of this Act, who is
17 not a licensed foster parent, has declined to seek approval to
18 be a certified relative caregiver, or was denied approval as a
19 certified relative caregiver, the Department shall:

20 (i) check the child abuse and neglect registry for
21 information concerning the prospective relative caregiver
22 and any other adult living in the home. If any prospective
23 relative caregiver or other adult living in the home has
24 resided in another state in the preceding 5 years, the
25 Department shall request a check of that other state's
26 child abuse and neglect registry; and

1 (ii) conduct a criminal records background check of
2 the prospective relative caregiver and all other adults
3 living in the home, including fingerprint-based checks of
4 national crime information databases. Final approval for
5 placement shall not be granted if the record check reveals
6 a felony conviction for child abuse or neglect, for
7 spousal abuse, for a crime against children, or for a
8 crime involving violence, including rape, sexual assault,
9 or homicide, but not including other physical assault or
10 battery, or if there is a felony conviction for physical
11 assault, battery, or a drug-related offense committed
12 within the past 5 years; provided however, that the
13 Department is empowered to grant a waiver as the
14 Department may provide by rule, and the Department
15 approves the request for the waiver based on a
16 comprehensive evaluation of the caregiver and household
17 members and the conditions relating to the safety of the
18 placement.

19 No later than July 1, 2025, the Department shall adopt
20 rules or revise existing rules to effectuate the changes made
21 to this subsection (v-4). The rules shall outline the
22 essential elements of each form used in the implementation and
23 enforcement of the provisions of this amendatory Act of the
24 103rd General Assembly.

25 (w) (Blank). Within 120 days of August 20, 1995 (the
26 effective date of Public Act 89-392), the Department shall

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

20 (x) The Department shall conduct annual credit history
21 checks to determine the financial history of children placed
22 under its guardianship pursuant to the Juvenile Court Act of
23 1987. The Department shall conduct such credit checks starting
24 when a youth in care turns 12 years old and each year
25 thereafter for the duration of the guardianship as terminated
26 pursuant to the Juvenile Court Act of 1987. The Department

1 shall determine if financial exploitation of the child's
2 personal information has occurred. If financial exploitation
3 appears to have taken place or is presently ongoing, the
4 Department shall notify the proper law enforcement agency, the
5 proper State's Attorney, or the Attorney General.

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

16 (z) The Department shall access criminal history record
17 information as defined as "background information" in this
18 subsection and criminal history record information as defined
19 in the Illinois Uniform Conviction Information Act for each
20 Department employee or Department applicant. Each Department
21 employee or Department applicant shall submit the employee's
22 or applicant's fingerprints to the Illinois State Police in
23 the form and manner prescribed by the Illinois State Police.
24 These fingerprints shall be checked against the fingerprint
25 records now and hereafter filed in the Illinois State Police
26 and the Federal Bureau of Investigation criminal history

1 records databases. The Illinois State Police shall charge a
2 fee for conducting the criminal history record check, which
3 shall be deposited into the State Police Services Fund and
4 shall not exceed the actual cost of the record check. The
5 Illinois State Police shall furnish, pursuant to positive
6 identification, all Illinois conviction information to the
7 Department of Children and Family Services.

8 For purposes of this subsection:

9 "Background information" means all of the following:

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

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

23 (iii) Information obtained by the Department of
24 Children and Family Services after performing a check of
25 the Child Abuse and Neglect Tracking System (CANTS)
26 operated and maintained by the Department.

1 "Department employee" means a full-time or temporary
2 employee coded or certified within the State of Illinois
3 Personnel System.

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

13 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
14 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.
15 1-1-24; 103-546, eff. 8-11-23; 103-605, eff. 7-1-24.)

16 (20 ILCS 505/6a) (from Ch. 23, par. 5006a)

17 Sec. 6a. Case plan.

18 (a) With respect to each Department client for whom the
19 Department is providing placement service, the Department
20 shall develop a case plan designed to stabilize the family
21 situation and prevent placement of a child outside the home of
22 the family when the child can be cared for at home without
23 endangering the child's health or safety, reunify the family
24 if temporary placement is necessary when safe and appropriate,
25 or move the child toward an appropriate ~~the most~~ permanent

1 living arrangement and permanent legal status, consistent with
2 the child's best interest, using the factors set forth in
3 subsection (4.05) of Section 1-3 of the Juvenile Court Act of
4 1987. Such case plan shall provide for the utilization of
5 family preservation services as defined in Section 8.2 of the
6 Abused and Neglected Child Reporting Act. Such case plan shall
7 be reviewed and updated every 6 months. The Department shall
8 ensure that incarcerated parents are able to participate in
9 case plan reviews via teleconference or videoconference. Where
10 appropriate, the case plan shall include recommendations
11 concerning alcohol or drug abuse evaluation.

12 If the parent is incarcerated, the case plan must address
13 the tasks that must be completed by the parent and how the
14 parent will participate in the administrative case review and
15 permanency planning hearings and, wherever possible, must
16 include treatment that reflects the resources available at the
17 facility where the parent is confined. The case plan must
18 provide for visitation opportunities, unless visitation is not
19 in the best interests of the child.

20 (b) The Department may enter into written agreements with
21 child welfare agencies to establish and implement case plan
22 demonstration projects. The demonstration projects shall
23 require that service providers develop, implement, review and
24 update client case plans. The Department shall examine the
25 effectiveness of the demonstration projects in promoting the
26 family reunification or the permanent placement of each client

1 and shall report its findings to the General Assembly no later
2 than 90 days after the end of the fiscal year in which any such
3 demonstration project is implemented.

4 (Source: P.A. 99-836, eff. 1-1-17.)

5 (20 ILCS 505/7) (from Ch. 23, par. 5007)

6 Sec. 7. Placement of children; considerations.

7 (a) In placing any child under this Act, the Department
8 shall place the child, as far as possible, in the care and
9 custody of some individual holding the same religious belief
10 as the parents of the child, or with some child care facility
11 which is operated by persons of like religious faith as the
12 parents of such child.

13 (a-5) In placing a child under this Act, the Department
14 shall place the child with the child's sibling or siblings
15 under Section 7.4 of this Act unless the placement is not in
16 each child's best interest, or is otherwise not possible under
17 the Department's rules. If the child is not placed with a
18 sibling under the Department's rules, the Department shall
19 consider placements that are likely to develop, preserve,
20 nurture, and support sibling relationships, where doing so is
21 in each child's best interest.

22 (b) In placing a child under this Act, the Department
23 shall ~~may~~ place a child with a relative if the Department
24 determines that the relative will be able to adequately
25 provide for the child's safety and welfare based on the

1 factors set forth in the Department's rules governing such
2 ~~relative~~ placements, and that the placement is consistent with
3 the child's best interests, taking into consideration the
4 factors set out in subsection (4.05) of Section 1-3 of the
5 Juvenile Court Act of 1987.

6 When the Department first assumes custody of a child, in
7 placing that child under this Act, the Department shall make
8 reasonable efforts to identify, locate, and provide notice to
9 all adult grandparents and other adult relatives of the child
10 who are ready, willing, and able to care for the child. At a
11 minimum, these diligent efforts shall be renewed each time the
12 child requires a placement change and it is appropriate for
13 the child to be cared for in a home environment. The Department
14 must document its efforts to identify, locate, and provide
15 notice to such potential relative placements and maintain the
16 documentation in the child's case file. The Department shall
17 complete the following initial family finding and relative
18 engagement efforts:

19 (1) The Department shall conduct an investigation in
20 order to identify and locate all grandparents, parents of
21 a sibling of the child, if the parent has legal custody of
22 the sibling, adult siblings, other adult relatives of the
23 minor including any other adult relatives suggested by the
24 parents, and, if it is known or there is reason to know the
25 child is an Indian child, any extended family members, as
26 defined in Section 4 of the Indian Child Welfare Act of

1 1978 (25 U.S.C. 1903). The Department shall make diligent
2 efforts to investigate the names and locations of the
3 relatives, including, but not limited to, asking the child
4 in an age-appropriate manner and consistent with the
5 child's best interest about any parent, alleged parent,
6 and relatives important to the child, and obtaining
7 information regarding the location of the child's parents,
8 alleged parents, and adult relatives.

9 As used in this subsection (b), "family finding and
10 relative engagement" means conducting an investigation,
11 including, but not limited to, through a computer-based
12 search engine, to identify any person who would be
13 eligible to be a relative caregiver as defined in Section
14 4d of this Act and to connect a child, consistent with the
15 child's best interest, who may be disconnected from the
16 child's parents, with those relatives and kin in an effort
17 to provide family support or possible placement. If it is
18 known or there is reason to know that the child is an
19 Indian child, as defined in Section 4 of the Indian Child
20 Welfare Act of 1978 (25 U.S.C. 1903), "family finding and
21 relative engagement" also includes contacting the Indian
22 child's tribe to identify relatives and kin. No later than
23 July 1, 2025, the Department shall adopt rules setting
24 forth specific criteria as to family finding and relative
25 engagement efforts under this subsection (b) and under
26 Section 2-27.3 of the Juvenile Court Act of 1987,

1 including determining the manner in which efforts may or
2 may not be appropriate, consistent with the best interests
3 of the child.

4 (2) In accordance with Section 471(a)(29) of the
5 Social Security Act, the Department shall make diligent
6 efforts to provide all adult relatives who are located
7 with written notification and oral notification, in person
8 or by telephone, of all the following information:

9 (i) the minor has been removed from the custody of
10 the minor's parent or guardian; and

11 (ii) an explanation of the various options to
12 participate in the care and placement of the minor and
13 support for the minor's family, including any options
14 that may expire by failing to respond. The notice
15 shall provide information about providing care for the
16 minor while the family receives reunification services
17 with the goal of returning the child to the parent or
18 guardian, how to become a certified relative caregiver
19 home, and additional services and support that are
20 available in substitute care. The notice shall also
21 include information regarding, adoption and subsidized
22 guardianship assistance options, health care coverage
23 for youth in care under the medical assistance program
24 established under Article V of the Illinois Public Aid
25 Code, and other options for contact with the minor,
26 including, but not limited to, visitation. Upon

1 establishing the Department's kinship navigator
2 program, the notice shall also include information
3 regarding that benefit.

4 No later than July 1, 2025, the Department shall adopt or
5 amend existing rules to implement the requirements of this
6 subsection, including what constitutes "diligent efforts" and
7 when exceptions, consistent with federal law, are appropriate.

8 (b-5) (1) If the Department determines that a placement
9 with any identified relative is not in the child's best
10 interests or that the relative does not meet the requirements
11 to be a relative caregiver, as set forth in Department rules or
12 by statute, the Department must document the basis for that
13 decision, ~~and~~ maintain the documentation in the child's case
14 file, inform the identified relative of the relative's right
15 to reconsideration of the decision to deny placement with the
16 identified relative, provide the identified relative with a
17 description of the reconsideration process established in
18 accordance with subsection (o) of Section 5 of this Act, and
19 report this information to the court in accordance with the
20 requirements of Section 2-27.3 of the Juvenile Court Act of
21 1987.

22 If, pursuant to the Department's rules, any person files
23 an administrative appeal of the Department's decision not to
24 place a child with a relative, it is the Department's burden to
25 prove that the decision is consistent with the child's best
26 interests. The Department shall report information related to

1 these appeals pursuant to Section 46 of this Act.

2 When the Department determines that the child requires
3 placement in an environment, other than a home environment,
4 the Department shall continue to make reasonable efforts to
5 identify and locate relatives to serve as visitation resources
6 for the child and potential future placement resources, unless
7 excused by the court, as outlined in Section 2-27.3 of the
8 Juvenile Court Act of 1987. ~~except when the Department~~
9 ~~determines that those efforts would be futile or inconsistent~~
10 ~~with the child's best interests.~~

11 If the Department determines that efforts to identify and
12 locate relatives would be futile or inconsistent with the
13 child's best interests, the Department shall document the
14 basis of its determination and maintain the documentation in
15 the child's case file.

16 If the Department determines that an individual or a group
17 of relatives are inappropriate to serve as visitation
18 resources or possible placement resources, the Department
19 shall document the basis of its determination, ~~and~~ maintain
20 the documentation in the child's case file, inform the
21 identified relative of the relative's right to a
22 reconsideration of the decision to deny visitation with the
23 identified relative, provide the identified relative with a
24 description of the reconsideration process established in
25 accordance with subsection (o) of Section 5 of this Act, and
26 report this information to the court in accordance with the

1 requirements of Section 2-27.3 of the Juvenile Court Act of
2 1987.

3 When the Department determines that an individual or a
4 group of relatives are appropriate to serve as visitation
5 resources or possible future placement resources, the
6 Department shall document the basis of its determination,
7 maintain the documentation in the child's case file, create a
8 visitation or transition plan, or both, and incorporate the
9 visitation or transition plan, or both, into the child's case
10 plan. The Department shall report this information to the
11 court as part of the Department's family finding and relative
12 engagement efforts required under Section 2-27.3 of the
13 Juvenile Court Act of 1987. For the purpose of this
14 subsection, any determination as to the child's best interests
15 shall include consideration of the factors set out in
16 subsection (4.05) of Section 1-3 of the Juvenile Court Act of
17 1987.

18 (2) The Department may initially ~~not~~ place a child in a
19 foster family home as defined under Section 2.17 of the Child
20 Care Act of 1969 or a certified relative caregiver home as
21 defined under Section 4d of this Act. Initial placement may
22 also be made with a relative who is not yet a certified
23 relative caregiver if all of the following conditions are met:

24 (A) The prospective relative caregiver and all other
25 adults in the home must authorize and submit to a
26 background screening that includes the components set

1 forth in subsection (c) of Section 3.4 of the Child Care
2 Act of 1969. If the results of a check of the Law
3 Enforcement Agencies Data System (LEADS) identifies a
4 prior criminal conviction of (i) the prospective relative
5 caregiver for an offense not prohibited under subsection
6 (c) of Section 3.4 of the Child Care Act of 1969 or (ii)
7 any other adult in the home for a felony offense, the
8 Department shall thoroughly investigate and evaluate the
9 criminal history, including an assessment of the person's
10 character and the impact that the criminal history has on
11 the prospective relative caregiver's ability to parent the
12 child. The investigation must consider the type of crime,
13 the number of crimes, the nature of the offense, the age of
14 the person at the time of the crime, the length of time
15 that has elapsed since the last conviction, the
16 relationship of the crime to the ability to care for
17 children, the role that the person will have with the
18 child, and any evidence of rehabilitation. Initial
19 placement may not be made if the results of a check of the
20 Law Enforcement Agencies Data System (LEADS) identifies a
21 prior criminal conviction of the prospective relative
22 caregiver for an offense prohibited under subsection (c)
23 of Section 3.4 of the Child Care Act of 1969; however, a
24 waiver may be granted for placement of the child in
25 accordance with subsection (v-4) of Section 5.

26 (B) The home safety and needs assessment requirements

1 set forth in paragraph (1) of subsection (b) of Section
2 3.4 of the Child Care Act of 1969 are satisfied.

3 (C) The prospective relative caregiver is able to meet
4 the physical, emotional, medical, and educational needs of
5 the specific child or children being placed by the
6 Department.

7 No later than July 1, 2025, the Department shall adopt
8 rules or amend existing rules to implement the provisions of
9 this subsection (b-5). The rules shall outline the essential
10 elements of each form used in the implementation and
11 enforcement of the provisions of this amendatory Act of the
12 103rd General Assembly.

13 ~~with a relative, with the exception of certain circumstances~~
14 ~~which may be waived as defined by the Department in rules, if~~
15 ~~the results of a check of the Law Enforcement Agencies Data~~
16 ~~System (LEADS) identifies a prior criminal conviction of the~~
17 ~~relative or any adult member of the relative's household for~~
18 ~~any of the following offenses under the Criminal Code of 1961~~
19 ~~or the Criminal Code of 2012:~~

20 ~~(1) murder;~~

21 ~~(1.1) solicitation of murder;~~

22 ~~(1.2) solicitation of murder for hire;~~

23 ~~(1.3) intentional homicide of an unborn child;~~

24 ~~(1.4) voluntary manslaughter of an unborn child;~~

25 ~~(1.5) involuntary manslaughter;~~

26 ~~(1.6) reckless homicide;~~

- 1 ~~(1.7) concealment of a homicidal death;~~
- 2 ~~(1.8) involuntary manslaughter of an unborn child;~~
- 3 ~~(1.9) reckless homicide of an unborn child;~~
- 4 ~~(1.10) drug-induced homicide;~~
- 5 ~~(2) a sex offense under Article 11, except offenses~~
- 6 ~~described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,~~
- 7 ~~11-40, and 11-45;~~
- 8 ~~(3) kidnapping;~~
- 9 ~~(3.1) aggravated unlawful restraint;~~
- 10 ~~(3.2) forcible detention;~~
- 11 ~~(3.3) aiding and abetting child abduction;~~
- 12 ~~(4) aggravated kidnapping;~~
- 13 ~~(5) child abduction;~~
- 14 ~~(6) aggravated battery of a child as described in~~
- 15 ~~Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;~~
- 16 ~~(7) criminal sexual assault;~~
- 17 ~~(8) aggravated criminal sexual assault;~~
- 18 ~~(8.1) predatory criminal sexual assault of a child;~~
- 19 ~~(9) criminal sexual abuse;~~
- 20 ~~(10) aggravated sexual abuse;~~
- 21 ~~(11) heinous battery as described in Section 12-4.1 or~~
- 22 ~~subdivision (a) (2) of Section 12-3.05;~~
- 23 ~~(12) aggravated battery with a firearm as described in~~
- 24 ~~Section 12-4.2 or subdivision (c) (1), (c) (2), (c) (3), or~~
- 25 ~~(c) (4) of Section 12-3.05;~~
- 26 ~~(13) tampering with food, drugs, or cosmetics;~~

1 ~~(14) drug-induced infliction of great bodily harm as~~
2 ~~described in Section 12-4.7 or subdivision (g) (1) of~~
3 ~~Section 12-3.05;~~

4 ~~(15) aggravated stalking;~~

5 ~~(16) home invasion;~~

6 ~~(17) vehicular invasion;~~

7 ~~(18) criminal transmission of HIV;~~

8 ~~(19) criminal abuse or neglect of an elderly person or~~
9 ~~person with a disability as described in Section 12-21 or~~
10 ~~subsection (b) of Section 12-4.4a;~~

11 ~~(20) child abandonment;~~

12 ~~(21) endangering the life or health of a child;~~

13 ~~(22) ritual mutilation;~~

14 ~~(23) ritualized abuse of a child;~~

15 ~~(24) an offense in any other state the elements of~~
16 ~~which are similar and bear a substantial relationship to~~
17 ~~any of the foregoing offenses.~~

18 No later than July 1, 2025, relative caregiver payments
19 shall be made to relative caregiver homes as provided under
20 Section 5 of this Act. For the purpose of this subsection,
21 "relative" shall include any person, 21 years of age or over,
22 other than the parent, who (i) is currently related to the
23 child in any of the following ways by blood or adoption:
24 grandparent, sibling, great-grandparent, parent's sibling,
25 sibling's child, first cousin, second cousin, godparent, or
26 grandparent's sibling; or (ii) is the spouse of such a

1 ~~relative; or (iii) is the child's step parent, or adult~~
2 ~~step sibling; or (iv) is a fictive kin; "relative" also~~
3 ~~includes a person related in any of the foregoing ways to a~~
4 ~~sibling of a child, even though the person is not related to~~
5 ~~the child, when the child and the child's sibling are placed~~
6 ~~together with that person. For children who have been in the~~
7 ~~guardianship of the Department, have been adopted, and are~~
8 ~~subsequently returned to the temporary custody or guardianship~~
9 ~~of the Department, a "relative" may also include any person~~
10 ~~who would have qualified as a relative under this paragraph~~
11 ~~prior to the adoption, but only if the Department determines,~~
12 ~~and documents, that it would be in the child's best interests~~
13 ~~to consider this person a relative, based upon the factors for~~
14 ~~determining best interests set forth in subsection (4.05) of~~
15 ~~Section 1-3 of the Juvenile Court Act of 1987. A relative with~~
16 ~~whom a child is placed pursuant to this subsection may, but is~~
17 ~~not required to, apply for licensure as a foster family home~~
18 ~~pursuant to the Child Care Act of 1969; provided, however,~~
19 ~~that as of July 1, 1995, foster care payments shall be made~~
20 ~~only to licensed foster family homes pursuant to the terms of~~
21 ~~Section 5 of this Act.~~

22 ~~Notwithstanding any other provision under this subsection~~
23 ~~to the contrary, a fictive kin with whom a child is placed~~
24 ~~pursuant to this subsection shall apply for licensure as a~~
25 ~~foster family home pursuant to the Child Care Act of 1969~~
26 ~~within 6 months of the child's placement with the fictive kin.~~

1 ~~The Department shall not remove a child from the home of a~~
2 ~~fictive kin on the basis that the fictive kin fails to apply~~
3 ~~for licensure within 6 months of the child's placement with~~
4 ~~the fictive kin, or fails to meet the standard for licensure.~~
5 ~~All other requirements established under the rules and~~
6 ~~procedures of the Department concerning the placement of a~~
7 ~~child, for whom the Department is legally responsible, with a~~
8 ~~relative shall apply. By June 1, 2015, the Department shall~~
9 ~~promulgate rules establishing criteria and standards for~~
10 ~~placement, identification, and licensure of fictive kin.~~

11 ~~For purposes of this subsection, "fictive kin" means any~~
12 ~~individual, unrelated by birth or marriage, who:~~

13 ~~(i) is shown to have significant and close personal or~~
14 ~~emotional ties with the child or the child's family prior~~
15 ~~to the child's placement with the individual; or~~

16 ~~(ii) is the current foster parent of a child in the~~
17 ~~custody or guardianship of the Department pursuant to this~~
18 ~~Act and the Juvenile Court Act of 1987, if the child has~~
19 ~~been placed in the home for at least one year and has~~
20 ~~established a significant and family-like relationship~~
21 ~~with the foster parent, and the foster parent has been~~
22 ~~identified by the Department as the child's permanent~~
23 ~~connection, as defined by Department rule.~~

24 The provisions added to this subsection (b) by Public Act
25 98-846 shall become operative on and after June 1, 2015.

26 (c) In placing a child under this Act, the Department

1 shall ensure that the child's health, safety, and best
2 interests are met. In rejecting placement of a child with an
3 identified relative, the Department shall (i) ensure that the
4 child's health, safety, and best interests are met, (ii)
5 inform the identified relative of the relative's right to
6 reconsideration of the decision and provide the identified
7 relative with a description of the reconsideration process
8 established in accordance with subsection (o) of Section 5 of
9 this Act, (iii) report that the Department rejected the
10 relative placement to the court in accordance with the
11 requirements of Section 2-27.3 of the Juvenile Court Act of
12 1987, and (iv) report the reason for denial in accordance with
13 Section 46 of this Act. In evaluating the best interests of the
14 child, the Department shall take into consideration the
15 factors set forth in subsection (4.05) of Section 1-3 of the
16 Juvenile Court Act of 1987.

17 The Department shall consider the individual needs of the
18 child and the capacity of the prospective caregivers or
19 prospective ~~foster or~~ adoptive parents to meet the needs of
20 the child. When a child must be placed outside the child's home
21 and cannot be immediately returned to the child's parents or
22 guardian, a comprehensive, individualized assessment shall be
23 performed of that child at which time the needs of the child
24 shall be determined. Only if race, color, or national origin
25 is identified as a legitimate factor in advancing the child's
26 best interests shall it be considered. Race, color, or

1 national origin shall not be routinely considered in making a
2 placement decision. The Department shall make special efforts
3 for the diligent recruitment of potential foster and adoptive
4 families that reflect the ethnic and racial diversity of the
5 children for whom foster and adoptive homes are needed.
6 "Special efforts" shall include contacting and working with
7 community organizations and religious organizations and may
8 include contracting with those organizations, utilizing local
9 media and other local resources, and conducting outreach
10 activities.

11 (c-1) At the time of placement, the Department shall
12 consider concurrent planning, as described in subsection (1-1)
13 of Section 5, so that permanency may occur at the earliest
14 opportunity. Consideration should be given so that if
15 reunification fails or is delayed, the placement made is the
16 best available placement to provide permanency for the child.
17 To the extent that doing so is in the child's best interests as
18 set forth in subsection (4.05) of Section 1-3 of the Juvenile
19 Court Act of 1987, the Department should consider placements
20 that will permit the child to maintain a meaningful
21 relationship with the child's parents.

22 (d) The Department may accept gifts, grants, offers of
23 services, and other contributions to use in making special
24 recruitment efforts.

25 (e) The Department in placing children in relative
26 caregiver, certified relative caregiver, adoptive, or foster

1 care homes may not, in any policy or practice relating to the
2 placement of children for adoption or foster care,
3 discriminate against any child or prospective caregiver or
4 adoptive parent ~~adoptive or foster parent~~ on the basis of
5 race.

6 (Source: P.A. 103-22, eff. 8-8-23.)

7 (20 ILCS 505/7.3)

8 Sec. 7.3. Placement plan. The Department shall develop and
9 implement a written plan for placing children. The plan shall
10 include at least the following features:

11 (1) A plan for recruiting minority adoptive and foster
12 families. The plan shall include strategies for using
13 existing resources in minority communities, use of
14 minority outreach staff whenever possible, use of minority
15 foster homes for placements after birth and before
16 adoption, and other techniques as appropriate.

17 (2) A plan for training adoptive and foster families
18 of minority children.

19 (3) A plan for employing social workers in adoption
20 and foster care. The plan shall include staffing goals and
21 objectives.

22 (4) A plan for ensuring that adoption and foster care
23 workers attend training offered or approved by the
24 Department regarding the State's goal of encouraging
25 cultural diversity and the needs of special needs

1 children.

2 (5) A plan that includes policies and procedures for
3 determining for each child requiring placement outside of
4 the child's home, and who cannot be immediately returned
5 to the child's parents or guardian, the placement needs of
6 that child. In the rare instance when an individualized
7 assessment identifies, documents, and substantiates that
8 race, color, or national origin is a factor that needs to
9 be considered in advancing a particular child's best
10 interests, it shall be considered in making a placement.

11 (6) A plan for improving the certification of relative
12 homes as certified relative caregiver homes, including
13 establishing and expanding access to a kinship navigator
14 program once established pursuant to paragraph (3) of
15 subsection (u-6) of Section 5 of this Act, providing an
16 effective process for ensuring relatives are informed of
17 the benefits of relative caregiver home certification
18 under Section 3.4 of the Child Care Act of 1969, and
19 tailoring relative caregiver home certification standards
20 that are appropriately distinct from foster home licensure
21 standards.

22 Beginning July 1, 2026 and every 3 years thereafter, the
23 plans required under this Section shall be evaluated by the
24 Department and revised based on the findings of that
25 evaluation.

26 (Source: P.A. 103-22, eff. 8-8-23.)

1 (20 ILCS 505/46 new)

2 Sec. 46. Annual reports regarding relative and certified
3 relative caregiver placements. Beginning January 1, 2026, and
4 annually thereafter, the Department shall post on its website
5 data from the preceding State fiscal year regarding:

6 (1) the number of youth in care who were adopted
7 specifying the length of stay in out-of-home care and the
8 number of youth in care who exited to permanency through
9 guardianship specifying the length of stay in out-of-home
10 care and whether the guardianship was subsidized or
11 unsubsidized for each case;

12 (2) the number of youth with the permanency goal of
13 guardianship and the number of youth with the permanency
14 goal of adoption;

15 (3) the number of youth in care who moved from
16 non-relative care to a relative placement;

17 (4) the number of homes that successfully became a
18 certified relative caregiver home in accordance with
19 Section 3.4 of the Child Care Act of 1969; and

20 (5) the number of reconsideration reviews of the
21 Department's decisions not to place a child with a
22 relative commenced in accordance with subsection (o) of
23 Section 5 of this Act. For data related to each
24 reconsideration review, the Department shall indicate
25 whether the child resides in a licensed placement or in

1 the home of a relative at the time of the reconsideration
2 review, the reason for the Department's denial of the
3 placement with the relative, and the outcome associated
4 with each reconsideration review.

5 The Department shall include a description of the
6 methodology the Department used to collect the information for
7 paragraphs (1) through (5), indicate whether the Department
8 had any difficulties collecting the information, and indicate
9 whether there are concerns about the validity of the
10 information. If any of the data elements required to be
11 disclosed under this Section could reveal a youth's identity
12 if revealed in combination with all the identifying
13 information due to small sample size, the Department shall
14 exclude the data elements that could be used to identify the
15 youth so that the data can be included as part of a larger
16 sample and report that the data was excluded for this reason.

17 (20 ILCS 505/55 new)

18 Sec. 55. Performance audits. Three years after the
19 effective date of this amendatory Act of the 103rd General
20 Assembly, the Auditor General shall commence a performance
21 audit of the Department to determine whether the Department is
22 meeting the requirements established by this amendatory Act of
23 the 103rd General Assembly under Sections 4d, 5, 6a, 7, 7.3,
24 46, and 55 of this Act, Sections 2.05, 2.17, 2.36, 2.37, 2.38,
25 2.39, 2.40, 3.4, 4, 4.3, 7.3, and 7.4 of the Child Care Act of

1 1969, Sections 1-3, 1-5, 2-10, 2-13, 2-21, 2-22, 2-23, 2-27,
2 2-27.3, 2-28, 2-28.1, and 5-745 of the Juvenile Court Act of
3 1987, and Sections 4.1 and 15.1 of the Adoption Act. Within 2
4 years after the audit's release, the Auditor General shall
5 commence a follow-up performance audit to determine whether
6 the Department has implemented the recommendations contained
7 in the initial performance audit. Upon completion of each
8 audit, the Auditor General shall report its findings to the
9 General Assembly. The Auditor General's reports shall include
10 any issues or deficiencies and recommendations. The audits
11 required by this Section shall be in accordance with and
12 subject to the Illinois State Auditing Act.

13 Section 10. The Child Care Act of 1969 is amended by
14 changing Sections 2.05, 2.17, 4, 4.3, 5, 7.3, and 7.4 and by
15 adding Sections 2.36, 2.37, 2.38, 2.39, 2.40, and 3.4 as
16 follows:

17 (225 ILCS 10/2.05) (from Ch. 23, par. 2212.05)

18 Sec. 2.05. "Facility for child care" or "child care
19 facility" means any person, group of persons, agency,
20 association, organization, corporation, institution, center,
21 or group, whether established for gain or otherwise, who or
22 which receives or arranges for care or placement of one or more
23 children, unrelated to the operator of the facility, apart
24 from the parents, with or without the transfer of the right of

1 custody in any facility as defined in this Act, established
2 and maintained for the care of children. "Child care facility"
3 includes a relative, as defined in Section 2.36 ~~2.17~~ of this
4 Act, who is licensed as a foster family home under Section 4 of
5 this Act or provides a certified relative caregiver home, as
6 defined in Section 2.37 of this Act.

7 (Source: P.A. 98-804, eff. 1-1-15.)

8 (225 ILCS 10/2.17) (from Ch. 23, par. 2212.17)

9 (Text of Section before amendment by P.A. 103-721)

10 Sec. 2.17. "Foster family home" means the home of an
11 individual or family:

12 (1) that is licensed or approved by the state in which it
13 is situated as a foster family home that meets the standards
14 established for the licensing or approval; and

15 (2) in which a child in foster care has been placed in the
16 care of an individual who resides with the child and who has
17 been licensed or approved by the state to be a foster parent
18 and:

19 (A) who the Department of Children and Family Services
20 deems capable of adhering to the reasonable and prudent
21 parent standard;

22 (B) who provides 24-hour substitute care for children
23 placed away from their parents or other caretakers; and

24 (3) who provides the care for no more than 6 children,
25 except the Director of Children and Family Services, pursuant

1 to Department regulations, may waive the numerical limitation
2 of foster children who may be cared for in a foster family home
3 for any of the following reasons to allow: (i) a parenting
4 youth in foster care to remain with the child of the parenting
5 youth; (ii) siblings to remain together; (iii) a child with an
6 established meaningful relationship with the family to remain
7 with the family; or (iv) a family with special training or
8 skills to provide care to a child who has a severe disability.
9 The family's or relative's own children, under 18 years of
10 age, shall be included in determining the maximum number of
11 children served.

12 For purposes of this Section, a "relative" includes any
13 person, 21 years of age or over, other than the parent, who (i)
14 is currently related to the child in any of the following ways
15 by blood or adoption: grandparent, sibling, great-grandparent,
16 uncle, aunt, nephew, niece, first cousin, great-uncle, or
17 great-aunt; or (ii) is the spouse of such a relative; or (iii)
18 is a child's step-father, step-mother, or adult step-brother
19 or step-sister; or (iv) is a fictive kin; "relative" also
20 includes a person related in any of the foregoing ways to a
21 sibling of a child, even though the person is not related to
22 the child, when the child and its sibling are placed together
23 with that person. For purposes of placement of children
24 pursuant to Section 7 of the Children and Family Services Act
25 and for purposes of licensing requirements set forth in
26 Section 4 of this Act, for children under the custody or

1 guardianship of the Department pursuant to the Juvenile Court
2 Act of 1987, after a parent signs a consent, surrender, or
3 waiver or after a parent's rights are otherwise terminated,
4 and while the child remains in the custody or guardianship of
5 the Department, the child is considered to be related to those
6 to whom the child was related under this Section prior to the
7 signing of the consent, surrender, or waiver or the order of
8 termination of parental rights.

9 The term "foster family home" includes homes receiving
10 children from any State-operated institution for child care;
11 or from any agency established by a municipality or other
12 political subdivision of the State of Illinois authorized to
13 provide care for children outside their own homes. The term
14 "foster family home" does not include an "adoption-only home"
15 as defined in Section 2.23 of this Act. The types of foster
16 family homes are defined as follows:

17 (a) "Boarding home" means a foster family home which
18 receives payment for regular full-time care of a child or
19 children.

20 (b) "Free home" means a foster family home other than
21 an adoptive home which does not receive payments for the
22 care of a child or children.

23 (c) "Adoptive home" means a foster family home which
24 receives a child or children for the purpose of adopting
25 the child or children, but does not include an
26 adoption-only home.

1 (d) "Work-wage home" means a foster family home which
2 receives a child or children who pay part or all of their
3 board by rendering some services to the family not
4 prohibited by the Child Labor Law or by standards or
5 regulations of the Department prescribed under this Act.
6 The child or children may receive a wage in connection
7 with the services rendered the foster family.

8 (e) "Agency-supervised home" means a foster family
9 home under the direct and regular supervision of a
10 licensed child welfare agency, of the Department of
11 Children and Family Services, of a circuit court, or of
12 any other State agency which has authority to place
13 children in child care facilities, and which receives no
14 more than 8 children, unless of common parentage, who are
15 placed and are regularly supervised by one of the
16 specified agencies.

17 (f) "Independent home" means a foster family home,
18 other than an adoptive home, which receives no more than 4
19 children, unless of common parentage, directly from
20 parents, or other legally responsible persons, by
21 independent arrangement and which is not subject to direct
22 and regular supervision of a specified agency except as
23 such supervision pertains to licensing by the Department.

24 (g) "Host home" means an emergency foster family home
25 under the direction and regular supervision of a licensed
26 child welfare agency, contracted to provide short-term

1 crisis intervention services to youth served under the
2 Comprehensive Community-Based Youth Services program,
3 under the direction of the Department of Human Services.
4 The youth shall not be under the custody or guardianship
5 of the Department pursuant to the Juvenile Court Act of
6 1987.

7 (Source: P.A. 102-688, eff. 7-1-22; 103-564, eff. 11-17-23.)

8 (Text of Section after amendment by P.A. 103-721)

9 Sec. 2.17. "Foster family home" means the home of an
10 individual or family:

11 (1) that is licensed or approved by the state in which it
12 is situated as a foster family home that meets the standards
13 established for the licensing or approval; and

14 (2) in which a child in foster care has been placed in the
15 care of an individual who resides with the child and who has
16 been licensed or approved by the state to be a foster parent
17 and:

18 (A) who the Department of Children and Family Services
19 deems capable of adhering to the reasonable and prudent
20 parent standard;

21 (B) who provides 24-hour substitute care for children
22 placed away from their parents or other caretakers; and

23 (3) who provides the care for no more than 6 children,
24 except the Director of Children and Family Services, pursuant
25 to Department regulations, may waive the numerical limitation

1 of foster children who may be cared for in a foster family home
2 for any of the following reasons to allow: (i) a parenting
3 youth in foster care to remain with the child of the parenting
4 youth; (ii) siblings to remain together; (iii) a child with an
5 established meaningful relationship with the family to remain
6 with the family; or (iv) a family with special training or
7 skills to provide care to a child who has a severe disability.
8 The family's or relative's own children, under 18 years of
9 age, shall be included in determining the maximum number of
10 children served.

11 ~~For purposes of this Section, a "relative" includes any~~
12 ~~person, 21 years of age or over, other than the parent, who (i)~~
13 ~~is currently related to the child in any of the following ways~~
14 ~~by blood or adoption: grandparent, sibling, great grandparent,~~
15 ~~uncle, aunt, nephew, niece, first cousin, great uncle, or~~
16 ~~great aunt; or (ii) is the spouse of such a relative; or (iii)~~
17 ~~is a child's step father, step mother, or adult step brother~~
18 ~~or step sister; or (iv) is a fictive kin; "relative" also~~
19 ~~includes a person related in any of the foregoing ways to a~~
20 ~~sibling of a child, even though the person is not related to~~
21 ~~the child, when the child and its sibling are placed together~~
22 ~~with that person. For purposes of placement of children~~
23 ~~pursuant to Section 7 of the Children and Family Services Act~~
24 ~~and for purposes of licensing requirements set forth in~~
25 ~~Section 4 of this Act, for children under the custody or~~
26 ~~guardianship of the Department pursuant to the Juvenile Court~~

1 ~~Act of 1987, after a parent signs a consent, surrender, or~~
2 ~~waiver or after a parent's rights are otherwise terminated,~~
3 ~~and while the child remains in the custody or guardianship of~~
4 ~~the Department, the child is considered to be related to those~~
5 ~~to whom the child was related under this Section prior to the~~
6 ~~signing of the consent, surrender, or waiver or the order of~~
7 ~~termination of parental rights.~~

8 The term "foster family home" includes homes receiving
9 children from any State-operated institution for child care;
10 or from any agency established by a municipality or other
11 political subdivision of the State of Illinois authorized to
12 provide care for children outside their own homes. The term
13 "foster family home" does not include an "adoption-only home"
14 as defined in Section 2.23 or a "certified relative caregiver
15 home" as defined in Section 2.37 of this Act. The types of
16 foster family homes are defined as follows:

17 (a) "Boarding home" means a foster family home which
18 receives payment for regular full-time care of a child or
19 children.

20 (b) "Free home" means a foster family home other than
21 an adoptive home which does not receive payments for the
22 care of a child or children.

23 (c) "Adoptive home" means a foster family home which
24 receives a child or children for the purpose of adopting
25 the child or children, but does not include an
26 adoption-only home.

1 (d) "Work-wage home" means a foster family home which
2 receives a child or children who pay part or all of their
3 board by rendering some services to the family not
4 prohibited by the Child Labor Law of 2024 or by standards
5 or regulations of the Department prescribed under this
6 Act. The child or children may receive a wage in
7 connection with the services rendered the foster family.

8 (e) "Agency-supervised home" means a foster family
9 home under the direct and regular supervision of a
10 licensed child welfare agency, of the Department of
11 Children and Family Services, of a circuit court, or of
12 any other State agency which has authority to place
13 children in child care facilities, and which receives no
14 more than 8 children, unless of common parentage, who are
15 placed and are regularly supervised by one of the
16 specified agencies.

17 (f) "Independent home" means a foster family home,
18 other than an adoptive home, which receives no more than 4
19 children, unless of common parentage, directly from
20 parents, or other legally responsible persons, by
21 independent arrangement and which is not subject to direct
22 and regular supervision of a specified agency except as
23 such supervision pertains to licensing by the Department.

24 (g) "Host home" means an emergency foster family home
25 under the direction and regular supervision of a licensed
26 child welfare agency, contracted to provide short-term

1 crisis intervention services to youth served under the
2 Comprehensive Community-Based Youth Services program,
3 under the direction of the Department of Human Services.
4 The youth shall not be under the custody or guardianship
5 of the Department pursuant to the Juvenile Court Act of
6 1987.

7 (Source: P.A. 102-688, eff. 7-1-22; 103-564, eff. 11-17-23;
8 103-721, eff. 1-1-25.)

9 (225 ILCS 10/2.36 new)

10 Sec. 2.36. Certified relative caregiver. "Certified
11 relative caregiver" means a person responsible for the care
12 and supervision of a child placed in a certified relative
13 caregiver home by the Department, other than the parent, who
14 is a relative. As used in this definition, "relative" means a
15 person who is: (i) related to a child by blood, marriage,
16 tribal custom, adoption, or to a child's sibling in any of the
17 foregoing ways, even though the person is not related to the
18 child, when the child and the child's sibling are placed
19 together with that person or (ii) fictive kin. For children
20 who have been in the guardianship of the Department following
21 the termination of their parents' parental rights, been
22 adopted or placed in subsidized or unsubsidized guardianship,
23 and are subsequently returned to the temporary custody or
24 guardianship of the Department, a "relative" shall include any
25 person who would have qualified as a relative under this

1 Section prior to the termination of the parents' parental
2 rights if the Department determines, and documents, or the
3 court finds that it would be in the child's best interests to
4 consider this person a relative, based upon the factors for
5 determining best interests set forth in subsection (4.05) of
6 Section 1-3 of the Juvenile Court Act of 1987.

7 (225 ILCS 10/2.37 new)

8 Sec. 2.37. Certified relative caregiver home. "Certified
9 relative caregiver home" means a placement resource meeting
10 the standards for a certified relative caregiver home under
11 Section 3.4 of this Act, which is eligible to receive payments
12 from the Department under State or federal law for room and
13 board for a child placed with a certified relative caregiver.
14 A certified relative caregiver home is sufficient to comply
15 with 45 CFR 1355.20.

16 (225 ILCS 10/2.38 new)

17 Sec. 2.38. Fictive kin. "Fictive kin" has the meaning
18 ascribed to the term in Section 4d of the Children and Family
19 Services Act.

20 (225 ILCS 10/2.39 new)

21 Sec. 2.39. Caregiver. "Caregiver" means a certified
22 relative caregiver, relative caregiver, or foster parent with
23 whom a youth in care is placed.

1 (225 ILCS 10/2.40 new)

2 Sec. 2.40. National consortium recommendations. "National
3 consortium recommendations" means the preferred standards of
4 national organizations with expertise in relative home care
5 developed to establish requirements or criteria for relative
6 homes that are no more or only minimally more restrictive than
7 necessary to comply with the requirements under Sections 471
8 and 474 of the Social Security Act, Public Law 115-123.
9 Consortium recommendations include criteria for assessing
10 relative homes for safety, sanitation, protection of civil
11 rights, use of the reasonable and prudent parenting standard,
12 and background screening for caregivers and other residents in
13 the caregiver home.

14 (225 ILCS 10/3.4 new)

15 Sec. 3.4. Standards for certified relative caregiver
16 homes.

17 (a) No later than July 1, 2025, the Department shall adopt
18 rules outlining the standards for certified relative caregiver
19 homes, which are reasonably in accordance with the national
20 consortium recommendations and federal law and rules, and
21 consistent with the requirements of this Act. The standards
22 for certified relative caregiver homes shall: (i) be different
23 from licensing standards used for non-relative foster family
24 homes under Section 4; (ii) align with the recommendation of

1 the U.S. Department of Health and Human Services'
2 Administration for Children and Families for implementation of
3 Section 471(a)(10), 471(a)(11), and 471(a)(20) and Section 474
4 of Title IV-E of the Social Security Act; (iii) be no more
5 restrictive than, and reasonably in accordance with, national
6 consortium recommendations; and (iv) address background
7 screening for caregivers and other household residents and
8 assessing home safety and caregiver capacity to meet the
9 identified child's needs.

10 A guiding premise for certified relative caregiver home
11 standards is that foster care maintenance payments for every
12 relative, starting upon placement, regardless of federal
13 reimbursement, are critical to ensure that the basic needs and
14 well-being of all children in relative care are being met. If
15 an agency places a child in the care of a relative, the
16 relative must immediately be provided with adequate support to
17 care for that child. The Department shall review foster care
18 maintenance payments to ensure that children receive the same
19 amount of foster care maintenance payments whether placed in a
20 certified relative caregiver home or a licensed foster family
21 home.

22 In developing rules, the Department shall solicit and
23 incorporate feedback from relative caregivers. No later than
24 60 days after the effective date of this amendatory Act of the
25 103rd General Assembly, the Department shall begin soliciting
26 input from relatives who are currently or have recently been

1 caregivers to youth in care to develop the rules and
2 procedures to implement the requirements of this Section. The
3 Department shall solicit this input in a manner convenient for
4 caregivers to participate, including without limitation,
5 in-person convenings at after hours and weekend venues,
6 locations that provide child care, and modalities that are
7 accessible and welcoming to new and experienced relative
8 caregivers from all regions of the State. The rules shall
9 outline the essential elements of each form used in the
10 implementation and enforcement of the provisions of this
11 amendatory Act of the 103rd General Assembly.

12 (b) In order to assess whether standards are met for a
13 certified relative caregiver home under this Section, the
14 Department or a licensed child welfare agency shall:

15 (1) complete the home safety and needs assessment and
16 identify and provide any necessary concrete goods or
17 safety modifications to assist the prospective certified
18 relative caregiver in meeting the needs of the specific
19 child or children being placed by the Department, in a
20 manner consistent with Department rule;

21 (2) assess the ability of the prospective certified
22 relative caregiver to care for the physical, emotional,
23 medical, and educational needs of the specific child or
24 children being placed by the Department using the protocol
25 and form provided through national consortium
26 recommendations; and

1 (3) using the standard background check form
2 established by rule, complete a background check for each
3 person seeking certified relative caregiver approval and
4 any other adults living in the home as required under this
5 Section.

6 (c) The Department or a licensed child welfare agency
7 shall conduct the following background screening investigation
8 for every prospective certified relative caregiver and adult
9 resident living in the home:

10 (1) a name-based State, local, or tribal criminal
11 background check, and as soon as reasonably possible,
12 initiate a fingerprint-based background check;

13 (2) a review of this State's Central Registry and
14 registries of any state in which an adult household member
15 has resided in the last 5 years, if applicable to
16 determine if the person has been determined to be a
17 perpetrator in an indicated report of child abuse or
18 neglect; and

19 (3) a review of the sex offender registry.

20 No home may be a certified relative caregiver home if any
21 prospective caregivers or adult residents in the home refuse
22 to authorize a background screening investigation as required
23 by this Section. Only information and standards that bear a
24 reasonable and rational relation to the caregiving capacity of
25 the certified relative caregiver and adult member of the
26 household and overall safety provided by residents of that

1 home shall be used by the Department or licensed child welfare
2 agency.

3 In approving a certified relative caregiver home in
4 accordance with this Section, if an adult has a criminal
5 record, the Department or licensed child welfare agency shall
6 thoroughly investigate and evaluate the criminal history of
7 the adult and, in so doing, include an assessment of the
8 adult's character and, in the case of the prospective
9 certified relative caregiver, the impact that the criminal
10 history has on the prospective certified relative caregiver's
11 ability to parent the child; the investigation should consider
12 the type of crime, the number of crimes, the nature of the
13 offense, the age of the person at the time of the crime, the
14 length of time that has elapsed since the last conviction, the
15 relationship of the crime to the ability to care for children,
16 the role that adult will have with the child, and any evidence
17 of rehabilitation. In accordance with federal law, a home
18 shall not be approved if the record of the prospective
19 certified relative caregiver's background screening reveals:
20 (i) a felony conviction for child abuse or neglect, spousal
21 abuse, crimes against a child, including child pornography, or
22 a crime of rape, sexual assault, or homicide; or (ii) a felony
23 conviction in the last 5 years for physical assault, battery,
24 or a drug-related offense.

25 If the Department is contemplating denying approval of a
26 certified relative caregiver home, the Department shall

1 provide a written notice in the prospective certified relative
2 caregiver's primary language to each prospective certified
3 relative caregiver before the Department takes final action to
4 deny approval of the home. This written notice shall include
5 the specific reason or reasons the Department is considering
6 denial, list actions prospective certified relative caregivers
7 can take, if any, to remedy such conditions and the timeframes
8 in which such actions would need to be completed, explain
9 reasonable supports that the Department can provide to assist
10 the prospective certified relative caregivers in taking
11 remedial actions and how the prospective certified relative
12 caregivers can request such assistance, and provide the
13 recourse prospective certified relative caregivers can seek to
14 resolve disputes about the Department's findings. The
15 Department shall provide prospective certified relative
16 caregivers reasonable opportunity pursuant to rulemaking to
17 cure any remediable deficiencies that the Department
18 identified before taking final action to deny approval of a
19 certified relative caregiver home.

20 If conditions have not been remedied after a reasonable
21 opportunity and assistance to cure identified deficiencies has
22 been provided, the Department shall provide a final written
23 notice explaining the reasons for denying the certified
24 relative caregiver home approval and the reconsideration
25 process to review the decision to deny certification. The
26 Department shall not prohibit a prospective certified relative

1 caregiver from being reconsidered for approval if the
2 prospective certified relative caregivers are able to
3 demonstrate a change in circumstances that improves deficient
4 conditions.

5 Documentation that a certified relative caregiver home
6 meets the required standards may be filed on behalf of such
7 homes by a licensed child welfare agency, by a State agency
8 authorized to place children in foster care, or by
9 out-of-state agencies approved by the Department to place
10 children in this State. For documentation on behalf of a home
11 in which specific children are placed by and remain under
12 supervision of the applicant agency, such agency shall
13 document that the certified relative caregiver home,
14 responsible for the care of related specific children therein,
15 was found to be in reasonable compliance with standards
16 prescribed by the Department for certified relative caregiver
17 homes under this Section. Certification is applicable to one
18 or more related children and documentation for certification
19 shall indicate the specific child or children who would be
20 eligible for placement in this certified relative caregiver
21 home.

22 Information concerning criminal convictions of prospective
23 certified relative caregivers and adult residents of a
24 prospective certified relative caregiver home investigated
25 under this Section, including the source of the information,
26 State conviction information provided by the Illinois State

1 Police, and any conclusions or recommendations derived from
2 the information, shall be offered to the prospective certified
3 relative caregivers and adult residents of a prospective
4 certified relative caregiver home, and provided, upon request,
5 to such persons prior to final action by the Department in the
6 certified relative caregiver home approval process.

7 Any information concerning criminal charges or the
8 disposition of such criminal charges obtained by the
9 Department shall be confidential and may not be transmitted
10 outside the Department, except as required or permitted by
11 State or federal law, and may not be transmitted to anyone
12 within the Department except as needed for the purpose of
13 evaluating standards for a certified relative caregiver home
14 or for evaluating the placement of a specific child in the
15 home. Information concerning a prospective certified relative
16 caregiver or an adult resident of a prospective certified
17 relative caregiver home obtained by the Department for the
18 purposes of this Section shall be confidential and exempt from
19 public inspection and copying as provided under Section 7 of
20 the Freedom of Information Act, and such information shall not
21 be transmitted outside the Department, except as required or
22 authorized by State or federal law, including applicable
23 provisions in the Abused and Neglected Child Reporting Act,
24 and shall not be transmitted to anyone within the Department
25 except as provided in the Abused and Neglected Child Reporting
26 Act, and shall not be transmitted to anyone within the

1 Department except as needed for the purposes of evaluating
2 homes. Any employee of the Department, the Illinois State
3 Police, or a licensed child welfare agency receiving
4 confidential information under this Section who gives or
5 causes to be given any confidential information concerning any
6 criminal convictions or child abuse or neglect reports
7 involving a prospective certified relative caregiver or an
8 adult resident of a prospective certified relative caregiver
9 home shall be guilty of a Class A misdemeanor unless release of
10 such information is authorized by this Section or Section 11.1
11 of the Abused and Neglected Child Reporting Act.

12 The Department shall permit, but shall not require, a
13 prospective certified relative caregiver who does not yet have
14 eligible children placed by the Department in the relative's
15 home to commence the process to become a certified relative
16 caregiver home for a particular identified child under this
17 Section before a child is placed by the Department if the
18 prospective certified relative caregiver prefers to begin this
19 process in advance of the identified child being placed. No
20 later than July 1, 2025, the Department shall adopt rules
21 delineating the process for re-assessing a certified relative
22 caregiver home if the identified child is not placed in that
23 home within 6 months of the home becoming certified.

24 (d) The Department shall ensure that prospective certified
25 relative caregivers are provided with assistance in completing
26 the steps required for approval as a certified relative

1 caregiver home, including, but not limited to, the following
2 types of assistance:

3 (1) completing forms together with the relative or for
4 the relative, if possible;

5 (2) obtaining court records or dispositions related to
6 background checks;

7 (3) accessing translation services;

8 (4) using mobile fingerprinting devices in the home,
9 and if mobile devices are unavailable, providing
10 assistance scheduling appointments that are accessible and
11 available at times that fit the household members'
12 schedules, providing transportation and child care to
13 allow the household members to complete fingerprinting
14 appointments, and contracting with community-based
15 fingerprinting locations that offer evening and weekend
16 appointments;

17 (5) reimbursement or advance payment for the
18 prospective certified relative caregiver to help with
19 reasonable home maintenance to resolve critical safety
20 issues in accordance with Department rulemaking; and

21 (6) purchasing required safety or comfort items such
22 as a car seat or mattress.

23 (e) Orientation provided to certified relative caregivers
24 shall include information regarding:

25 (1) caregivers' right to be heard in juvenile court
26 proceedings;

1 (2) the availability of the advocacy hotline and
2 Office of the Inspector General that caregivers may use to
3 report incidents of misconduct or violation of rules by
4 Department employees, service providers, or contractors;

5 (3) the Department's expectations for caregiving
6 obligations including, but not limited to, specific
7 requirements of court orders, critical incident
8 notifications and timeframes, supervision for the child's
9 age and needs, out-of-state travel, and consent
10 procedures;

11 (4) assistance available to the certified relative
12 caregivers, including child care, respite care,
13 transportation assistance, case management, training and
14 support groups, kinship navigator services, financial
15 assistance, and after hours and weekend 24 hours, 7 days a
16 week emergency supports, and how to access such
17 assistance;

18 (5) reasonable and prudent parenting standards; and

19 (6) permanency options.

20 Orientation shall be provided in a setting and modality
21 convenient for the residents of the certified relative
22 caregiver home, which shall include the option for one-on-one
23 sessions at the residence, after business hours, and in the
24 primary language of the caregivers. Training opportunities
25 shall be offered to the residents of the certified relative
26 caregiver home, but shall not be a requirement that delays the

1 certified relative caregiver home approval process from being
2 completed.

3 The Department or licensed child welfare agency may
4 provide support groups and development opportunities for
5 certified relative caregivers, and take other steps to support
6 permanency, such as offering voluntary training, or concurrent
7 assessments of multiple prospective certified relative
8 caregivers to determine which may be best suited to provide
9 long-term permanency for a particular child. However, these
10 support groups and development opportunities shall not be
11 requirements for prospective certified relative caregiver
12 homes or delay immediate placement and support to a relative
13 who satisfies the standards set forth in this Section.

14 (f) All child welfare agencies serving relative and
15 certified relative caregiver homes shall be required by the
16 Department to have complaint policies and procedures that
17 shall be provided in writing to prospective and current
18 certified relative caregivers and residents of prospective and
19 current certified relative caregiver homes, at the earliest
20 time possible. The complaint procedure shall allow residents
21 of prospective and current certified relative caregiver homes
22 to submit complaints 7 days a week and complaints shall be
23 reviewed by the Department within 30 days of receipt. These
24 complaint procedures must be filed with the Department within
25 6 months after the effective date of this amendatory of the
26 103rd General Assembly.

1 No later than July 1, 2025, the Department shall revise
2 any rules and procedures pertaining to eligibility of
3 certified relative caregivers to qualify for State and federal
4 subsidies and services under the guardianship and adoption
5 assistance program and remove any requirements that exceed the
6 federal requirements for participation in these programs or
7 supports to ensure that certified relative caregiver homes are
8 deemed eligible for permanency options, such as adoption or
9 subsidized guardianship, if the child is unable to safely
10 return to the child's parents. The rules shall outline the
11 essential elements of each form used in the implementation and
12 enforcement of the provisions of this amendatory Act of the
13 103rd General Assembly.

14 The Department shall submit any necessary State plan
15 amendments necessary to comply with this Section and to ensure
16 Title IV-E reimbursement eligibility under Section
17 671(a)(20)(A-B) of the Social Security Act can be achieved
18 expediently. The Department shall differentiate expenditures
19 related to certified relative caregivers from licensed care
20 placements to provide clarity in expenditures of State and
21 federal monies for certified relative caregiver supports.

22 (225 ILCS 10/4)

23 (Text of Section before amendment by P.A. 103-594 and
24 103-770)

25 Sec. 4. License requirement; application; notice.

1 (a) Any person, group of persons or corporation who or
2 which receives children or arranges for care or placement of
3 one or more children unrelated to the operator must apply for a
4 license to operate one of the types of facilities defined in
5 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any
6 relative, as defined in Section 2.17 of this Act, who receives
7 a child or children for placement by the Department on a
8 full-time basis may apply for a license to operate a foster
9 family home as defined in Section 2.17 of this Act.

10 (a-5) Any agency, person, group of persons, association,
11 organization, corporation, institution, center, or group
12 providing adoption services must be licensed by the Department
13 as a child welfare agency as defined in Section 2.08 of this
14 Act. "Providing adoption services" as used in this Act,
15 includes facilitating or engaging in adoption services.

16 (b) Application for a license to operate a child care
17 facility must be made to the Department in the manner and on
18 forms prescribed by it. An application to operate a foster
19 family home shall include, at a minimum: a completed written
20 form; written authorization by the applicant and all adult
21 members of the applicant's household to conduct a criminal
22 background investigation; medical evidence in the form of a
23 medical report, on forms prescribed by the Department, that
24 the applicant and all members of the household are free from
25 communicable diseases or physical and mental conditions that
26 affect their ability to provide care for the child or

1 children; the names and addresses of at least 3 persons not
2 related to the applicant who can attest to the applicant's
3 moral character; the name and address of at least one relative
4 who can attest to the applicant's capability to care for the
5 child or children; and fingerprints submitted by the applicant
6 and all adult members of the applicant's household.

7 (b-5) Prior to submitting an application for a foster
8 family home license, a quality of care concerns applicant as
9 defined in Section 2.22a of this Act must submit a preliminary
10 application to the Department in the manner and on forms
11 prescribed by it. The Department shall explain to the quality
12 of care concerns applicant the grounds for requiring a
13 preliminary application. The preliminary application shall
14 include a list of (i) all children placed in the home by the
15 Department who were removed by the Department for reasons
16 other than returning to a parent and the circumstances under
17 which they were removed and (ii) all children placed by the
18 Department who were subsequently adopted by or placed in the
19 private guardianship of the quality of care concerns applicant
20 who are currently under 18 and who no longer reside in the home
21 and the reasons why they no longer reside in the home. The
22 preliminary application shall also include, if the quality of
23 care concerns applicant chooses to submit, (1) a response to
24 the quality of care concerns, including any reason the
25 concerns are invalid, have been addressed or ameliorated, or
26 no longer apply and (2) affirmative documentation

1 demonstrating that the quality of care concerns applicant's
2 home does not pose a risk to children and that the family will
3 be able to meet the physical and emotional needs of children.
4 The Department shall verify the information in the preliminary
5 application and review (i) information regarding any prior
6 licensing complaints, (ii) information regarding any prior
7 child abuse or neglect investigations, (iii) information
8 regarding any involuntary foster home holds placed on the home
9 by the Department, and (iv) information regarding all child
10 exit interviews, as provided in Section 5.26 of the Children
11 and Family Services Act, regarding the home. Foster home
12 applicants with quality of care concerns are presumed
13 unsuitable for future licensure.

14 Notwithstanding the provisions of this subsection (b-5),
15 the Department may make an exception and issue a foster family
16 license to a quality of care concerns applicant if the
17 Department is satisfied that the foster family home does not
18 pose a risk to children and that the foster family will be able
19 to meet the physical and emotional needs of children. In
20 making this determination, the Department must obtain and
21 carefully review all relevant documents and shall obtain
22 consultation from its Clinical Division as appropriate and as
23 prescribed by Department rule and procedure. The Department
24 has the authority to deny a preliminary application based on
25 the record of quality of care concerns of the foster family
26 home. In the alternative, the Department may (i) approve the

1 preliminary application, (ii) approve the preliminary
2 application subject to obtaining additional information or
3 assessments, or (iii) approve the preliminary application for
4 purposes of placing a particular child or children only in the
5 foster family home. If the Department approves a preliminary
6 application, the foster family shall submit an application for
7 licensure as described in subsection (b) of this Section. The
8 Department shall notify the quality of care concerns applicant
9 of its decision and the basis for its decision in writing.

10 (c) The Department shall notify the public when a child
11 care institution, maternity center, or group home licensed by
12 the Department undergoes a change in (i) the range of care or
13 services offered at the facility, (ii) the age or type of
14 children served, or (iii) the area within the facility used by
15 children. The Department shall notify the public of the change
16 in a newspaper of general circulation in the county or
17 municipality in which the applicant's facility is or is
18 proposed to be located.

19 (d) If, upon examination of the facility and investigation
20 of persons responsible for care of children and, in the case of
21 a foster home, taking into account information obtained for
22 purposes of evaluating a preliminary application, if
23 applicable, the Department is satisfied that the facility and
24 responsible persons reasonably meet standards prescribed for
25 the type of facility for which application is made, it shall
26 issue a license in proper form, designating on that license

1 the type of child care facility and, except for a child welfare
2 agency, the number of children to be served at any one time.

3 (e) The Department shall not issue or renew the license of
4 any child welfare agency providing adoption services, unless
5 the agency (i) is officially recognized by the United States
6 Internal Revenue Service as a tax-exempt organization
7 described in Section 501(c)(3) of the Internal Revenue Code of
8 1986 (or any successor provision of federal tax law) and (ii)
9 is in compliance with all of the standards necessary to
10 maintain its status as an organization described in Section
11 501(c)(3) of the Internal Revenue Code of 1986 (or any
12 successor provision of federal tax law). The Department shall
13 grant a grace period of 24 months from the effective date of
14 this amendatory Act of the 94th General Assembly for existing
15 child welfare agencies providing adoption services to obtain
16 501(c)(3) status. The Department shall permit an existing
17 child welfare agency that converts from its current structure
18 in order to be recognized as a 501(c)(3) organization as
19 required by this Section to either retain its current license
20 or transfer its current license to a newly formed entity, if
21 the creation of a new entity is required in order to comply
22 with this Section, provided that the child welfare agency
23 demonstrates that it continues to meet all other licensing
24 requirements and that the principal officers and directors and
25 programs of the converted child welfare agency or newly
26 organized child welfare agency are substantially the same as

1 the original. The Department shall have the sole discretion to
2 grant a one year extension to any agency unable to obtain
3 501(c)(3) status within the timeframe specified in this
4 subsection (e), provided that such agency has filed an
5 application for 501(c)(3) status with the Internal Revenue
6 Service within the 2-year timeframe specified in this
7 subsection (e).

8 (Source: P.A. 101-63, eff. 7-12-19; 102-763, eff. 1-1-23.)

9 (Text of Section after amendment by P.A. 103-770 but
10 before 103-594)

11 Sec. 4. License requirement; application; notice.

12 (a) Any person, group of persons or corporation who or
13 which receives children or arranges for care or placement of
14 one or more children unrelated to the operator must apply for a
15 license to operate one of the types of facilities defined in
16 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any
17 relative, as defined in Section 2.38 ~~2.17~~ of this Act, who
18 receives a child or children for placement by the Department
19 on a full-time basis may apply for a license to operate a
20 foster family home as defined in Section 2.17 of this Act or
21 may apply to be a certified relative caregiver home as defined
22 in Section 2.37 of this Act.

23 (a-5) Any agency, person, group of persons, association,
24 organization, corporation, institution, center, or group
25 providing adoption services must be licensed by the Department

1 as a child welfare agency as defined in Section 2.08 of this
2 Act. "Providing adoption services", as used in this Act,
3 includes facilitating or engaging in adoption services.

4 (b) Application for a license to operate a child care
5 facility must be made to the Department in the manner and on
6 forms prescribed by it. An application to operate a foster
7 family home shall include, at a minimum: a completed written
8 form; written authorization by the applicant and all adult
9 members of the applicant's household to conduct a criminal
10 background investigation; medical evidence in the form of a
11 medical report, on forms prescribed by the Department, that
12 the applicant and all members of the household are free from
13 communicable diseases or physical and mental conditions that
14 affect their ability to provide care for the child or
15 children; the names and addresses of at least 3 persons not
16 related to the applicant who can attest to the applicant's
17 moral character; the name and address of at least one relative
18 who can attest to the applicant's capability to care for the
19 child or children; and fingerprints submitted by the applicant
20 and all adult members of the applicant's household.

21 (b-5) Prior to submitting an application for a foster
22 family home license, a quality of care concerns applicant as
23 defined in Section 2.22a of this Act must submit a preliminary
24 application to the Department in the manner and on forms
25 prescribed by it. The Department shall explain to the quality
26 of care concerns applicant the grounds for requiring a

1 preliminary application. The preliminary application shall
2 include a list of (i) all children placed in the home by the
3 Department who were removed by the Department for reasons
4 other than returning to a parent and the circumstances under
5 which they were removed and (ii) all children placed by the
6 Department who were subsequently adopted by or placed in the
7 private guardianship of the quality of care concerns applicant
8 who are currently under 18 and who no longer reside in the home
9 and the reasons why they no longer reside in the home. The
10 preliminary application shall also include, if the quality of
11 care concerns applicant chooses to submit, (1) a response to
12 the quality of care concerns, including any reason the
13 concerns are invalid, have been addressed or ameliorated, or
14 no longer apply and (2) affirmative documentation
15 demonstrating that the quality of care concerns applicant's
16 home does not pose a risk to children and that the family will
17 be able to meet the physical and emotional needs of children.
18 The Department shall verify the information in the preliminary
19 application and review (i) information regarding any prior
20 licensing complaints, (ii) information regarding any prior
21 child abuse or neglect investigations, (iii) information
22 regarding any involuntary foster home holds placed on the home
23 by the Department, and (iv) information regarding all child
24 exit interviews, as provided in Section 5.26 of the Children
25 and Family Services Act, regarding the home. Foster home
26 applicants with quality of care concerns are presumed

1 unsuitable for future licensure.

2 Notwithstanding the provisions of this subsection (b-5),
3 the Department may make an exception and issue a foster family
4 license to a quality of care concerns applicant if the
5 Department is satisfied that the foster family home does not
6 pose a risk to children and that the foster family will be able
7 to meet the physical and emotional needs of children. In
8 making this determination, the Department must obtain and
9 carefully review all relevant documents and shall obtain
10 consultation from its Clinical Division as appropriate and as
11 prescribed by Department rule and procedure. The Department
12 has the authority to deny a preliminary application based on
13 the record of quality of care concerns of the foster family
14 home. In the alternative, the Department may (i) approve the
15 preliminary application, (ii) approve the preliminary
16 application subject to obtaining additional information or
17 assessments, or (iii) approve the preliminary application for
18 purposes of placing a particular child or children only in the
19 foster family home. If the Department approves a preliminary
20 application, the foster family shall submit an application for
21 licensure as described in subsection (b) of this Section. The
22 Department shall notify the quality of care concerns applicant
23 of its decision and the basis for its decision in writing.

24 (c) The Department shall notify the public when a child
25 care institution, maternity center, or group home licensed by
26 the Department undergoes a change in (i) the range of care or

1 services offered at the facility or (ii) the type of children
2 served. The Department shall notify the public of the change
3 in a newspaper of general circulation in the county or
4 municipality in which the applicant's facility is or is
5 proposed to be located.

6 (c-5) When a child care institution, maternity center, or
7 a group home licensed by the Department undergoes a change in
8 (i) the age of children served or (ii) the area within the
9 facility used by children, the Department shall post
10 information regarding proposed changes on its website as
11 required by rule.

12 (d) If, upon examination of the facility and investigation
13 of persons responsible for care of children and, in the case of
14 a foster home, taking into account information obtained for
15 purposes of evaluating a preliminary application, if
16 applicable, the Department is satisfied that the facility and
17 responsible persons reasonably meet standards prescribed for
18 the type of facility for which application is made, it shall
19 issue a license in proper form, designating on that license
20 the type of child care facility and, except for a child welfare
21 agency, the number of children to be served at any one time.

22 (e) The Department shall not issue or renew the license of
23 any child welfare agency providing adoption services, unless
24 the agency (i) is officially recognized by the United States
25 Internal Revenue Service as a tax-exempt organization
26 described in Section 501(c)(3) of the Internal Revenue Code of

1 1986 (or any successor provision of federal tax law) and (ii)
2 is in compliance with all of the standards necessary to
3 maintain its status as an organization described in Section
4 501(c)(3) of the Internal Revenue Code of 1986 (or any
5 successor provision of federal tax law). The Department shall
6 grant a grace period of 24 months from August 15, 2005 (the
7 effective date of Public Act 94-586) ~~this amendatory Act of~~
8 ~~the 94th General Assembly~~ for existing child welfare agencies
9 providing adoption services to obtain 501(c)(3) status. The
10 Department shall permit an existing child welfare agency that
11 converts from its current structure in order to be recognized
12 as a 501(c)(3) organization as required by this Section to
13 either retain its current license or transfer its current
14 license to a newly formed entity, if the creation of a new
15 entity is required in order to comply with this Section,
16 provided that the child welfare agency demonstrates that it
17 continues to meet all other licensing requirements and that
18 the principal officers and directors and programs of the
19 converted child welfare agency or newly organized child
20 welfare agency are substantially the same as the original. The
21 Department shall have the sole discretion to grant a one-year
22 ~~one-year~~ extension to any agency unable to obtain 501(c)(3)
23 status within the timeframe specified in this subsection (e),
24 provided that such agency has filed an application for
25 501(c)(3) status with the Internal Revenue Service within the
26 2-year timeframe specified in this subsection (e).

1 (f) The Department shall adopt rules to implement the
2 changes to this Section made by Public Act 103-770 ~~this~~
3 ~~amendatory Act of the 103rd General Assembly~~ no later than
4 January 1, 2025.

5 (Source: P.A. 102-763, eff. 1-1-23; 103-770, eff. 1-1-25;
6 revised 8-20-24.)

7 (Text of Section after amendment by P.A. 103-594)

8 Sec. 4. License requirement; application; notice;
9 Department of Children and Family Services.

10 (a) Any person, group of persons or corporation who or
11 which receives children or arranges for care or placement of
12 one or more children unrelated to the operator must apply for a
13 license to operate one of the types of facilities defined in
14 Sections 2.05 through 2.19 (other than a day care center or day
15 care home) and in Section 2.22 of this Act. Any relative, as
16 defined in Section 2.38 ~~2.17~~ of this Act, who receives a child
17 or children for placement by the Department on a full-time
18 basis may apply for a license to operate a foster family home
19 as defined in Section 2.17 of this Act or may apply to be a
20 certified relative caregiver home as defined in Section 2.37
21 of this Act.

22 (a-5) Any agency, person, group of persons, association,
23 organization, corporation, institution, center, or group
24 providing adoption services must be licensed by the Department
25 as a child welfare agency as defined in Section 2.08 of this

1 Act. "Providing adoption services", as used in this Act,
2 includes facilitating or engaging in adoption services.

3 (b) Application for a license to operate a child care
4 facility (other than a day care center, day care home, or group
5 day care home) must be made to the Department in the manner and
6 on forms prescribed by it. An application to operate a foster
7 family home shall include, at a minimum: a completed written
8 form; written authorization by the applicant and all adult
9 members of the applicant's household to conduct a criminal
10 background investigation; medical evidence in the form of a
11 medical report, on forms prescribed by the Department, that
12 the applicant and all members of the household are free from
13 communicable diseases or physical and mental conditions that
14 affect their ability to provide care for the child or
15 children; the names and addresses of at least 3 persons not
16 related to the applicant who can attest to the applicant's
17 moral character; the name and address of at least one relative
18 who can attest to the applicant's capability to care for the
19 child or children; and fingerprints submitted by the applicant
20 and all adult members of the applicant's household.

21 (b-5) Prior to submitting an application for a foster
22 family home license, a quality of care concerns applicant as
23 defined in Section 2.22a of this Act must submit a preliminary
24 application to the Department in the manner and on forms
25 prescribed by it. The Department shall explain to the quality
26 of care concerns applicant the grounds for requiring a

1 preliminary application. The preliminary application shall
2 include a list of (i) all children placed in the home by the
3 Department who were removed by the Department for reasons
4 other than returning to a parent and the circumstances under
5 which they were removed and (ii) all children placed by the
6 Department who were subsequently adopted by or placed in the
7 private guardianship of the quality of care concerns applicant
8 who are currently under 18 and who no longer reside in the home
9 and the reasons why they no longer reside in the home. The
10 preliminary application shall also include, if the quality of
11 care concerns applicant chooses to submit, (1) a response to
12 the quality of care concerns, including any reason the
13 concerns are invalid, have been addressed or ameliorated, or
14 no longer apply and (2) affirmative documentation
15 demonstrating that the quality of care concerns applicant's
16 home does not pose a risk to children and that the family will
17 be able to meet the physical and emotional needs of children.
18 The Department shall verify the information in the preliminary
19 application and review (i) information regarding any prior
20 licensing complaints, (ii) information regarding any prior
21 child abuse or neglect investigations, (iii) information
22 regarding any involuntary foster home holds placed on the home
23 by the Department, and (iv) information regarding all child
24 exit interviews, as provided in Section 5.26 of the Children
25 and Family Services Act, regarding the home. Foster home
26 applicants with quality of care concerns are presumed

1 unsuitable for future licensure.

2 Notwithstanding the provisions of this subsection (b-5),
3 the Department may make an exception and issue a foster family
4 license to a quality of care concerns applicant if the
5 Department is satisfied that the foster family home does not
6 pose a risk to children and that the foster family will be able
7 to meet the physical and emotional needs of children. In
8 making this determination, the Department must obtain and
9 carefully review all relevant documents and shall obtain
10 consultation from its Clinical Division as appropriate and as
11 prescribed by Department rule and procedure. The Department
12 has the authority to deny a preliminary application based on
13 the record of quality of care concerns of the foster family
14 home. In the alternative, the Department may (i) approve the
15 preliminary application, (ii) approve the preliminary
16 application subject to obtaining additional information or
17 assessments, or (iii) approve the preliminary application for
18 purposes of placing a particular child or children only in the
19 foster family home. If the Department approves a preliminary
20 application, the foster family shall submit an application for
21 licensure as described in subsection (b) of this Section. The
22 Department shall notify the quality of care concerns applicant
23 of its decision and the basis for its decision in writing.

24 (c) The Department shall notify the public when a child
25 care institution, maternity center, or group home licensed by
26 the Department undergoes a change in (i) the range of care or

1 services offered at the facility or (ii) the type of children
2 served. The Department shall notify the public of the change
3 in a newspaper of general circulation in the county or
4 municipality in which the applicant's facility is or is
5 proposed to be located.

6 (c-5) When a child care institution, maternity center, or
7 a group home licensed by the Department undergoes a change in
8 (i) the age of children served or (ii) the area within the
9 facility used by children, the Department shall post
10 information regarding proposed changes on its website as
11 required by rule.

12 (d) If, upon examination of the facility and investigation
13 of persons responsible for care of children and, in the case of
14 a foster home, taking into account information obtained for
15 purposes of evaluating a preliminary application, if
16 applicable, the Department is satisfied that the facility and
17 responsible persons reasonably meet standards prescribed for
18 the type of facility for which application is made, it shall
19 issue a license in proper form, designating on that license
20 the type of child care facility and, except for a child welfare
21 agency, the number of children to be served at any one time.

22 (e) The Department shall not issue or renew the license of
23 any child welfare agency providing adoption services, unless
24 the agency (i) is officially recognized by the United States
25 Internal Revenue Service as a tax-exempt organization
26 described in Section 501(c)(3) of the Internal Revenue Code of

1 1986 (or any successor provision of federal tax law) and (ii)
2 is in compliance with all of the standards necessary to
3 maintain its status as an organization described in Section
4 501(c)(3) of the Internal Revenue Code of 1986 (or any
5 successor provision of federal tax law). The Department shall
6 grant a grace period of 24 months from August 15, 2005 (the
7 effective date of Public Act 94-586) ~~this amendatory Act of~~
8 ~~the 94th General Assembly~~ for existing child welfare agencies
9 providing adoption services to obtain 501(c)(3) status. The
10 Department shall permit an existing child welfare agency that
11 converts from its current structure in order to be recognized
12 as a 501(c)(3) organization as required by this Section to
13 either retain its current license or transfer its current
14 license to a newly formed entity, if the creation of a new
15 entity is required in order to comply with this Section,
16 provided that the child welfare agency demonstrates that it
17 continues to meet all other licensing requirements and that
18 the principal officers and directors and programs of the
19 converted child welfare agency or newly organized child
20 welfare agency are substantially the same as the original. The
21 Department shall have the sole discretion to grant a one-year
22 ~~one-year~~ extension to any agency unable to obtain 501(c)(3)
23 status within the timeframe specified in this subsection (e),
24 provided that such agency has filed an application for
25 501(c)(3) status with the Internal Revenue Service within the
26 2-year timeframe specified in this subsection (e).

1 (f) The Department shall adopt rules to implement the
2 changes to this Section made by Public Act 103-770 ~~this~~
3 ~~amendatory Act of the 103rd General Assembly~~ no later than
4 January 1, 2025.

5 (Source: P.A. 102-763, eff. 1-1-23; 103-594, eff. 7-1-26;
6 103-770, eff. 1-1-25; revised 8-20-24.)

7 (225 ILCS 10/4.3) (from Ch. 23, par. 2214.3)

8 (Text of Section before amendment by P.A. 103-594)

9 Sec. 4.3. Child Abuse and Neglect Reports. All child care
10 facility license applicants and all current and prospective
11 employees of a child care facility who have any possible
12 contact with children in the course of their duties, as a
13 condition of such licensure or employment, shall authorize in
14 writing on a form prescribed by the Department an
15 investigation of the Central Register, as defined in the
16 Abused and Neglected Child Reporting Act, to ascertain if such
17 applicant or employee has been determined to be a perpetrator
18 in an indicated report of child abuse or neglect.

19 All child care facilities as a condition of licensure
20 pursuant to this Act shall maintain such information which
21 demonstrates that all current employees and other applicants
22 for employment who have any possible contact with children in
23 the course of their duties have authorized an investigation of
24 the Central Register as hereinabove required. Only those
25 current or prospective employees who will have no possible

1 contact with children as part of their present or prospective
2 employment may be excluded from provisions requiring
3 authorization of an investigation.

4 Such information concerning a license applicant, employee
5 or prospective employee obtained by the Department shall be
6 confidential and exempt from public inspection and copying as
7 provided under Section 7 of The Freedom of Information Act,
8 and such information shall not be transmitted outside the
9 Department, except as provided in the Abused and Neglected
10 Child Reporting Act, and shall not be transmitted to anyone
11 within the Department except as provided in the Abused and
12 Neglected Child Reporting Act, and shall not be transmitted to
13 anyone within the Department except as needed for the purposes
14 of evaluation of an application for licensure or for
15 consideration by a child care facility of an employee. Any
16 employee of the Department of Children and Family Services
17 under this Section who gives or causes to be given any
18 confidential information concerning any child abuse or neglect
19 reports about a child care facility applicant, child care
20 facility employee, shall be guilty of a Class A misdemeanor,
21 unless release of such information is authorized by Section
22 11.1 of the Abused and Neglected Child Reporting Act.

23 Additionally, any licensee who is informed by the
24 Department of Children and Family Services, pursuant to
25 Section 7.4 of the Abused and Neglected Child Reporting Act,
26 approved June 26, 1975, as amended, that a formal

1 investigation has commenced relating to an employee of the
2 child care facility or any other person in frequent contact
3 with children at the facility, shall take reasonable action
4 necessary to insure that the employee or other person is
5 restricted during the pendency of the investigation from
6 contact with children whose care has been entrusted to the
7 facility.

8 When a foster family home is the subject of an indicated
9 report under the Abused and Neglected Child Reporting Act, the
10 Department of Children and Family Services must immediately
11 conduct a re-examination of the foster family home to evaluate
12 whether it continues to meet the minimum standards for
13 licensure. The re-examination is separate and apart from the
14 formal investigation of the report. The Department must
15 establish a schedule for re-examination of the foster family
16 home mentioned in the report at least once a year.

17 When a certified relative caregiver home is the subject of
18 an indicated report under the Abused and Neglected Child
19 Reporting Act, the Department shall immediately conduct a
20 re-examination of the certified relative caregiver home to
21 evaluate whether the home remains an appropriate placement or
22 the certified relative caregiver home continues to meet the
23 minimum standards for certification required under Section 3.4
24 of this Act. The re-examination is separate and apart from the
25 formal investigation of the report and shall be completed in
26 the timeframes established by rule.

1 (Source: P.A. 91-557, eff. 1-1-00.)

2 (Text of Section after amendment by P.A. 103-594)

3 Sec. 4.3. Child Abuse and Neglect Reports. All child care
4 facility license applicants (other than a day care center, day
5 care home, or group day care home) and all current and
6 prospective employees of a child care facility (other than a
7 day care center, day care home, or group day care home) who
8 have any possible contact with children in the course of their
9 duties, as a condition of such licensure or employment, shall
10 authorize in writing on a form prescribed by the Department an
11 investigation of the Central Register, as defined in the
12 Abused and Neglected Child Reporting Act, to ascertain if such
13 applicant or employee has been determined to be a perpetrator
14 in an indicated report of child abuse or neglect.

15 All child care facilities (other than a day care center,
16 day care home, or group day care home) as a condition of
17 licensure pursuant to this Act shall maintain such information
18 which demonstrates that all current employees and other
19 applicants for employment who have any possible contact with
20 children in the course of their duties have authorized an
21 investigation of the Central Register as hereinabove required.
22 Only those current or prospective employees who will have no
23 possible contact with children as part of their present or
24 prospective employment may be excluded from provisions
25 requiring authorization of an investigation.

1 Such information concerning a license applicant, employee
2 or prospective employee obtained by the Department shall be
3 confidential and exempt from public inspection and copying as
4 provided under Section 7 of The Freedom of Information Act,
5 and such information shall not be transmitted outside the
6 Department, except as provided in the Abused and Neglected
7 Child Reporting Act, and shall not be transmitted to anyone
8 within the Department except as provided in the Abused and
9 Neglected Child Reporting Act, and shall not be transmitted to
10 anyone within the Department except as needed for the purposes
11 of evaluation of an application for licensure or for
12 consideration by a child care facility of an employee. Any
13 employee of the Department of Children and Family Services
14 under this Section who gives or causes to be given any
15 confidential information concerning any child abuse or neglect
16 reports about a child care facility applicant, child care
17 facility employee, shall be guilty of a Class A misdemeanor,
18 unless release of such information is authorized by Section
19 11.1 of the Abused and Neglected Child Reporting Act.

20 Additionally, any licensee who is informed by the
21 Department of Children and Family Services, pursuant to
22 Section 7.4 of the Abused and Neglected Child Reporting Act,
23 approved June 26, 1975, as amended, that a formal
24 investigation has commenced relating to an employee of the
25 child care facility or any other person in frequent contact
26 with children at the facility, shall take reasonable action

1 necessary to insure that the employee or other person is
2 restricted during the pendency of the investigation from
3 contact with children whose care has been entrusted to the
4 facility.

5 When a foster family home is the subject of an indicated
6 report under the Abused and Neglected Child Reporting Act, the
7 Department of Children and Family Services must immediately
8 conduct a re-examination of the foster family home to evaluate
9 whether it continues to meet the minimum standards for
10 licensure. The re-examination is separate and apart from the
11 formal investigation of the report. The Department must
12 establish a schedule for re-examination of the foster family
13 home mentioned in the report at least once a year.

14 When a certified relative caregiver home is the subject of
15 an indicated report under the Abused and Neglected Child
16 Reporting Act, the Department shall immediately conduct a
17 re-examination of the certified relative caregiver home to
18 evaluate whether the home remains an appropriate placement or
19 the certified relative caregiver home continues to meet the
20 minimum standards for certification required under Section 3.4
21 of this Act. The re-examination is separate and apart from the
22 formal investigation of the report and shall be completed in
23 the timeframes established by rule.

24 (Source: P.A. 103-594, eff. 7-1-26.)

25 (225 ILCS 10/5) (from Ch. 23, par. 2215)

1 (Text of Section before amendment by P.A. 103-594)

2 Sec. 5. (a) In respect to child care institutions,
3 maternity centers, child welfare agencies, day care centers,
4 day care agencies and group homes, the Department, upon
5 receiving application filed in proper order, shall examine the
6 facilities and persons responsible for care of children
7 therein.

8 (b) In respect to foster family and day care homes,
9 applications may be filed on behalf of such homes by a licensed
10 child welfare agency, by a State agency authorized to place
11 children in foster care or by out-of-State agencies approved
12 by the Department to place children in this State. In respect
13 to day care homes, applications may be filed on behalf of such
14 homes by a licensed day care agency or licensed child welfare
15 agency. In applying for license in behalf of a home in which
16 children are placed by and remain under supervision of the
17 applicant agency, such agency shall certify that the home and
18 persons responsible for care of unrelated children therein, or
19 the home and relatives, as defined in Section 2.36 ~~2.17~~ of this
20 Act, responsible for the care of related children therein,
21 were found to be in reasonable compliance with standards
22 prescribed by the Department for the type of care indicated.

23 (c) The Department shall not allow any person to examine
24 facilities under a provision of this Act who has not passed an
25 examination demonstrating that such person is familiar with
26 this Act and with the appropriate standards and regulations of

1 the Department.

2 (d) With the exception of day care centers, day care
3 homes, and group day care homes, licenses shall be issued in
4 such form and manner as prescribed by the Department and are
5 valid for 4 years from the date issued, unless revoked by the
6 Department or voluntarily surrendered by the licensee.
7 Licenses issued for day care centers, day care homes, and
8 group day care homes shall be valid for 3 years from the date
9 issued, unless revoked by the Department or voluntarily
10 surrendered by the licensee. When a licensee has made timely
11 and sufficient application for the renewal of a license or a
12 new license with reference to any activity of a continuing
13 nature, the existing license shall continue in full force and
14 effect for up to 30 days until the final agency decision on the
15 application has been made. The Department may further extend
16 the period in which such decision must be made in individual
17 cases for up to 30 days, but such extensions shall be only upon
18 good cause shown.

19 (e) The Department may issue one 6-month permit to a newly
20 established facility for child care to allow that facility
21 reasonable time to become eligible for a full license. If the
22 facility for child care is a foster family home, or day care
23 home the Department may issue one 2-month permit only.

24 (f) The Department may issue an emergency permit to a
25 child care facility taking in children as a result of the
26 temporary closure for more than 2 weeks of a licensed child

1 care facility due to a natural disaster. An emergency permit
2 under this subsection shall be issued to a facility only if the
3 persons providing child care services at the facility were
4 employees of the temporarily closed day care center at the
5 time it was closed. No investigation of an employee of a child
6 care facility receiving an emergency permit under this
7 subsection shall be required if that employee has previously
8 been investigated at another child care facility. No emergency
9 permit issued under this subsection shall be valid for more
10 than 90 days after the date of issuance.

11 (g) During the hours of operation of any licensed child
12 care facility, authorized representatives of the Department
13 may without notice visit the facility for the purpose of
14 determining its continuing compliance with this Act or
15 regulations adopted pursuant thereto.

16 (h) Day care centers, day care homes, and group day care
17 homes shall be monitored at least annually by a licensing
18 representative from the Department or the agency that
19 recommended licensure.

20 (Source: P.A. 98-804, eff. 1-1-15.)

21 (Text of Section after amendment by P.A. 103-594)

22 Sec. 5. (a) This Section does not apply to any day care
23 center, day care home, or group day care home.

24 In respect to child care institutions, maternity centers,
25 child welfare agencies, and group homes, the Department, upon

1 receiving application filed in proper order, shall examine the
2 facilities and persons responsible for care of children
3 therein.

4 (b) In respect to foster family homes, applications may be
5 filed on behalf of such homes by a licensed child welfare
6 agency, by a State agency authorized to place children in
7 foster care or by out-of-State agencies approved by the
8 Department to place children in this State. In applying for
9 license in behalf of a home in which children are placed by and
10 remain under supervision of the applicant agency, such agency
11 shall certify that the home and persons responsible for care
12 of unrelated children therein, or the home and relatives, as
13 defined in Section 2.36 ~~2.17~~ of this Act, responsible for the
14 care of related children therein, were found to be in
15 reasonable compliance with standards prescribed by the
16 Department for the type of care indicated.

17 (c) The Department shall not allow any person to examine
18 facilities under a provision of this Act who has not passed an
19 examination demonstrating that such person is familiar with
20 this Act and with the appropriate standards and regulations of
21 the Department.

22 (d) Licenses shall be issued in such form and manner as
23 prescribed by the Department and are valid for 4 years from the
24 date issued, unless revoked by the Department or voluntarily
25 surrendered by the licensee. When a licensee has made timely
26 and sufficient application for the renewal of a license or a

1 new license with reference to any activity of a continuing
2 nature, the existing license shall continue in full force and
3 effect for up to 30 days until the final agency decision on the
4 application has been made. The Department may further extend
5 the period in which such decision must be made in individual
6 cases for up to 30 days, but such extensions shall be only upon
7 good cause shown.

8 (e) The Department may issue one 6-month permit to a newly
9 established facility for child care to allow that facility
10 reasonable time to become eligible for a full license. If the
11 facility for child care is a foster family home, the
12 Department may issue one 2-month permit only.

13 (f) The Department may issue an emergency permit to a
14 child care facility taking in children as a result of the
15 temporary closure for more than 2 weeks of a licensed child
16 care facility due to a natural disaster. An emergency permit
17 under this subsection shall be issued to a facility only if the
18 persons providing child care services at the facility were
19 employees of the temporarily closed facility at the time it
20 was closed. No investigation of an employee of a child care
21 facility receiving an emergency permit under this subsection
22 shall be required if that employee has previously been
23 investigated at another child care facility. No emergency
24 permit issued under this subsection shall be valid for more
25 than 90 days after the date of issuance.

26 (g) During the hours of operation of any licensed child

1 care facility, authorized representatives of the Department
2 may without notice visit the facility for the purpose of
3 determining its continuing compliance with this Act or
4 regulations adopted pursuant thereto.

5 (h) (Blank).

6 (Source: P.A. 103-594, eff. 7-1-26.)

7 (225 ILCS 10/7.3)

8 Sec. 7.3. Children placed by private child welfare agency.

9 (a) Before placing a child who is a youth in care in a
10 foster family home, a private child welfare agency must
11 ascertain (i) whether any other children who are youth in care
12 have been placed in that home and (ii) whether every such child
13 who has been placed in that home continues to reside in that
14 home, unless the child has been transferred to another
15 placement or is no longer a youth in care. The agency must keep
16 a record of every other child welfare agency that has placed
17 such a child in that foster family home; the record must
18 include the name and telephone number of a contact person at
19 each such agency.

20 (b) At least once every 30 days, a private child welfare
21 agency that places youth in care in certified relative
22 caregiver or foster family homes must make a site visit to
23 every such home where it has placed a youth in care. The
24 purpose of the site visit is to verify that the child continues
25 to reside in that home and to verify the child's safety and

1 well-being. The agency must document the verification in its
2 records. If a private child welfare agency fails to comply
3 with the requirements of this subsection, the Department must
4 suspend all payments to the agency until the agency complies.

5 (c) The Department must periodically (but no less often
6 than once every 6 months) review the child placement records
7 of each private child welfare agency that places youth in
8 care.

9 (d) If a child placed in a foster family home is missing,
10 the foster parent must promptly report that fact to the
11 Department or to the child welfare agency that placed the
12 child in the home. If the foster parent fails to make such a
13 report, the Department shall put the home on hold for the
14 placement of other children and initiate corrective action
15 that may include revocation of the foster parent's license to
16 operate the foster family home. A foster parent who knowingly
17 and willfully fails to report a missing foster child under
18 this subsection is guilty of a Class A misdemeanor.

19 (e) If a private child welfare agency determines that a
20 youth in care whom it has placed in a certified relative
21 caregiver or foster family home no longer resides in that
22 home, the agency must promptly report that fact to the
23 Department. If the agency fails to make such a report, the
24 Department shall put the agency on hold for the placement of
25 other children and initiate corrective action that may include
26 revocation of the agency's license.

1 (f) When a child is missing from a certified relative
2 caregiver or foster home, the Department or private agency in
3 charge of case management shall report regularly to the
4 certified relative caregiver or foster parent concerning
5 efforts to locate the missing child.

6 (g) The Department must strive to account for the status
7 and whereabouts of every one of its youth in care who it
8 determines is not residing in the authorized placement in
9 which the youth was placed.

10 (Source: P.A. 103-22, eff. 8-8-23.)

11 (225 ILCS 10/7.4)

12 Sec. 7.4. Disclosures.

13 (a) Every licensed child welfare agency providing adoption
14 services shall provide to all prospective clients and to the
15 public written disclosures with respect to its adoption
16 services, policies, and practices, including general
17 eligibility criteria, fees, and the mutual rights and
18 responsibilities of clients, including birth parents and
19 adoptive parents. The written disclosure shall be posted on
20 any website maintained by the child welfare agency that
21 relates to adoption services. The Department shall adopt rules
22 relating to the contents of the written disclosures. Eligible
23 agencies may be deemed compliant with this subsection (a).

24 (b) Every licensed child welfare agency providing adoption
25 services shall provide to all applicants, prior to

1 application, a written schedule of estimated fees, expenses,
2 and refund policies. Every child welfare agency providing
3 adoption services shall have a written policy that shall be
4 part of its standard adoption contract and state that it will
5 not charge additional fees and expenses beyond those disclosed
6 in the adoption contract unless additional fees are reasonably
7 required by the circumstances and are disclosed to the
8 adoptive parents or parent before they are incurred. The
9 Department shall adopt rules relating to the contents of the
10 written schedule and policy. Eligible agencies may be deemed
11 compliant with this subsection (b).

12 (c) Every licensed child welfare agency providing adoption
13 services must make full and fair disclosure to its clients,
14 including birth parents and adoptive parents, of all
15 circumstances material to the placement of a child for
16 adoption. The Department shall adopt rules necessary for the
17 implementation and regulation of the requirements of this
18 subsection (c).

19 (c-5) Whenever a licensed child welfare agency places a
20 child in a certified relative caregiver or licensed foster
21 family home or an adoption-only home, the agency shall provide
22 the following to the caregiver ~~caretaker~~ or prospective
23 adoptive parent:

24 (1) Available detailed information concerning the
25 child's educational and health history, copies of
26 immunization records (including insurance and medical card

1 information), a history of the child's previous
2 placements, if any, and reasons for placement changes,
3 excluding any information that identifies or reveals the
4 location of any previous caretaker.

5 (2) A copy of the child's portion of the client
6 service plan, including any visitation arrangement, and
7 all amendments or revisions to it as related to the child.

8 (3) Information containing details of the child's
9 individualized educational plan when the child is
10 receiving special education services.

11 (4) Any known social or behavioral information
12 (including, but not limited to, criminal background, fire
13 setting, perpetration of sexual abuse, destructive
14 behavior, and substance abuse) necessary to care for and
15 safeguard the child.

16 The agency may prepare a written summary of the
17 information required by this subsection, which may be provided
18 to the certified relative caregiver or foster or prospective
19 adoptive parent in advance of a placement. The certified
20 relative caregiver or foster or prospective adoptive parent
21 may review the supporting documents in the child's file in the
22 presence of casework staff. In the case of an emergency
23 placement, casework staff shall at least provide information
24 verbally, if necessary, and must subsequently provide the
25 information in writing as required by this subsection. In the
26 case of emergency placements when time does not allow prior

1 review, preparation, and collection of written information,
2 the agency shall provide such information as it becomes
3 available.

4 The Department shall adopt rules necessary for the
5 implementation and regulation of the requirements of this
6 subsection (c-5).

7 (d) Every licensed child welfare agency providing adoption
8 services shall meet minimum standards set forth by the
9 Department concerning the taking or acknowledging of a consent
10 prior to taking or acknowledging a consent from a prospective
11 birth parent. The Department shall adopt rules concerning the
12 minimum standards required by agencies under this Section.

13 (Source: P.A. 103-22, eff. 8-8-23.)

14 Section 15. The Juvenile Court Act of 1987 is amended by
15 changing Sections 1-3, 1-5, 2-10, 2-13, 2-21, 2-22, 2-23,
16 2-27, 2-28, 2-28.1, and 5-745 and by adding Section 2-27.3 as
17 follows:

18 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

19 Sec. 1-3. Definitions. Terms used in this Act, unless the
20 context otherwise requires, have the following meanings
21 ascribed to them:

22 (1) "Adjudicatory hearing" means a hearing to determine
23 whether the allegations of a petition under Section 2-13,
24 3-15, or 4-12 that a minor under 18 years of age is abused,

1 neglected, or dependent, or requires authoritative
2 intervention, or addicted, respectively, are supported by a
3 preponderance of the evidence or whether the allegations of a
4 petition under Section 5-520 that a minor is delinquent are
5 proved beyond a reasonable doubt.

6 (2) "Adult" means a person 21 years of age or older.

7 (3) "Agency" means a public or private child care facility
8 legally authorized or licensed by this State for placement or
9 institutional care or for both placement and institutional
10 care.

11 (4) "Association" means any organization, public or
12 private, engaged in welfare functions which include services
13 to or on behalf of children but does not include "agency" as
14 herein defined.

15 (4.05) Whenever a "best interest" determination is
16 required, the following factors shall be considered in the
17 context of the child's age and developmental needs:

18 (a) the physical safety and welfare of the child,
19 including food, shelter, health, and clothing;

20 (b) the development of the child's identity;

21 (c) the child's background and ties, including
22 familial, cultural, and religious;

23 (d) the child's sense of attachments, including:

24 (i) where the child actually feels love,
25 attachment, and a sense of being valued (as opposed to
26 where adults believe the child should feel such love,

1 attachment, and a sense of being valued);

2 (ii) the child's sense of security;

3 (iii) the child's sense of familiarity;

4 (iv) continuity of affection for the child;

5 (v) the least disruptive placement alternative for
6 the child;

7 (e) the child's wishes and long-term goals, including
8 the child's wishes regarding available permanency options
9 and the child's wishes regarding maintaining connections
10 with parents, siblings, and other relatives;

11 (f) the child's community ties, including church,
12 school, and friends;

13 (g) the child's need for permanence which includes the
14 child's need for stability and continuity of relationships
15 with parent figures, ~~and with~~ siblings, and other
16 relatives;

17 (h) the uniqueness of every family and child;

18 (i) the risks attendant to entering and being in
19 substitute care; and

20 (j) the preferences of the persons available to care
21 for the child, including willingness to provide permanency
22 to the child, either through subsidized guardianship or
23 through adoption.

24 (4.08) "Caregiver" includes a foster parent. Beginning
25 July 1, 2025, "caregiver" includes a foster parent as defined
26 in Section 2.17 of the Child Care Act of 1969, certified

1 relative caregiver, as defined in Section 2.36 of the Child
2 Care Act of 1969, and relative caregiver as defined in Section
3 4d of the Children and Family Services Act.

4 (4.1) "Chronic truant" shall have the definition ascribed
5 to it in Section 26-2a of the School Code.

6 (5) "Court" means the circuit court in a session or
7 division assigned to hear proceedings under this Act.

8 (6) "Dispositional hearing" means a hearing to determine
9 whether a minor should be adjudged to be a ward of the court,
10 and to determine what order of disposition should be made in
11 respect to a minor adjudged to be a ward of the court.

12 (6.5) "Dissemination" or "disseminate" means to publish,
13 produce, print, manufacture, distribute, sell, lease, exhibit,
14 broadcast, display, transmit, or otherwise share information
15 in any format so as to make the information accessible to
16 others.

17 (7) "Emancipated minor" means any minor 16 years of age or
18 over who has been completely or partially emancipated under
19 the Emancipation of Minors Act or under this Act.

20 (7.03) "Expunge" means to physically destroy the records
21 and to obliterate the minor's name from any official index,
22 public record, or electronic database.

23 (7.05) "Foster parent" includes a relative caregiver
24 selected by the Department of Children and Family Services to
25 provide care for the minor.

26 (8) "Guardianship of the person" of a minor means the duty

1 and authority to act in the best interests of the minor,
2 subject to residual parental rights and responsibilities, to
3 make important decisions in matters having a permanent effect
4 on the life and development of the minor and to be concerned
5 with the minor's general welfare. It includes but is not
6 necessarily limited to:

7 (a) the authority to consent to marriage, to
8 enlistment in the armed forces of the United States, or to
9 a major medical, psychiatric, and surgical treatment; to
10 represent the minor in legal actions; and to make other
11 decisions of substantial legal significance concerning the
12 minor;

13 (b) the authority and duty of reasonable visitation,
14 except to the extent that these have been limited in the
15 best interests of the minor by court order;

16 (c) the rights and responsibilities of legal custody
17 except where legal custody has been vested in another
18 person or agency; and

19 (d) the power to consent to the adoption of the minor,
20 but only if expressly conferred on the guardian in
21 accordance with Section 2-29, 3-30, or 4-27.

22 (8.1) "Juvenile court record" includes, but is not limited
23 to:

24 (a) all documents filed in or maintained by the
25 juvenile court pertaining to a specific incident,
26 proceeding, or individual;

1 (b) all documents relating to a specific incident,
2 proceeding, or individual made available to or maintained
3 by probation officers;

4 (c) all documents, video or audio tapes, photographs,
5 and exhibits admitted into evidence at juvenile court
6 hearings; or

7 (d) all documents, transcripts, records, reports, or
8 other evidence prepared by, maintained by, or released by
9 any municipal, county, or State agency or department, in
10 any format, if indicating involvement with the juvenile
11 court relating to a specific incident, proceeding, or
12 individual.

13 (8.2) "Juvenile law enforcement record" includes records
14 of arrest, station adjustments, fingerprints, probation
15 adjustments, the issuance of a notice to appear, or any other
16 records or documents maintained by any law enforcement agency
17 relating to a minor suspected of committing an offense, and
18 records maintained by a law enforcement agency that identifies
19 a juvenile as a suspect in committing an offense, but does not
20 include records identifying a juvenile as a victim, witness,
21 or missing juvenile and any records created, maintained, or
22 used for purposes of referral to programs relating to
23 diversion as defined in subsection (6) of Section 5-105.

24 (9) "Legal custody" means the relationship created by an
25 order of court in the best interests of the minor which imposes
26 on the custodian the responsibility of physical possession of

1 a minor and the duty to protect, train and discipline the minor
2 and to provide the minor with food, shelter, education, and
3 ordinary medical care, except as these are limited by residual
4 parental rights and responsibilities and the rights and
5 responsibilities of the guardian of the person, if any.

6 (9.1) "Mentally capable adult relative" means a person 21
7 years of age or older who is not suffering from a mental
8 illness that prevents the person from providing the care
9 necessary to safeguard the physical safety and welfare of a
10 minor who is left in that person's care by the parent or
11 parents or other person responsible for the minor's welfare.

12 (10) "Minor" means a person under the age of 21 years
13 subject to this Act.

14 (11) "Parent" means a father or mother of a child and
15 includes any adoptive parent. It also includes a person (i)
16 whose parentage is presumed or has been established under the
17 law of this or another jurisdiction or (ii) who has registered
18 with the Putative Father Registry in accordance with Section
19 12.1 of the Adoption Act and whose paternity has not been ruled
20 out under the law of this or another jurisdiction. It does not
21 include a parent whose rights in respect to the minor have been
22 terminated in any manner provided by law. It does not include a
23 person who has been or could be determined to be a parent under
24 the Illinois Parentage Act of 1984 or the Illinois Parentage
25 Act of 2015, or similar parentage law in any other state, if
26 that person has been convicted of or pled nolo contendere to a

1 crime that resulted in the conception of the child under
2 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
3 12-14.1, subsection (a) or (b) (but not subsection (c)) of
4 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
5 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
6 Criminal Code of 1961 or the Criminal Code of 2012, or similar
7 statute in another jurisdiction unless upon motion of any
8 party, other than the offender, to the juvenile court
9 proceedings the court finds it is in the child's best interest
10 to deem the offender a parent for purposes of the juvenile
11 court proceedings.

12 (11.1) "Permanency goal" means a goal set by the court as
13 defined in subsection (2.3) ~~subdivision (2)~~ of Section 2-28.

14 (11.2) "Permanency hearing" means a hearing to set the
15 permanency goal and to review and determine (i) the
16 appropriateness of the services contained in the plan and
17 whether those services have been provided, (ii) whether
18 reasonable efforts have been made by all the parties to the
19 service plan to achieve the goal, and (iii) whether the plan
20 and goal have been achieved.

21 (12) "Petition" means the petition provided for in Section
22 2-13, 3-15, 4-12, or 5-520, including any supplemental
23 petitions thereunder in Section 3-15, 4-12, or 5-520.

24 (12.1) "Physically capable adult relative" means a person
25 21 years of age or older who does not have a severe physical
26 disability or medical condition, or is not suffering from

1 alcoholism or drug addiction, that prevents the person from
2 providing the care necessary to safeguard the physical safety
3 and welfare of a minor who is left in that person's care by the
4 parent or parents or other person responsible for the minor's
5 welfare.

6 (12.2) "Post Permanency Sibling Contact Agreement" has the
7 meaning ascribed to the term in Section 7.4 of the Children and
8 Family Services Act.

9 (12.3) "Residential treatment center" means a licensed
10 setting that provides 24-hour care to children in a group home
11 or institution, including a facility licensed as a child care
12 institution under Section 2.06 of the Child Care Act of 1969, a
13 licensed group home under Section 2.16 of the Child Care Act of
14 1969, a qualified residential treatment program under Section
15 2.35 of the Child Care Act of 1969, a secure child care
16 facility as defined in paragraph (18) of this Section, or any
17 similar facility in another state. "Residential treatment
18 center" does not include a relative foster home or a licensed
19 foster family home.

20 (13) "Residual parental rights and responsibilities" means
21 those rights and responsibilities remaining with the parent
22 after the transfer of legal custody or guardianship of the
23 person, including, but not necessarily limited to, the right
24 to reasonable visitation (which may be limited by the court in
25 the best interests of the minor as provided in subsection
26 (8) (b) of this Section), the right to consent to adoption, the

1 right to determine the minor's religious affiliation, and the
2 responsibility for the minor's support.

3 (14) "Shelter" means the temporary care of a minor in
4 physically unrestricting facilities pending court disposition
5 or execution of court order for placement.

6 (14.05) "Shelter placement" means a temporary or emergency
7 placement for a minor, including an emergency foster home
8 placement.

9 (14.1) "Sibling Contact Support Plan" has the meaning
10 ascribed to the term in Section 7.4 of the Children and Family
11 Services Act.

12 (14.2) "Significant event report" means a written document
13 describing an occurrence or event beyond the customary
14 operations, routines, or relationships in the Department of
15 Children of Family Services, a child care facility, or other
16 entity that is licensed or regulated by the Department of
17 Children of Family Services or that provides services for the
18 Department of Children of Family Services under a grant,
19 contract, or purchase of service agreement; involving children
20 or youth, employees, foster parents, or relative caregivers;
21 allegations of abuse or neglect or any other incident raising
22 a concern about the well-being of a minor under the
23 jurisdiction of the court under Article II of the Juvenile
24 Court Act of 1987; incidents involving damage to property,
25 allegations of criminal activity, misconduct, or other
26 occurrences affecting the operations of the Department of

1 Children of Family Services or a child care facility; any
2 incident that could have media impact; and unusual incidents
3 as defined by Department of Children and Family Services rule.

4 (15) "Station adjustment" means the informal handling of
5 an alleged offender by a juvenile police officer.

6 (16) "Ward of the court" means a minor who is so adjudged
7 under Section 2-22, 3-23, 4-20, or 5-705, after a finding of
8 the requisite jurisdictional facts, and thus is subject to the
9 dispositional powers of the court under this Act.

10 (17) "Juvenile police officer" means a sworn police
11 officer who has completed a Basic Recruit Training Course, has
12 been assigned to the position of juvenile police officer by
13 the officer's chief law enforcement officer and has completed
14 the necessary juvenile officers training as prescribed by the
15 Illinois Law Enforcement Training Standards Board, or in the
16 case of a State police officer, juvenile officer training
17 approved by the Director of the Illinois State Police.

18 (18) "Secure child care facility" means any child care
19 facility licensed by the Department of Children and Family
20 Services to provide secure living arrangements for children
21 under 18 years of age who are subject to placement in
22 facilities under the Children and Family Services Act and who
23 are not subject to placement in facilities for whom standards
24 are established by the Department of Corrections under Section
25 3-15-2 of the Unified Code of Corrections. "Secure child care
26 facility" also means a facility that is designed and operated

1 to ensure that all entrances and exits from the facility, a
2 building, or a distinct part of the building are under the
3 exclusive control of the staff of the facility, whether or not
4 the child has the freedom of movement within the perimeter of
5 the facility, building, or distinct part of the building.

6 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;
7 103-564, eff. 11-17-23.)

8 (705 ILCS 405/1-5) (from Ch. 37, par. 801-5)

9 Sec. 1-5. Rights of parties to proceedings.

10 (1) Except as provided in this Section and paragraph (2)
11 of Sections 2-22, 3-23, 4-20, 5-610 or 5-705, the minor who is
12 the subject of the proceeding and the minor's parents,
13 guardian, legal custodian or responsible relative who are
14 parties respondent have the right to be present, to be heard,
15 to present evidence material to the proceedings, to
16 cross-examine witnesses, to examine pertinent court files and
17 records and also, although proceedings under this Act are not
18 intended to be adversary in character, the right to be
19 represented by counsel. At the request of any party
20 financially unable to employ counsel, with the exception of a
21 foster parent permitted to intervene under this Section, the
22 court shall appoint the Public Defender or such other counsel
23 as the case may require. Counsel appointed for the minor and
24 any indigent party shall appear at all stages of the trial
25 court proceeding, and such appointment shall continue through

1 the permanency hearings and termination of parental rights
2 proceedings subject to withdrawal, vacating of appointment, or
3 substitution pursuant to Supreme Court Rules or the Code of
4 Civil Procedure. Following the dispositional hearing, the
5 court may require appointed counsel, other than counsel for
6 the minor or counsel for the guardian ad litem, to withdraw the
7 counsel's appearance upon failure of the party for whom
8 counsel was appointed under this Section to attend any
9 subsequent proceedings.

10 No hearing on any petition or motion filed under this Act
11 may be commenced unless the minor who is the subject of the
12 proceeding is represented by counsel. Notwithstanding the
13 preceding sentence, if a guardian ad litem has been appointed
14 for the minor under Section 2-17 of this Act and the guardian
15 ad litem is a licensed attorney at law of this State, or in the
16 event that a court appointed special advocate has been
17 appointed as guardian ad litem and counsel has been appointed
18 to represent the court appointed special advocate, the court
19 may not require the appointment of counsel to represent the
20 minor unless the court finds that the minor's interests are in
21 conflict with what the guardian ad litem determines to be in
22 the best interest of the minor. Each adult respondent shall be
23 furnished a written "Notice of Rights" at or before the first
24 hearing at which the adult respondent appears.

25 (1.5) The Department shall maintain a system of response
26 to inquiry made by parents or putative parents as to whether

1 their child is under the custody or guardianship of the
2 Department; and if so, the Department shall direct the parents
3 or putative parents to the appropriate court of jurisdiction,
4 including where inquiry may be made of the clerk of the court
5 regarding the case number and the next scheduled court date of
6 the minor's case. Effective notice and the means of accessing
7 information shall be given to the public on a continuing basis
8 by the Department.

9 (2) (a) Though not appointed guardian or legal custodian or
10 otherwise made a party to the proceeding, any current or
11 previously appointed ~~foster parent or relative~~ caregiver, or
12 representative of an agency or association interested in the
13 minor has the right to be heard by the court, but does not
14 thereby become a party to the proceeding.

15 In addition to the foregoing right to be heard by the
16 court, any current ~~foster parent or relative~~ caregiver of a
17 minor and the agency designated by the court or the Department
18 of Children and Family Services as custodian of the minor who
19 is alleged to be or has been adjudicated an abused or neglected
20 minor under Section 2-3 or a dependent minor under Section 2-4
21 of this Act has the right to and shall be given adequate notice
22 at all stages of any hearing or proceeding under this Act.

23 Any ~~foster parent or relative~~ caregiver who is denied the
24 right to be heard under this Section may bring a mandamus
25 action under Article XIV of the Code of Civil Procedure
26 against the court or any public agency to enforce that right.

1 The mandamus action may be brought immediately upon the denial
2 of those rights but in no event later than 30 days after the
3 caregiver ~~foster parent~~ has been denied the right to be heard.

4 (b) If after an adjudication that a minor is abused or
5 neglected as provided under Section 2-21 of this Act and a
6 motion has been made to restore the minor to any parent,
7 guardian, or legal custodian found by the court to have caused
8 the neglect or to have inflicted the abuse on the minor, a
9 caregiver ~~foster parent~~ may file a motion to intervene in the
10 proceeding for the sole purpose of requesting that the minor
11 be placed with the caregiver ~~foster parent~~, provided that the
12 caregiver ~~foster parent~~ (i) is the current caregiver ~~foster~~
13 ~~parent~~ of the minor or (ii) has previously been a caregiver
14 ~~foster parent~~ for the minor for one year or more, has a foster
15 care license or is eligible for a license or is not required to
16 have a license, and is not the subject of any findings of abuse
17 or neglect of any child. The juvenile court may only enter
18 orders placing a minor with a specific caregiver ~~foster parent~~
19 under this subsection (2)(b) and nothing in this Section shall
20 be construed to confer any jurisdiction or authority on the
21 juvenile court to issue any other orders requiring the
22 appointed guardian or custodian of a minor to place the minor
23 in a designated caregiver's ~~foster~~ home or facility. This
24 Section is not intended to encompass any matters that are
25 within the scope or determinable under the administrative and
26 appeal process established by rules of the Department of

1 Children and Family Services under Section 5(o) of the
2 Children and Family Services Act. Nothing in this Section
3 shall relieve the court of its responsibility, under Section
4 2-14(a) of this Act to act in a just and speedy manner to
5 reunify families where it is the best interests of the minor
6 and the child can be cared for at home without endangering the
7 child's health or safety and, if reunification is not in the
8 best interests of the minor, to find another permanent home
9 for the minor. Nothing in this Section, or in any order issued
10 by the court with respect to the placement of a minor with a
11 caregiver ~~foster parent~~, shall impair the ability of the
12 Department of Children and Family Services, or anyone else
13 authorized under Section 5 of the Abused and Neglected Child
14 Reporting Act, to remove a minor from the home of a caregiver
15 ~~foster parent~~ if the Department of Children and Family
16 Services or the person removing the minor has reason to
17 believe that the circumstances or conditions of the minor are
18 such that continuing in the residence or care of the caregiver
19 ~~foster parent~~ will jeopardize the child's health and safety or
20 present an imminent risk of harm to that minor's life.

21 (c) If a caregiver ~~foster parent~~ has had the minor who is
22 the subject of the proceeding under Article II in the
23 caregiver's ~~foster parent's~~ home for more than one year on or
24 after July 3, 1994 and if the minor's placement is being
25 terminated from that caregiver's ~~foster parent's~~ home, that
26 caregiver ~~foster parent~~ shall have standing and intervenor

1 status except in those circumstances where the Department of
2 Children and Family Services or anyone else authorized under
3 Section 5 of the Abused and Neglected Child Reporting Act has
4 removed the minor from the caregiver ~~foster parent~~ because of
5 a reasonable belief that the circumstances or conditions of
6 the minor are such that continuing in the residence or care of
7 the caregiver ~~foster parent~~ will jeopardize the child's health
8 or safety or presents an imminent risk of harm to the minor's
9 life.

10 (d) The court may grant standing to any caregiver ~~foster~~
11 ~~parent~~ if the court finds that it is in the best interest of
12 the child for the caregiver ~~foster parent~~ to have standing and
13 intervenor status.

14 (3) Parties respondent are entitled to notice in
15 compliance with Sections 2-15 and 2-16, 3-17 and 3-18, 4-14
16 and 4-15 or 5-525 and 5-530, as appropriate. At the first
17 appearance before the court by the minor, the minor's parents,
18 guardian, custodian or responsible relative, the court shall
19 explain the nature of the proceedings and inform the parties
20 of their rights under the first 2 paragraphs of this Section.

21 If the child is alleged to be abused, neglected or
22 dependent, the court shall admonish the parents that if the
23 court declares the child to be a ward of the court and awards
24 custody or guardianship to the Department of Children and
25 Family Services, the parents must cooperate with the
26 Department of Children and Family Services, comply with the

1 terms of the service plans, and correct the conditions that
2 require the child to be in care, or risk termination of their
3 parental rights.

4 Upon an adjudication of wardship of the court under
5 Sections 2-22, 3-23, 4-20 or 5-705, the court shall inform the
6 parties of their right to appeal therefrom as well as from any
7 other final judgment of the court.

8 When the court finds that a child is an abused, neglected,
9 or dependent minor under Section 2-21, the court shall
10 admonish the parents that the parents must cooperate with the
11 Department of Children and Family Services, comply with the
12 terms of the service plans, and correct the conditions that
13 require the child to be in care, or risk termination of their
14 parental rights.

15 When the court declares a child to be a ward of the court
16 and awards guardianship to the Department of Children and
17 Family Services under Section 2-22, the court shall admonish
18 the parents, guardian, custodian, or responsible relative that
19 the parents must cooperate with the Department of Children and
20 Family Services, comply with the terms of the service plans,
21 and correct the conditions that require the child to be in
22 care, or risk termination of their parental rights.

23 (4) No sanction may be applied against the minor who is the
24 subject of the proceedings by reason of the minor's refusal or
25 failure to testify in the course of any hearing held prior to
26 final adjudication under Section 2-22, 3-23, 4-20 or 5-705.

1 (5) In the discretion of the court, the minor may be
2 excluded from any part or parts of a dispositional hearing
3 and, with the consent of the parent or parents, guardian,
4 counsel or a guardian ad litem, from any part or parts of an
5 adjudicatory hearing.

6 (6) The general public except for the news media and the
7 crime victim, as defined in Section 3 of the Rights of Crime
8 Victims and Witnesses Act, shall be excluded from any hearing
9 and, except for the persons specified in this Section only
10 persons, including representatives of agencies and
11 associations, who in the opinion of the court have a direct
12 interest in the case or in the work of the court shall be
13 admitted to the hearing. However, the court may, for the
14 minor's safety and protection and for good cause shown,
15 prohibit any person or agency present in court from further
16 disclosing the minor's identity. Nothing in this subsection
17 (6) prevents the court from allowing other juveniles to be
18 present or to participate in a court session being held under
19 the Juvenile Drug Court Treatment Act.

20 (7) A party shall not be entitled to exercise the right to
21 a substitution of a judge without cause under subdivision
22 (a) (2) of Section 2-1001 of the Code of Civil Procedure in a
23 proceeding under this Act if the judge is currently assigned
24 to a proceeding involving the alleged abuse, neglect, or
25 dependency of the minor's sibling or half sibling and that
26 judge has made a substantive ruling in the proceeding

1 involving the minor's sibling or half sibling.

2 (Source: P.A. 103-22, eff. 8-8-23.)

3 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

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

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

12 (2) If the court finds that there is probable cause to
13 believe that the minor is abused, neglected, or dependent, the
14 court shall state in writing the factual basis supporting its
15 finding and the minor, the minor's parent, guardian, or
16 custodian, and other persons able to give relevant testimony
17 shall be examined before the court. The Department of Children
18 and Family Services shall give testimony concerning indicated
19 reports of abuse and neglect, of which they are aware through
20 the central registry, involving the minor's parent, guardian,
21 or custodian. After such testimony, the court may, consistent
22 with the health, safety, and best interests of the minor,
23 enter an order that the minor shall be released upon the
24 request of parent, guardian, or custodian if the parent,
25 guardian, or custodian appears to take custody. If it is

1 determined that a parent's, guardian's, or custodian's
2 compliance with critical services mitigates the necessity for
3 removal of the minor from the minor's home, the court may enter
4 an Order of Protection setting forth reasonable conditions of
5 behavior that a parent, guardian, or custodian must observe
6 for a specified period of time, not to exceed 12 months,
7 without a violation; provided, however, that the 12-month
8 period shall begin anew after any violation. "Custodian"
9 includes the Department of Children and Family Services, if it
10 has been given custody of the child, or any other agency of the
11 State which has been given custody or wardship of the child. If
12 it is consistent with the health, safety, and best interests
13 of the minor, the court may also prescribe shelter care and
14 order that the minor be kept in a suitable place designated by
15 the court or in a shelter care facility designated by the
16 Department of Children and Family Services or a licensed child
17 welfare agency; however, 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 of Children and Family Services
23 by any court, except a minor less than 16 years of age and
24 committed to the Department of Children and Family Services
25 under Section 5-710 of this Act or a minor for whom an
26 independent basis of abuse, neglect, or dependency exists; and

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

13 In placing the minor, the Department or other agency
14 shall, to the extent compatible with the court's order, comply
15 with Section 7 of the Children and Family Services Act. In
16 determining the health, safety, and best interests of the
17 minor to prescribe shelter care, the court must find that it is
18 a matter of immediate and urgent necessity for the safety, and
19 protection of the minor or of the person or property of another
20 that the minor be placed in a shelter care facility or that the
21 minor is likely to flee the jurisdiction of the court, and must
22 further find that reasonable efforts have been made or that,
23 consistent with the health, safety and best interests of the
24 minor, no efforts reasonably can be made to prevent or
25 eliminate the necessity of removal of the minor from the
26 minor's home. The court shall require documentation from the

1 Department of Children and Family Services as to the
2 reasonable efforts that were made to prevent or eliminate the
3 necessity of removal of the minor from the minor's home or the
4 reasons why no efforts reasonably could be made to prevent or
5 eliminate the necessity of removal. When a minor is placed in
6 the home of a relative, the Department of Children and Family
7 Services shall complete a preliminary background review of the
8 members of the minor's custodian's household in accordance
9 with Section 3.4 or 4.3 of the Child Care Act of 1969 within 90
10 days of that placement. If the minor is not placed in the home
11 of a relative, the court shall require evidence from the
12 Department as to the efforts that were made to place the minor
13 in the home of a relative or the reasons why no efforts
14 reasonably could be made to place the minor in the home of a
15 relative, consistent with the best interests of the minor. If
16 the minor is ordered placed in a shelter care facility of the
17 Department of Children and Family Services or a licensed child
18 welfare agency, the court shall, upon request of the
19 appropriate Department or other agency, appoint the Department
20 of Children and Family Services Guardianship Administrator or
21 other appropriate agency executive temporary custodian of the
22 minor and the court may enter such other orders related to the
23 temporary custody as it deems fit and proper, including the
24 provision of services to the minor or the minor's family to
25 ameliorate the causes contributing to the finding of probable
26 cause or to the finding of the existence of immediate and

1 urgent necessity.

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

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

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

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

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

1 where the Department or its assigns reasonably believe there
2 is an immediate need to protect the child's health, safety,
3 and welfare. Such restrictions or terminations must be based
4 on available facts to the Department and its assigns when
5 viewed in light of the surrounding circumstances and shall
6 only occur on an individual case-by-case basis. The Department
7 shall file with the court and serve on the parties any
8 amendments to the plan within 10 days, excluding weekends and
9 holidays, of the change of the visitation.

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

1 furnished a copy of such written findings. The temporary
2 custodian shall maintain a copy of the court order and written
3 findings in the case record for the child. The order together
4 with the court's findings of fact in support thereof shall be
5 entered of record in the court.

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

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

1 advise the parents, guardian, custodian, or responsible
2 relative to inform the Department if additional information
3 regarding the minor's adult relatives becomes available.

4 (2.5) When the court places the minor in the temporary
5 custody of the Department, the court shall inquire of the
6 Department's initial family finding and relative engagement
7 efforts, as described in Section 7 of the Children and Family
8 Services Act, and the Department shall complete any remaining
9 family finding and relative engagement efforts required under
10 Section 7 of the Children and Family Services Act within 30
11 days of the minor being taken into temporary custody. The
12 Department shall complete new family finding and relative
13 engagement efforts in accordance with Section 7 of the
14 Children and Family Services Act for relatives of the minor
15 within 30 days of an unknown parent's identity being
16 determined or a parent whose whereabouts were unknown being
17 located.

18 (3) If prior to the shelter care hearing for a minor
19 described in Sections 2-3, 2-4, 3-3, and 4-3 the moving party
20 is unable to serve notice on the party respondent, the shelter
21 care hearing may proceed ex parte. A shelter care order from an
22 ex parte hearing shall be endorsed with the date and hour of
23 issuance and shall be filed with the clerk's office and
24 entered of record. The order shall expire after 10 days from
25 the time it is issued unless before its expiration it is
26 renewed, at a hearing upon appearance of the party respondent,

1 or upon an affidavit of the moving party as to all diligent
 2 efforts to notify the party respondent by notice as herein
 3 prescribed. The notice prescribed shall be in writing and
 4 shall be personally delivered to the minor or the minor's
 5 attorney and to the last known address of the other person or
 6 persons entitled to notice. The notice shall also state the
 7 nature of the allegations, the nature of the order sought by
 8 the State, including whether temporary custody is sought, and
 9 the consequences of failure to appear and shall contain a
 10 notice that the parties will not be entitled to further
 11 written notices or publication notices of proceedings in this
 12 case, including the filing of an amended petition or a motion
 13 to terminate parental rights, except as required by Supreme
 14 Court Rule 11; and shall explain the right of the parties and
 15 the procedures to vacate or modify a shelter care order as
 16 provided in this Section. The notice for a shelter care
 17 hearing shall be substantially as follows:

18 NOTICE TO PARENTS AND CHILDREN
 19 OF SHELTER CARE HEARING

20 On at, before the Honorable
 21, (address:), the State
 22 of Illinois will present evidence (1) that (name of child
 23 or children) are abused,
 24 neglected, or dependent for the following reasons:
 25 and (2)
 26 whether there is "immediate and urgent necessity" to

1 remove the child or children from the responsible
2 relative.

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

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

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

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

15 3. To present evidence concerning:

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

18 b. Whether or not there is "immediate and
19 urgent necessity" to remove the child from home
20 (including: their ability to care for the child,
21 conditions in the home, alternative means of
22 protecting the child other than removal).

23 c. The best interests of the child.

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

25 The Notice for rehearings shall be substantially as

1 follows:

2 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

3 TO REHEARING ON TEMPORARY CUSTODY

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

- 14 1. That you were not present at the shelter care
- 15 hearing.
- 16 2. That you did not get adequate notice
- 17 (explaining how the notice was inadequate).
- 18 3. Your signature.
- 19 4. Signature must be notarized.

20 The rehearing should be scheduled within 48 hours of
21 your filing this affidavit.

22 At the rehearing, your rights are the same as at the
23 initial shelter care hearing. The enclosed notice explains
24 those rights.

25 At the Shelter Care Hearing, children have the
26 following rights:

- 1 1. To have a guardian ad litem appointed.
- 2 2. To be declared competent as a witness and to
- 3 present testimony concerning:
 - 4 a. Whether they are abused, neglected or
 - 5 dependent.
 - 6 b. Whether there is "immediate and urgent
 - 7 necessity" to be removed from home.
 - 8 c. Their best interests.
- 9 3. To cross examine witnesses for other parties.
- 10 4. To obtain an explanation of any proceedings and
- 11 orders of the court.

12 (4) If the parent, guardian, legal custodian, responsible
13 relative, minor age 8 or over, or counsel of the minor did not
14 have actual notice of or was not present at the shelter care
15 hearing, the parent, guardian, legal custodian, responsible
16 relative, minor age 8 or over, or counsel of the minor may file
17 an affidavit setting forth these facts, and the clerk shall
18 set the matter for rehearing not later than 48 hours,
19 excluding Sundays and legal holidays, after the filing of the
20 affidavit. At the rehearing, the court shall proceed in the
21 same manner as upon the original hearing.

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

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

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

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

22 (9) Notwithstanding any other provision of this Section
23 any interested party, including the State, the temporary
24 custodian, an agency providing services to the minor or family
25 under a service plan pursuant to Section 8.2 of the Abused and
26 Neglected Child Reporting Act, foster parent, or any of their

1 representatives, on notice to all parties entitled to notice,
2 may file a motion that it is in the best interests of the minor
3 to modify or vacate a temporary custody order on any of the
4 following grounds:

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

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

11 (c) A person not a party to the alleged abuse, neglect
12 or dependency, including a parent, relative, or legal
13 guardian, is capable of assuming temporary custody of the
14 minor; or

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

20 In ruling on the motion, the court shall determine whether
21 it is consistent with the health, safety, and best interests
22 of the minor to modify or vacate a temporary custody order. If
23 the minor is being restored to the custody of a parent, legal
24 custodian, or guardian who lives outside of Illinois, and an
25 Interstate Compact has been requested and refused, the court
26 may order the Department of Children and Family Services to

1 arrange for an assessment of the minor's proposed living
2 arrangement and for ongoing monitoring of the health, safety,
3 and best interest of the minor and compliance with any order of
4 protective supervision entered in accordance with Section 2-20
5 or 2-25.

6 The clerk shall set the matter for hearing not later than
7 14 days after such motion is filed. In the event that the court
8 modifies or vacates a temporary custody order but does not
9 vacate its finding of probable cause, the court may order that
10 appropriate services be continued or initiated in behalf of
11 the minor and the minor's family.

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

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

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

23 Once the presumption of immediate and urgent necessity has
24 been raised, the burden of demonstrating the lack of immediate
25 and urgent necessity shall be on any party that is opposing
26 shelter care for the other minor.

1 (11) The changes made to this Section by Public Act 98-61
2 apply to a minor who has been arrested or taken into custody on
3 or after January 1, 2014 (the effective date of Public Act
4 98-61).

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

18 (a) the efforts to identify and locate the respondents
19 and adult family members of the minor and the results of
20 those efforts;

21 (b) the efforts to engage the respondents and adult
22 family members of the minor in decision making on behalf
23 of the minor;

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

26 (d) the relationship between the respondents and adult

1 family members and the minor;

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

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

6 If the Department of Children and Family Services is the
7 temporary custodian of the minor, in addition to the
8 requirements of paragraph (1) of subsection (b) of Section 20
9 of the Health Care Surrogate Act, the Department shall follow
10 its rules and procedures in exercising authority granted under
11 this subsection.

12 (Source: P.A. 102-489, eff. 8-20-21; 102-502, eff. 1-1-22;
13 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-605, eff.
14 7-1-24.)

15 (705 ILCS 405/2-13) (from Ch. 37, par. 802-13)

16 Sec. 2-13. Petition.

17 (1) Any adult person, any agency or association by its
18 representative may file, or the court on its own motion,
19 consistent with the health, safety and best interests of the
20 minor may direct the filing through the State's Attorney of a
21 petition in respect of a minor under this Act. The petition and
22 all subsequent court documents shall be entitled "In the
23 interest of, a minor".

24 (2) The petition shall be verified but the statements may
25 be made upon information and belief. It shall allege that the

1 minor is abused, neglected, or dependent, with citations to
2 the appropriate provisions of this Act, and set forth (a)
3 facts sufficient to bring the minor under Section 2-3 or 2-4
4 and to inform respondents of the cause of action, including,
5 but not limited to, a plain and concise statement of the
6 factual allegations that form the basis for the filing of the
7 petition; (b) the name, age and residence of the minor; (c) the
8 names and residences of the minor's parents; (d) the name and
9 residence of the minor's legal guardian or the person or
10 persons having custody or control of the minor, or of the
11 nearest known relative if no parent or guardian can be found;
12 and (e) if the minor upon whose behalf the petition is brought
13 is sheltered in custody, the date on which such temporary
14 custody was ordered by the court or the date set for a
15 temporary custody hearing. If any of the facts herein required
16 are not known by the petitioner, the petition shall so state.

17 (3) The petition must allege that it is in the best
18 interests of the minor and of the public that the minor be
19 adjudged a ward of the court and may pray generally for relief
20 available under this Act. The petition need not specify any
21 proposed disposition following adjudication of wardship. The
22 petition may request that the minor remain in the custody of
23 the parent, guardian, or custodian under an Order of
24 Protection.

25 (4) If termination of parental rights and appointment of a
26 guardian of the person with power to consent to adoption of the

1 minor under Section 2-29 is sought, the petition shall so
2 state. If the petition includes this request, the prayer for
3 relief shall clearly and obviously state that the parents
4 could permanently lose their rights as a parent at this
5 hearing.

6 In addition to the foregoing, the petitioner, by motion,
7 may request the termination of parental rights and appointment
8 of a guardian of the person with power to consent to adoption
9 of the minor under Section 2-29 at any time after the entry of
10 a dispositional order under Section 2-22.

11 (4.5) (a) Unless good cause exists that filing a petition
12 to terminate parental rights is contrary to the child's best
13 interests, with respect to any minors committed to its care
14 pursuant to this Act, the Department of Children and Family
15 Services shall request the State's Attorney to file a petition
16 or motion for termination of parental rights and appointment
17 of guardian of the person with power to consent to adoption of
18 the minor under Section 2-29 if:

19 (i) a minor has been in foster care, as described in
20 subsection (b), for 15 months of the most recent 22
21 months; or

22 (ii) a minor under the age of 2 years has been
23 previously determined to be abandoned at an adjudicatory
24 hearing; or

25 (iii) the parent is criminally convicted of:

26 (A) first degree murder or second degree murder of

1 any child;

2 (B) attempt or conspiracy to commit first degree
3 murder or second degree murder of any child;

4 (C) solicitation to commit murder of any child,
5 solicitation to commit murder for hire of any child,
6 or solicitation to commit second degree murder of any
7 child;

8 (D) aggravated battery, aggravated battery of a
9 child, or felony domestic battery, any of which has
10 resulted in serious injury to the minor or a sibling of
11 the minor;

12 (E) predatory criminal sexual assault of a child;

13 (E-5) aggravated criminal sexual assault;

14 (E-10) criminal sexual abuse in violation of
15 subsection (a) of Section 11-1.50 of the Criminal Code
16 of 1961 or the Criminal Code of 2012;

17 (E-15) sexual exploitation of a child;

18 (E-20) permitting sexual abuse of a child;

19 (E-25) criminal sexual assault; or

20 (F) an offense in any other state the elements of
21 which are similar and bear a substantial relationship
22 to any of the foregoing offenses.

23 (a-1) For purposes of this subsection (4.5), good cause
24 exists in the following circumstances:

25 (i) the child is being cared for by a relative,

26 (ii) the Department has documented in the case plan a

1 compelling reason for determining that filing such
2 petition would not be in the best interests of the child,

3 (iii) the court has found within the preceding 12
4 months that the Department has failed to make reasonable
5 efforts to reunify the child and family, ~~or~~

6 (iv) the parent is incarcerated, or the parent's prior
7 incarceration is a significant factor in why the child has
8 been in foster care for 15 months out of any 22-month
9 period, the parent maintains a meaningful role in the
10 child's life, and the Department has not documented
11 another reason why it would otherwise be appropriate to
12 file a petition to terminate parental rights pursuant to
13 this Section and the Adoption Act. The assessment of
14 whether an incarcerated parent maintains a meaningful role
15 in the child's life may include consideration of the
16 following:

17 (A) the child's best interest;

18 (B) the parent's expressions or acts of
19 manifesting concern for the child, such as letters,
20 telephone calls, visits, and other forms of
21 communication with the child and the impact of the
22 communication on the child;

23 (C) the parent's efforts to communicate with and
24 work with the Department for the purpose of complying
25 with the service plan and repairing, maintaining, or
26 building the parent-child relationship; or

1 (D) limitations in the parent's access to family
2 support programs, therapeutic services, visiting
3 opportunities, telephone and mail services, and
4 meaningful participation in court proceedings, or -

5 (v) the Department has not yet met with the child's
6 caregiver to discuss the permanency goals of guardianship
7 and adoption.

8 (b) For purposes of this subsection, the date of entering
9 foster care is defined as the earlier of:

10 (1) The date of a judicial finding at an adjudicatory
11 hearing that the child is an abused, neglected, or
12 dependent minor; or

13 (2) 60 days after the date on which the child is
14 removed from the child's parent, guardian, or legal
15 custodian.

16 (c) (Blank).

17 (d) (Blank).

18 (5) The court shall liberally allow the petitioner to
19 amend the petition to set forth a cause of action or to add,
20 amend, or supplement factual allegations that form the basis
21 for a cause of action up until 14 days before the adjudicatory
22 hearing. The petitioner may amend the petition after that date
23 and prior to the adjudicatory hearing if the court grants
24 leave to amend upon a showing of good cause. The court may
25 allow amendment of the petition to conform with the evidence
26 at any time prior to ruling. In all cases in which the court

1 has granted leave to amend based on new evidence or new
2 allegations, the court shall permit the respondent an adequate
3 opportunity to prepare a defense to the amended petition.

4 (6) At any time before dismissal of the petition or before
5 final closing and discharge under Section 2-31, one or more
6 motions in the best interests of the minor may be filed. The
7 motion shall specify sufficient facts in support of the relief
8 requested.

9 (Source: P.A. 103-22, eff. 8-8-23.)

10 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)

11 Sec. 2-21. Findings and adjudication.

12 (1) The court shall state for the record the manner in
13 which the parties received service of process and shall note
14 whether the return or returns of service, postal return
15 receipt or receipts for notice by certified mail, or
16 certificate or certificates of publication have been filed in
17 the court record. The court shall enter any appropriate orders
18 of default against any parent who has been properly served in
19 any manner and fails to appear.

20 No further service of process as defined in Sections 2-15
21 and 2-16 is required in any subsequent proceeding for a parent
22 who was properly served in any manner, except as required by
23 Supreme Court Rule 11.

24 The caseworker shall testify about the diligent search
25 conducted for the parent.

1 After hearing the evidence the court shall determine
2 whether or not the minor is abused, neglected, or dependent.
3 If it finds that the minor is not such a person, the court
4 shall order the petition dismissed and the minor discharged.
5 The court's determination of whether the minor is abused,
6 neglected, or dependent shall be stated in writing with the
7 factual basis supporting that determination.

8 If the court finds that the minor is abused, neglected, or
9 dependent, the court shall then determine and put in writing
10 the factual basis supporting that determination, and specify,
11 to the extent possible, the acts or omissions or both of each
12 parent, guardian, or legal custodian that form the basis of
13 the court's findings. That finding shall appear in the order
14 of the court.

15 If the court finds that the child has been abused,
16 neglected or dependent, the court shall admonish the parents
17 that they must cooperate with the Department of Children and
18 Family Services, comply with the terms of the service plan,
19 and correct the conditions that require the child to be in
20 care, or risk termination of parental rights.

21 If the court determines that a person has inflicted
22 physical or sexual abuse upon a minor, the court shall report
23 that determination to the Illinois State Police, which shall
24 include that information in its report to the President of the
25 school board for a school district that requests a criminal
26 history records check of that person, or the regional

1 superintendent of schools who requests a check of that person,
2 as required under Section 10-21.9 or 34-18.5 of the School
3 Code.

4 (2) If, pursuant to subsection (1) of this Section, the
5 court determines and puts in writing the factual basis
6 supporting the determination that the minor is either abused
7 or neglected or dependent, the court shall then set a time not
8 later than 30 days after the entry of the finding for a
9 dispositional hearing (unless an earlier date is required
10 pursuant to Section 2-13.1) to be conducted under Section 2-22
11 at which hearing the court shall determine whether it is
12 consistent with the health, safety and best interests of the
13 minor and the public that the minor ~~he~~ be made a ward of the
14 court. To assist the court in making this and other
15 determinations at the dispositional hearing, the court may
16 order that an investigation be conducted and a dispositional
17 report be prepared concerning the minor's physical and mental
18 history and condition, family situation and background,
19 economic status, education, occupation, history of delinquency
20 or criminality, personal habits, and any other information
21 that may be helpful to the court. The dispositional hearing
22 may be continued once for a period not to exceed 30 days if the
23 court finds that such continuance is necessary to complete the
24 dispositional report.

25 (3) The time limits of this Section may be waived only by
26 consent of all parties and approval by the court, as

1 determined to be consistent with the health, safety and best
2 interests of the minor.

3 (4) For all cases adjudicated prior to July 1, 1991, for
4 which no dispositional hearing has been held prior to that
5 date, a dispositional hearing under Section 2-22 shall be held
6 within 90 days of July 1, 1991.

7 (5) The court may terminate the parental rights of a
8 parent at the initial dispositional hearing if all of the
9 following conditions are met:

10 (i) the original or amended petition contains a
11 request for termination of parental rights and appointment
12 of a guardian with power to consent to adoption; and

13 (ii) the court has found by a preponderance of
14 evidence, introduced or stipulated to at an adjudicatory
15 hearing, that the child comes under the jurisdiction of
16 the court as an abused, neglected, or dependent minor
17 under Section 2-18; and

18 (iii) the court finds, on the basis of clear and
19 convincing evidence admitted at the adjudicatory hearing
20 that the parent is an unfit person under subdivision D of
21 Section 1 of the Adoption Act; and

22 (iv) the court determines in accordance with the rules
23 of evidence for dispositional proceedings, that:

24 (A) it is in the best interest of the minor and
25 public that the child be made a ward of the court;

26 (A-1) the petitioner has demonstrated that the

1 Department has discussed the permanency options of
2 guardianship and adoption with the caregiver and the
3 Department has informed the court of the caregiver's
4 wishes as to the permanency goal;

5 (A-5) reasonable efforts under subsection (1-1) of
6 Section 5 of the Children and Family Services Act are
7 inappropriate or such efforts were made and were
8 unsuccessful; and

9 (B) termination of parental rights and appointment
10 of a guardian with power to consent to adoption is in
11 the best interest of the child pursuant to Section
12 2-29.

13 (Source: P.A. 102-538, eff. 8-20-21.)

14 (705 ILCS 405/2-22) (from Ch. 37, par. 802-22)

15 Sec. 2-22. Dispositional hearing; evidence; continuance.

16 (1) At the dispositional hearing, the court shall
17 determine whether it is in the best interests of the minor and
18 the public that the minor be made a ward of the court, and, if
19 the minor is to be made a ward of the court, the court shall
20 determine the proper disposition best serving the health,
21 safety and interests of the minor and the public. The court
22 also shall consider the Department's diligent efforts in
23 family finding and relative engagement for the minor required
24 under Section 2-27.3 beginning July 1, 2025, the permanency
25 goal set for the minor, the nature of the service plan for the

1 minor and the services delivered and to be delivered under the
2 plan. All evidence helpful in determining these questions,
3 including oral and written reports, may be admitted and may be
4 relied upon to the extent of its probative value, even though
5 not competent for the purposes of the adjudicatory hearing.

6 (2) Once all parties respondent have been served in
7 compliance with Sections 2-15 and 2-16, no further service or
8 notice must be given to a party prior to proceeding to a
9 dispositional hearing. Before making an order of disposition
10 the court shall advise the State's Attorney, the parents,
11 guardian, custodian or responsible relative or their counsel
12 of the factual contents and the conclusions of the reports
13 prepared for the use of the court and considered by it, and
14 afford fair opportunity, if requested, to controvert them. The
15 court may order, however, that the documents containing such
16 reports need not be submitted to inspection, or that sources
17 of confidential information need not be disclosed except to
18 the attorneys for the parties. Factual contents, conclusions,
19 documents and sources disclosed by the court under this
20 paragraph shall not be further disclosed without the express
21 approval of the court pursuant to an in camera hearing.

22 (3) A record of a prior continuance under supervision
23 under Section 2-20, whether successfully completed with regard
24 to the child's health, safety and best interest, or not, is
25 admissible at the dispositional hearing.

26 (4) On its own motion or that of the State's Attorney, a

1 parent, guardian, custodian, responsible relative or counsel,
2 the court may adjourn the hearing for a reasonable period to
3 receive reports or other evidence, if the adjournment is
4 consistent with the health, safety and best interests of the
5 minor, but in no event shall continuances be granted so that
6 the dispositional hearing occurs more than 6 months after the
7 initial removal of a minor from the minor's home. In
8 scheduling investigations and hearings, the court shall give
9 priority to proceedings in which a minor has been removed from
10 the minor's home before an order of disposition has been made.

11 (5) Unless already set by the court, at the conclusion of
12 the dispositional hearing, the court shall set the date for
13 the first permanency hearing, to be conducted under
14 subsections (2), (2.3), and (2.4) ~~subsection (2)~~ of Section
15 2-28, which shall be held: (a) within 12 months from the date
16 temporary custody was taken, (b) if the parental rights of
17 both parents have been terminated in accordance with the
18 procedure described in subsection (5) of Section 2-21, within
19 30 days of the termination of parental rights and appointment
20 of a guardian with power to consent to adoption, or (c) in
21 accordance with subsection (2) of Section 2-13.1.

22 (6) When the court declares a child to be a ward of the
23 court and awards guardianship to the Department of Children
24 and Family Services: 7

25 (a) the court shall admonish the parents, guardian,
26 custodian or responsible relative that the parents must

1 cooperate with the Department of Children and Family
2 Services, comply with the terms of the service plans, and
3 correct the conditions which require the child to be in
4 care, or risk termination of their parental rights; and

5 (b) the court shall inquire of the parties of any
6 intent to proceed with termination of parental rights of a
7 parent:

8 (A) whose identity still remains unknown;

9 (B) whose whereabouts remain unknown; or

10 (C) who was found in default at the adjudicatory
11 hearing and has not obtained an order setting aside
12 the default in accordance with Section 2-1301 of the
13 Code of Civil Procedure.

14 (Source: P.A. 103-22, eff. 8-8-23.)

15 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

19 (a) A minor found to be neglected or abused under
20 Section 2-3 or dependent under Section 2-4 may be (1)
21 continued in the custody of the minor's parents, guardian
22 or legal custodian; (2) placed in accordance with Section
23 2-27; (3) restored to the custody of the parent, parents,
24 guardian, or legal custodian, provided the court shall
25 order the parent, parents, guardian, or legal custodian to

1 cooperate with the Department of Children and Family
2 Services and comply with the terms of an after-care plan
3 or risk the loss of custody of the child and the possible
4 termination of their parental rights; or (4) ordered
5 partially or completely emancipated in accordance with the
6 provisions of the Emancipation of Minors Act.

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

16 However, in any case in which a minor is found by the
17 court to be neglected or abused under Section 2-3 of this
18 Act, custody of the minor shall not be restored to any
19 parent, guardian or legal custodian whose acts or
20 omissions or both have been identified, pursuant to
21 subsection (1) of Section 2-21, as forming the basis for
22 the court's finding of abuse or neglect, until such time
23 as a hearing is held on the issue of the best interests of
24 the minor and the fitness of such parent, guardian or
25 legal custodian to care for the minor without endangering
26 the minor's health or safety, and the court enters an

1 order that such parent, guardian or legal custodian is fit
2 to care for the minor.

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

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

19 (b-1) A minor between the ages of 18 and 21 may be
20 placed pursuant to Section 2-27 of this Act if (1) the
21 court has granted a supplemental petition to reinstate
22 wardship of the minor pursuant to subsection (2) of
23 Section 2-33, (2) the court has adjudicated the minor a
24 ward of the court, permitted the minor to return home
25 under an order of protection, and subsequently made a
26 finding that it is in the minor's best interest to vacate

1 the order of protection and commit the minor to the
2 Department of Children and Family Services for care and
3 service, or (3) the court returned the minor to the
4 custody of the respondent under Section 2-4b of this Act
5 without terminating the proceedings under Section 2-31 of
6 this Act, and subsequently made a finding that it is in the
7 minor's best interest to commit the minor to the
8 Department of Children and Family Services for care and
9 services.

10 (c) When the court awards guardianship to the
11 Department of Children and Family Services, the court
12 shall order: (i) the parents to cooperate with the
13 Department of Children and Family Services, comply with
14 the terms of the service plans, and correct the conditions
15 that require the child to be in care, or risk termination
16 of their parental rights; and (ii) the Department to make
17 diligent efforts in family finding and relative engagement
18 to establish lifelong connections for the minor,
19 consistent with the best interest of the minor, as
20 required under Section 2-27.3.

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

24 Unless the order of disposition expressly so provides, it
25 does not operate to close proceedings on the pending petition,
26 but is subject to modification, not inconsistent with Section

1 2-28, until final closing and discharge of the proceedings
2 under Section 2-31.

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

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

11 (3.5) If, after reviewing the evidence, including evidence
12 from the Department, the court determines that the minor's
13 current or planned placement is not necessary or appropriate
14 to facilitate achievement of the permanency goal, the court
15 shall put in writing the factual basis supporting its
16 determination and enter specific findings based on the
17 evidence. If the court finds that the minor's current or
18 planned placement is not necessary or appropriate, the court
19 may enter an order directing the Department to implement a
20 recommendation by the minor's treating clinician or a
21 clinician contracted by the Department to evaluate the minor
22 or a recommendation made by the Department. If the Department
23 places a minor in a placement under an order entered under this
24 subsection (3.5), the Department has the authority to remove
25 the minor from that placement when a change in circumstances
26 necessitates the removal to protect the minor's health,

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

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

20 (5) Any order for disposition where the minor is committed
21 or placed in accordance with Section 2-27 shall provide for
22 the parents or guardian of the estate of such minor to pay to
23 the legal custodian or guardian of the person of the minor such
24 sums as are determined by the custodian or guardian of the
25 person of the minor as necessary for the minor's needs. Such
26 payments may not exceed the maximum amounts provided for by

1 Section 9.1 of the Children and Family Services Act.

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

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

10 (Source: P.A. 102-489, eff. 8-20-21; 103-22, eff. 8-8-23.)

11 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

12 Sec. 2-27. Placement; legal custody or guardianship.

13 (1) If the court determines and puts in writing the
14 factual basis supporting the determination of whether the
15 parents, guardian, or legal custodian of a minor adjudged a
16 ward of the court are unfit or are unable, for some reason
17 other than financial circumstances alone, to care for,
18 protect, train or discipline the minor or are unwilling to do
19 so, and that the health, safety, and best interest of the minor
20 will be jeopardized if the minor remains in the custody of the
21 minor's parents, guardian or custodian, the court may at this
22 hearing and at any later point:

23 (a) place the minor in the custody of a suitable
24 relative or other person as legal custodian or guardian;

25 (a-5) with the approval of the Department of Children

1 and Family Services, place the minor in the subsidized
2 guardianship of a suitable relative or other person as
3 legal guardian; "subsidized guardianship" has the meaning
4 ascribed to that term in Section 4d of the Children and
5 Family Services Act ~~means a private guardianship~~
6 ~~arrangement for children for whom the permanency goals of~~
7 ~~return home and adoption have been ruled out and who meet~~
8 ~~the qualifications for subsidized guardianship as defined~~
9 ~~by the Department of Children and Family Services in~~
10 ~~administrative rules;~~

11 (b) place the minor under the guardianship of a
12 probation officer;

13 (c) commit the minor to an agency for care or
14 placement, except an institution under the authority of
15 the Department of Corrections or of the Department of
16 Children and Family Services;

17 (d) on and after the effective date of this amendatory
18 Act of the 98th General Assembly and before January 1,
19 2017, commit the minor to the Department of Children and
20 Family Services for care and service; however, a minor
21 charged with a criminal offense under the Criminal Code of
22 1961 or the Criminal Code of 2012 or adjudicated
23 delinquent shall not be placed in the custody of or
24 committed to the Department of Children and Family
25 Services by any court, except (i) a minor less than 16
26 years of age and committed to the Department of Children

1 and Family Services under Section 5-710 of this Act, (ii)
2 a minor under the age of 18 for whom an independent basis
3 of abuse, neglect, or dependency exists, or (iii) a minor
4 for whom the court has granted a supplemental petition to
5 reinstate wardship pursuant to subsection (2) of Section
6 2-33 of this Act. On and after January 1, 2017, commit the
7 minor to the Department of Children and Family Services
8 for care and service; however, a minor charged with a
9 criminal offense under the Criminal Code of 1961 or the
10 Criminal Code of 2012 or adjudicated delinquent shall not
11 be placed in the custody of or committed to the Department
12 of Children and Family Services by any court, except (i) a
13 minor less than 15 years of age and committed to the
14 Department of Children and Family Services under Section
15 5-710 of this Act, (ii) a minor under the age of 18 for
16 whom an independent basis of abuse, neglect, or dependency
17 exists, or (iii) a minor for whom the court has granted a
18 supplemental petition to reinstate wardship pursuant to
19 subsection (2) of Section 2-33 of this Act. An independent
20 basis exists when the allegations or adjudication of
21 abuse, neglect, or dependency do not arise from the same
22 facts, incident, or circumstances which give rise to a
23 charge or adjudication of delinquency. The Department
24 shall be given due notice of the pendency of the action and
25 the Guardianship Administrator of the Department of
26 Children and Family Services shall be appointed guardian

1 of the person of the minor. Whenever the Department seeks
2 to discharge a minor from its care and service, the
3 Guardianship Administrator shall petition the court for an
4 order terminating guardianship. The Guardianship
5 Administrator may designate one or more other officers of
6 the Department, appointed as Department officers by
7 administrative order of the Department Director,
8 authorized to affix the signature of the Guardianship
9 Administrator to documents affecting the guardian-ward
10 relationship of children for whom the Guardianship
11 Administrator has been appointed guardian at such times as
12 the Guardianship Administrator is unable to perform the
13 duties of the Guardianship Administrator office. The
14 signature authorization shall include but not be limited
15 to matters of consent of marriage, enlistment in the armed
16 forces, legal proceedings, adoption, major medical and
17 surgical treatment and application for driver's license.
18 Signature authorizations made pursuant to the provisions
19 of this paragraph shall be filed with the Secretary of
20 State and the Secretary of State shall provide upon
21 payment of the customary fee, certified copies of the
22 authorization to any court or individual who requests a
23 copy.

24 (1.5) In making a determination under this Section, the
25 court shall also consider whether, based on health, safety,
26 and the best interests of the minor,

1 (a) appropriate services aimed at family preservation
2 and family reunification have been unsuccessful in
3 rectifying the conditions that have led to a finding of
4 unfitness or inability to care for, protect, train, or
5 discipline the minor, or

6 (b) no family preservation or family reunification
7 services would be appropriate,
8 and if the petition or amended petition contained an
9 allegation that the parent is an unfit person as defined in
10 subdivision (D) of Section 1 of the Adoption Act, and the order
11 of adjudication recites that parental unfitness was
12 established by clear and convincing evidence, the court shall,
13 when appropriate and in the best interest of the minor, enter
14 an order terminating parental rights and appointing a guardian
15 with power to consent to adoption in accordance with Section
16 2-29.

17 When making a placement, the court, wherever possible,
18 shall require the Department of Children and Family Services
19 to select a person holding the same religious belief as that of
20 the minor or a private agency controlled by persons of like
21 religious faith of the minor and shall require the Department
22 to otherwise comply with Section 7 of the Children and Family
23 Services Act in placing the child. In addition, whenever
24 alternative plans for placement are available, the court shall
25 ascertain and consider, to the extent appropriate in the
26 particular case, the views and preferences of the minor.

1 (2) When a minor is placed with a suitable relative or
2 other person pursuant to item (a) of subsection (1), the court
3 shall appoint the suitable relative or other person the legal
4 custodian or guardian of the person of the minor. When a minor
5 is committed to any agency, the court shall appoint the proper
6 officer or representative thereof as legal custodian or
7 guardian of the person of the minor. Legal custodians and
8 guardians of the person of the minor have the respective
9 rights and duties set forth in subsection (9) of Section 1-3
10 except as otherwise provided by order of court; but no
11 guardian of the person may consent to adoption of the minor
12 unless that authority is conferred upon the guardian in
13 accordance with Section 2-29. An agency whose representative
14 is appointed guardian of the person or legal custodian of the
15 minor may place the minor in any child care facility, but the
16 facility must be licensed under the Child Care Act of 1969 or
17 have been approved by the Department of Children and Family
18 Services as meeting the standards established for such
19 licensing. No agency may place a minor adjudicated under
20 Sections 2-3 or 2-4 in a child care facility unless the
21 placement is in compliance with the rules and regulations for
22 placement under this Section promulgated by the Department of
23 Children and Family Services under Section 5 of the Children
24 and Family Services Act. Like authority and restrictions shall
25 be conferred by the court upon any probation officer who has
26 been appointed guardian of the person of a minor.

1 (3) No placement by any probation officer or agency whose
2 representative is appointed guardian of the person or legal
3 custodian of a minor may be made in any out of State child care
4 facility unless it complies with the Interstate Compact on the
5 Placement of Children. Placement with a parent, however, is
6 not subject to that Interstate Compact.

7 (4) The clerk of the court shall issue to the legal
8 custodian or guardian of the person a certified copy of the
9 order of court, as proof of the legal custodian's or
10 guardian's authority. No other process is necessary as
11 authority for the keeping of the minor.

12 (5) Custody or guardianship granted under this Section
13 continues until the court otherwise directs, but not after the
14 minor reaches the age of 19 years except as set forth in
15 Section 2-31, or if the minor was previously committed to the
16 Department of Children and Family Services for care and
17 service and the court has granted a supplemental petition to
18 reinstate wardship pursuant to subsection (2) of Section 2-33.

19 (6) (Blank).

20 (Source: P.A. 103-22, eff. 8-8-23.)

21 (705 ILCS 405/2-27.3 new)

22 Sec. 2-27.3. Ongoing family finding and relative
23 engagement.

24 (a) (1) The Department shall make ongoing diligent efforts,
25 to the fullest extent consistent with the minor's best

1 interest, to engage in ongoing family finding and relative
2 engagement for the purposes of:

3 (A) establishing and supporting lifelong connections
4 for the minor by building a network of sustainable and
5 supportive relationships that allow the minor to
6 experience a sense of belonging through enduring,
7 life-long relationships with family, extended family, and
8 other caring adults; and

9 (B) for minors who are not in a placement likely to
10 achieve permanency, identifying relatives who may be
11 willing and able to care for the minor and provide
12 permanency for the minor.

13 Efforts to identify, locate, and engage relatives to
14 assist in supporting and establishing lifelong connections for
15 the minor are required, consistent with the best interests of
16 the minor, even if the minor is placed with a relative,
17 recognizing it may be in the minor's best interest to maintain
18 connections with different relatives, and a relative's
19 capacity to provide connection and support, may change over
20 time.

21 (2) The Department shall provide a report to the court, as
22 part of the reporting requirement under Section 2-10.1, not
23 later than 45 days after a minor is placed in the Department's
24 custody, and with each case plan submitted to the court
25 thereafter, describing the Department's efforts, to identify,
26 locate, and engage relatives in a manner consistent with the

1 minor's best interest. The initial and subsequent reports
2 shall include:

3 (A) a list of contacts made and the outcome of each
4 contact;

5 (B) for minors requiring placement in a home
6 environment or a home likely to achieve permanency, the
7 report shall specify which identified relatives have been
8 evaluated as placement options, including assessment as a
9 certified relative caregiver home under Section 3.4 of the
10 Child Care Act of 1969, and the diligent efforts the
11 Department is undertaking to remove barriers to placement,
12 if applicable, with one or more relatives or certified
13 relative caregivers. If the Department determines
14 placement with an identified relative willing to serve as
15 a caregiver for the minor is not in the minor's best
16 interest, the Department shall include its rationale in
17 the report; and

18 (C) consistent with the minor's best interest, the
19 manner in which the relative or person may be engaged with
20 the minor. Engagement may include, but is not limited to,
21 in person visitation, virtual visitation, telephone
22 contact, supervising visits between the minor and a parent
23 or sibling, assisting with transportation, providing
24 respite care and providing placement. If the Department
25 determines an identified relative's engagement with the
26 minor is not in the minor's best interest, the Department

1 shall include its rationale in the report.

2 (3) Ongoing family finding and relative engagement efforts
3 shall continue until excused in whole or in part by the court.
4 The court may order that further efforts to locate and engage
5 relatives are futile based on efforts already made, or that
6 efforts to identify, locate, or engage a specified person or
7 persons is not in the minor's best interests. If a court finds
8 that family finding and relative engagement efforts should
9 cease, the court shall enter an order in writing. An order
10 entered under this Section shall include specific factual
11 findings supporting the court's decision. The Department may
12 resume family finding and relative engagement efforts after an
13 order excusing such efforts has been entered, if the court
14 determines resuming such efforts are in the minor's best
15 interest.

16 (4) Within 30 days of (i) an unknown parent's identity
17 being determined or (ii) a parent's whereabouts becoming known
18 for the first time, the Department shall complete family
19 finding and relative engagement efforts in accordance with
20 paragraph (2.5) of Section 2-10.

21 (b) Nothing in this Section shall be construed to create a
22 legally enforceable right on behalf of any relative or person
23 to placement, visitation, or engagement with the minor.

24 (705 ILCS 405/2-28)

25 Sec. 2-28. Court review.

1 (1) The court may require any legal custodian or guardian
2 of the person appointed under this Act to report periodically
3 to the court or may cite the legal custodian or guardian into
4 court and require the legal custodian, guardian, or the legal
5 custodian's or guardian's agency to make a full and accurate
6 report of the doings of the legal custodian, guardian, or
7 agency on behalf of the minor. The custodian or guardian,
8 within 10 days after such citation, or earlier if the court
9 determines it to be necessary to protect the health, safety,
10 or welfare of the minor, shall make the report, either in
11 writing verified by affidavit or orally under oath in open
12 court, or otherwise as the court directs. Upon the hearing of
13 the report the court may remove the custodian or guardian and
14 appoint another in the custodian's or guardian's stead or
15 restore the minor to the custody of the minor's parents or
16 former guardian or custodian. However, custody of the minor
17 shall not be restored to any parent, guardian, or legal
18 custodian in any case in which the minor is found to be
19 neglected or abused under Section 2-3 or dependent under
20 Section 2-4 of this Act, unless the minor can be cared for at
21 home without endangering the minor's health or safety and it
22 is in the best interests of the minor, and if such neglect,
23 abuse, or dependency is found by the court under paragraph (1)
24 of Section 2-21 of this Act to have come about due to the acts
25 or omissions or both of such parent, guardian, or legal
26 custodian, until such time as an investigation is made as

1 provided in paragraph (5) and a hearing is held on the issue of
2 the fitness of such parent, guardian, or legal custodian to
3 care for the minor and the court enters an order that such
4 parent, guardian, or legal custodian is fit to care for the
5 minor.

6 (1.5) The public agency that is the custodian or guardian
7 of the minor shall file a written report with the court no
8 later than 15 days after a minor in the agency's care remains:

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

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

13 (3) in a detention center or Department of Juvenile
14 Justice facility solely because the public agency cannot
15 find an appropriate placement for the minor.

16 The report shall explain the steps the agency is taking to
17 ensure the minor is placed appropriately, how the minor's
18 needs are being met in the minor's shelter placement, and if a
19 future placement has been identified by the Department, why
20 the anticipated placement is appropriate for the needs of the
21 minor and the anticipated placement date.

22 (1.6) Within 30 days after placing a child in its care in a
23 qualified residential treatment program, as defined by the
24 federal Social Security Act, the Department of Children and
25 Family Services shall prepare a written report for filing with
26 the court and send copies of the report to all parties. Within

1 20 days of the filing of the report, or as soon thereafter as
2 the court's schedule allows but not more than 60 days from the
3 date of placement, the court shall hold a hearing to consider
4 the Department's report and determine whether placement of the
5 child in a qualified residential treatment program provides
6 the most effective and appropriate level of care for the child
7 in the least restrictive environment and if the placement is
8 consistent with the short-term and long-term goals for the
9 child, as specified in the permanency plan for the child. The
10 court shall approve or disapprove the placement. If
11 applicable, the requirements of Sections 2-27.1 and 2-27.2
12 must also be met. The Department's written report and the
13 court's written determination shall be included in and made
14 part of the case plan for the child. If the child remains
15 placed in a qualified residential treatment program, the
16 Department shall submit evidence at each status and permanency
17 hearing:

18 (A) ~~(1)~~ demonstrating that on-going assessment of the
19 strengths and needs of the child continues to support the
20 determination that the child's needs cannot be met through
21 placement in a foster family home, that the placement
22 provides the most effective and appropriate level of care
23 for the child in the least restrictive, appropriate
24 environment, and that the placement is consistent with the
25 short-term and long-term permanency goal for the child, as
26 specified in the permanency plan for the child;

1 (B) ~~(2)~~ documenting the specific treatment or service
2 needs that should be met for the child in the placement and
3 the length of time the child is expected to need the
4 treatment or services; ~~and~~

5 (C) ~~(3)~~ the efforts made by the agency to prepare the
6 child to return home or to be placed with a fit and willing
7 relative, a legal guardian, or an adoptive parent, or in a
8 foster family home; and -

9 (D) beginning July 1, 2025, documenting the
10 Department's efforts regarding ongoing family finding and
11 relative engagement required under Section 2-27.3.

12 (2) The first permanency hearing shall be conducted by the
13 judge. Subsequent permanency hearings may be heard by a judge
14 or by hearing officers appointed or approved by the court in
15 the manner set forth in Section 2-28.1 of this Act. The initial
16 hearing shall be held (a) within 12 months from the date
17 temporary custody was taken, regardless of whether an
18 adjudication or dispositional hearing has been completed
19 within that time frame, (b) if the parental rights of both
20 parents have been terminated in accordance with the procedure
21 described in subsection (5) of Section 2-21, within 30 days of
22 the order for termination of parental rights and appointment
23 of a guardian with power to consent to adoption, or (c) in
24 accordance with subsection (2) of Section 2-13.1. Subsequent
25 permanency hearings shall be held every 6 months or more
26 frequently if necessary in the court's determination following

1 the initial permanency hearing, in accordance with the
2 standards set forth in this Section, until the court
3 determines that the plan and goal have been achieved. Once the
4 plan and goal have been achieved, if the minor remains in
5 substitute care, the case shall be reviewed at least every 6
6 months thereafter, subject to the provisions of this Section,
7 unless the minor is placed in the guardianship of a suitable
8 relative or other person and the court determines that further
9 monitoring by the court does not further the health, safety,
10 or best interest of the child and that this is a stable
11 permanent placement. The permanency hearings must occur within
12 the time frames set forth in this subsection and may not be
13 delayed in anticipation of a report from any source or due to
14 the agency's failure to timely file its written report (this
15 written report means the one required under the next paragraph
16 and does not mean the service plan also referred to in that
17 paragraph).

18 The public agency that is the custodian or guardian of the
19 minor, or another agency responsible for the minor's care,
20 shall ensure that all parties to the permanency hearings are
21 provided a copy of the most recent service plan prepared
22 within the prior 6 months at least 14 days in advance of the
23 hearing. If not contained in the agency's service plan, the
24 agency shall also include a report setting forth the
25 following:

26 (A) ~~(i)~~ any special physical, psychological,

1 educational, medical, emotional, or other needs of the
2 minor or the minor's family that are relevant to a
3 permanency or placement determination, and ~~(ii)~~ for any
4 minor age 16 or over, a written description of the
5 programs and services that will enable the minor to
6 prepare for independent living;

7 (B) beginning July 1, 2025, a written description of
8 ongoing family finding and relative engagement efforts in
9 accordance with the requirements under Section 2-27.3 the
10 agency has undertaken since the most recent report to the
11 court to plan for the emotional and legal permanency of
12 the minor; ~~If not contained in the agency's service plan,~~
13 ~~the agency's report shall~~

14 (C) whether ~~specify if~~ a minor is placed in a licensed
15 child care facility under a corrective plan by the
16 Department due to concerns impacting the minor's safety
17 and well-being. The report shall explain the steps the
18 Department is taking to ensure the safety and well-being
19 of the minor and that the minor's needs are met in the
20 facility; ~~The agency's written report must~~

21 (D) detail regarding what progress or lack of progress
22 the parent has made in correcting the conditions requiring
23 the child to be in care; whether the child can be returned
24 home without jeopardizing the child's health, safety, and
25 welfare, ~~and, if not,~~ what permanency goal is recommended
26 to be in the best interests of the child, and the reasons

1 for the recommendation. If a permanency goal under
2 paragraph (A), (B), or (B-1) of subsection (2.3) have been
3 deemed inappropriate and not in the minor's best interest,
4 the report must include the following information: ~~why the~~
5 ~~other permanency goals are not appropriate.~~

6 (i) confirmation that the caseworker has discussed
7 the permanency options and subsidies available for
8 guardianship and adoption with the minor's caregivers,
9 the minor's parents, as appropriate, and has discussed
10 the available permanency options with the minor in an
11 age-appropriate manner;

12 (ii) confirmation that the caseworker has
13 discussed with the minor's caregivers, the minor's
14 parents, as appropriate, and the minor as
15 age-appropriate, the distinctions between guardianship
16 and adoption, including, but not limited to, that
17 guardianship does not require termination of the
18 parent's rights or the consent of the parent;

19 (iii) a description of the stated preferences and
20 concerns, if any, the minor, the parent as
21 appropriate, and the caregiver expressed relating to
22 the options of guardianship and adoption, and the
23 reasons for the preferences;

24 (iv) if the minor is not currently in a placement
25 that will provide permanency, identification of all
26 persons presently willing and able to provide

1 permanency to the minor through either guardianship or
2 adoption, and beginning July 1, 2025, if none are
3 available, a description of the efforts made in
4 accordance with Section 2-27.3; and

5 (v) state the recommended permanency goal, why
6 that goal is recommended, and why the other potential
7 goals were not recommended.

8 The caseworker must appear and testify at the permanency
9 hearing. If a permanency hearing has not previously been
10 scheduled by the court, the moving party shall move for the
11 setting of a permanency hearing and the entry of an order
12 within the time frames set forth in this subsection.

13 (2.3) At the permanency hearing, the court shall determine
14 the permanency goal ~~future status~~ of the child. The court
15 shall set one of the following permanency goals:

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

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

23 (B-1) The minor will be in short-term care with a
24 continued goal to return home pending a status hearing.
25 When the court finds that a parent has not made reasonable
26 efforts or reasonable progress to date, the court shall

1 identify what actions the parent and the Department must
2 take in order to justify a finding of reasonable efforts
3 or reasonable progress and shall set a status hearing to
4 be held not earlier than 9 months from the date of
5 adjudication nor later than 11 months from the date of
6 adjudication during which the parent's progress will again
7 be reviewed.

8 If the court has determined that goals (A), (B), and
9 (B-1) are not appropriate and not in the minor's best
10 interest, the court may select one of the following goals:
11 (C), (D), (E), (F), or (G) for the minor as appropriate and
12 based on the best interests of the minor. The court shall
13 determine the appropriate goal for the minor based on best
14 interest factors and any considerations outlined in that
15 goal.

16 (C) The guardianship of the minor shall be transferred
17 to an individual or couple on a permanent basis. Prior to
18 changing the goal to guardianship, the court shall
19 consider the following:

20 (i) whether the agency has discussed adoption and
21 guardianship with the caregiver and what preference,
22 if any, the caregiver has as to the permanency goal;

23 (ii) whether the agency has discussed adoption and
24 guardianship with the minor, as age-appropriate, and
25 what preference, if any, the minor has as to the
26 permanency goal;

1 (iii) whether the minor is of sufficient age to
2 remember the minor's parents and if the child values
3 this familial identity;

4 (iv) whether the minor is placed with a relative,
5 and beginning July 1, 2025, whether the minor is
6 placed in a relative home as defined in Section 4d of
7 the Children and Family Services Act or in a certified
8 relative caregiver home as defined in Section 2.36 of
9 the Child Care Act of 1969; and

10 (v) whether the parent or parents have been
11 informed about guardianship and adoption, and, if
12 appropriate, what preferences, if any, the parent or
13 parents have as to the permanency goal.

14 (D) The minor will be in substitute care pending court
15 determination on termination of parental rights. Prior to
16 changing the goal to substitute care pending court
17 determination on termination of parental rights, the court
18 shall consider the following:

19 (i) whether the agency has discussed adoption and
20 guardianship with the caregiver and what preference,
21 if any, the caregiver has as to the permanency goal;

22 (ii) whether the agency has discussed adoption and
23 guardianship with the minor, as age-appropriate, and
24 what preference, if any, the minor has as to the
25 permanency goal;

26 (iii) whether the minor is of sufficient age to

1 remember the minor's parents and if the child values
2 this familial identity;

3 (iv) whether the minor is placed with a relative,
4 and beginning July 1, 2025, whether the minor is
5 placed in a relative home as defined in Section 4d of
6 the Children and Family Services Act, in a certified
7 relative caregiver home as defined in Section 2.36 of
8 the Child Care Act of 1969;

9 (v) whether the minor is already placed in a
10 pre-adoptive home, and if not, whether such a home has
11 been identified; and

12 (vi) whether the parent or parents have been
13 informed about guardianship and adoption, and, if
14 appropriate, what preferences, if any, the parent or
15 parents have as to the permanency goal.

16 (E) ~~(D)~~ Adoption, provided that parental rights have
17 been terminated or relinquished.

18 ~~(E) The guardianship of the minor will be transferred~~
19 ~~to an individual or couple on a permanent basis provided~~
20 ~~that goals (A) through (D) have been deemed inappropriate~~
21 ~~and not in the child's best interests. The court shall~~
22 ~~confirm that the Department has discussed adoption, if~~
23 ~~appropriate, and guardianship with the caregiver prior to~~
24 ~~changing a goal to guardianship.~~

25 (F) Provided that permanency goals (A) through (E)
26 have been deemed inappropriate and not in the minor's best

1 interests, the ~~The~~ minor over age 15 will be in substitute
2 care pending independence. In selecting this permanency
3 goal, the Department of Children and Family Services may
4 provide services to enable reunification and to strengthen
5 the minor's connections with family, fictive kin, and
6 other responsible adults, provided the services are in the
7 minor's best interest. The services shall be documented in
8 the service plan.

9 (G) The minor will be in substitute care because the
10 minor cannot be provided for in a home environment due to
11 developmental disabilities or mental illness or because
12 the minor is a danger to self or others, provided that
13 goals (A) through (E) ~~(D)~~ have been deemed inappropriate
14 and not in the child's best interests.

15 In selecting any permanency goal, the court shall indicate
16 in writing the reasons the goal was selected and why the
17 preceding goals were deemed inappropriate and not in the
18 child's best interest. Where the court has selected a
19 permanency goal other than (A), (B), or (B-1), the Department
20 of Children and Family Services shall not provide further
21 reunification services, except as provided in paragraph (F) of
22 this subsection (2.3) ~~(2)~~, but shall provide services
23 consistent with the goal selected.

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

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

3 (2) The court has deemed all other permanency
4 goals inappropriate based on the child's best
5 interest;

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

10 (a) the child does not wish to be adopted or to
11 be placed in the guardianship of the minor's
12 relative, certified relative caregiver, or foster
13 care placement;

14 (b) the child exhibits an extreme level of
15 need such that the removal of the child from the
16 minor's placement would be detrimental to the
17 child; or

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

1 legal and emotional benefit of permanence;

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

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

9 (2.4) The court shall set a permanency goal that is in the
10 best interest of the child. In determining that goal, the
11 court shall consult with the minor in an age-appropriate
12 manner regarding the proposed permanency or transition plan
13 for the minor. The court's determination shall include the
14 following factors:

15 (A) ~~(1)~~ Age of the child.

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

18 (C) ~~(3)~~ Current placement of the child and the intent
19 of the family regarding subsidized guardianship and
20 adoption.

21 (D) ~~(4)~~ Emotional, physical, and mental status or
22 condition of the child.

23 (E) ~~(5)~~ Types of services previously offered and
24 whether or not the services were successful and, if not
25 successful, the reasons the services failed.

26 (F) ~~(6)~~ Availability of services currently needed and

1 whether the services exist.

2 (G) ~~(7)~~ Status of siblings of the minor.

3 (H) If the minor is not currently in a placement
4 likely to achieve permanency, whether there is an
5 identified and willing potential permanent caregiver for
6 the minor, and if so, that potential permanent caregiver's
7 intent regarding guardianship and adoption.

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

17 The court shall make findings as to whether, in violation
18 of Section 8.2 of the Abused and Neglected Child Reporting
19 Act, any portion of the service plan compels a child or parent
20 to engage in any activity or refrain from any activity that is
21 not reasonably related to remedying a condition or conditions
22 that gave rise or which could give rise to any finding of child
23 abuse or neglect. The services contained in the service plan
24 shall include services reasonably related to remedy the
25 conditions that gave rise to removal of the child from the home
26 of the child's parents, guardian, or legal custodian or that

1 the court has found must be remedied prior to returning the
2 child home. Any tasks the court requires of the parents,
3 guardian, or legal custodian or child prior to returning the
4 child home must be reasonably related to remedying a condition
5 or conditions that gave rise to or which could give rise to any
6 finding of child abuse or neglect.

7 If the permanency goal is to return home, the court shall
8 make findings that identify any problems that are causing
9 continued placement of the children away from the home and
10 identify what outcomes would be considered a resolution to
11 these problems. The court shall explain to the parents that
12 these findings are based on the information that the court has
13 at that time and may be revised, should additional evidence be
14 presented to the court.

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

24 Beginning July 1, 2025, the court shall review the Ongoing
25 Family Finding and Relative Engagement Plan required under
26 Section 2-27.3. If the court finds that the plan is not in the

1 minor's best interest, the court shall enter specific factual
2 findings and order the Department to modify the plan
3 consistent with the court's findings.

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

7 If, after receiving evidence, the court determines that
8 the services contained in the plan are not reasonably
9 calculated to facilitate achievement of the permanency goal,
10 the court shall put in writing the factual basis supporting
11 the determination and enter specific findings based on the
12 evidence. The court also shall enter an order for the
13 Department to develop and implement a new service plan or to
14 implement changes to the current service plan consistent with
15 the court's findings. The new service plan shall be filed with
16 the court and served on all parties within 45 days of the date
17 of the order. The court shall continue the matter until the new
18 service plan is filed. Except as authorized by subsection
19 (2.5) of this Section and as otherwise specifically authorized
20 by law, the court is not empowered under this Section to order
21 specific placements, specific services, or specific service
22 providers to be included in the service plan.

23 A guardian or custodian appointed by the court pursuant to
24 this Act shall file updated case plans with the court every 6
25 months.

26 Rights of wards of the court under this Act are

1 enforceable against any public agency by complaints for relief
2 by mandamus filed in any proceedings brought under this Act.

3 (2.5) If, after reviewing the evidence, including evidence
4 from the Department, the court determines that the minor's
5 current or planned placement is not necessary or appropriate
6 to facilitate achievement of the permanency goal, the court
7 shall put in writing the factual basis supporting its
8 determination and enter specific findings based on the
9 evidence. If the court finds that the minor's current or
10 planned placement is not necessary or appropriate, the court
11 may enter an order directing the Department to implement a
12 recommendation by the minor's treating clinician or a
13 clinician contracted by the Department to evaluate the minor
14 or a recommendation made by the Department. If the Department
15 places a minor in a placement under an order entered under this
16 subsection (2.5), the Department has the authority to remove
17 the minor from that placement when a change in circumstances
18 necessitates the removal to protect the minor's health,
19 safety, and best interest. If the Department determines
20 removal is necessary, the Department shall notify the parties
21 of the planned placement change in writing no later than 10
22 days prior to the implementation of its determination unless
23 remaining in the placement poses an imminent risk of harm to
24 the minor, in which case the Department shall notify the
25 parties of the placement change in writing immediately
26 following the implementation of its decision. The Department

1 shall notify others of the decision to change the minor's
2 placement as required by Department rule.

3 (3) Following the permanency hearing, the court shall
4 enter a written order that includes the determinations
5 required under subsections ~~subsection~~ (2) and (2.3) of this
6 Section and sets forth the following:

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

10 (b) If the permanency goal of the minor cannot be
11 achieved immediately, the specific reasons for continuing
12 the minor in the care of the Department of Children and
13 Family Services or other agency for short-term placement,
14 and the following determinations:

15 (i) (Blank).

16 (ii) Whether the services required by the court
17 and by any service plan prepared within the prior 6
18 months have been provided and (A) if so, whether the
19 services were reasonably calculated to facilitate the
20 achievement of the permanency goal or (B) if not
21 provided, why the services were not provided.

22 (iii) Whether the minor's current or planned
23 placement is necessary, and appropriate to the plan
24 and goal, recognizing the right of minors to the least
25 restrictive (most family-like) setting available and
26 in close proximity to the parents' home consistent

1 with the health, safety, best interest, and special
2 needs of the minor and, if the minor is placed
3 out-of-state, whether the out-of-state placement
4 continues to be appropriate and consistent with the
5 health, safety, and best interest of the minor.

6 (iv) (Blank).

7 (v) (Blank).

8 (4) The minor or any person interested in the minor may
9 apply to the court for a change in custody of the minor and the
10 appointment of a new custodian or guardian of the person or for
11 the restoration of the minor to the custody of the minor's
12 parents or former guardian or custodian.

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

14 (a) The Department, the minor, or the current foster
15 parent or relative caregiver seeking private guardianship
16 may file a motion for private guardianship of the minor.
17 Appointment of a guardian under this Section requires
18 approval of the court.

19 (b) The State's Attorney may file a motion to
20 terminate parental rights of any parent who has failed to
21 make reasonable efforts to correct the conditions which
22 led to the removal of the child or reasonable progress
23 toward the return of the child, as defined in subdivision
24 (D)(m) of Section 1 of the Adoption Act or for whom any
25 other unfitness ground for terminating parental rights as
26 defined in subdivision (D) of Section 1 of the Adoption

1 Act exists.

2 When parental rights have been terminated for a
3 minimum of 3 years and the child who is the subject of the
4 permanency hearing is 13 years old or older and is not
5 currently placed in a placement likely to achieve
6 permanency, the Department of Children and Family Services
7 shall make reasonable efforts to locate parents whose
8 rights have been terminated, except when the Court
9 determines that those efforts would be futile or
10 inconsistent with the subject child's best interests. The
11 Department of Children and Family Services shall assess
12 the appropriateness of the parent whose rights have been
13 terminated, and shall, as appropriate, foster and support
14 connections between the parent whose rights have been
15 terminated and the youth. The Department of Children and
16 Family Services shall document its determinations and
17 efforts to foster connections in the child's case plan.

18 Custody of the minor shall not be restored to any parent,
19 guardian, or legal custodian in any case in which the minor is
20 found to be neglected or abused under Section 2-3 or dependent
21 under Section 2-4 of this Act, unless the minor can be cared
22 for at home without endangering the minor's health or safety
23 and it is in the best interest of the minor, and if such
24 neglect, abuse, or dependency is found by the court under
25 paragraph (1) of Section 2-21 of this Act to have come about
26 due to the acts or omissions or both of such parent, guardian,

1 or legal custodian, until such time as an investigation is
2 made as provided in paragraph (5) and a hearing is held on the
3 issue of the health, safety, and best interest of the minor and
4 the fitness of such parent, guardian, or legal custodian to
5 care for the minor and the court enters an order that such
6 parent, guardian, or legal custodian is fit to care for the
7 minor. If a motion is filed to modify or vacate a private
8 guardianship order and return the child to a parent, guardian,
9 or legal custodian, the court may order the Department of
10 Children and Family Services to assess the minor's current and
11 proposed living arrangements and to provide ongoing monitoring
12 of the health, safety, and best interest of the minor during
13 the pendency of the motion to assist the court in making that
14 determination. In the event that the minor has attained 18
15 years of age and the guardian or custodian petitions the court
16 for an order terminating the minor's guardianship or custody,
17 guardianship or custody shall terminate automatically 30 days
18 after the receipt of the petition unless the court orders
19 otherwise. No legal custodian or guardian of the person may be
20 removed without the legal custodian's or guardian's consent
21 until given notice and an opportunity to be heard by the court.

22 When the court orders a child restored to the custody of
23 the parent or parents, the court shall order the parent or
24 parents to cooperate with the Department of Children and
25 Family Services and comply with the terms of an after-care
26 plan, or risk the loss of custody of the child and possible

1 termination of their parental rights. The court may also enter
2 an order of protective supervision in accordance with Section
3 2-24.

4 If the minor is being restored to the custody of a parent,
5 legal custodian, or guardian who lives outside of Illinois,
6 and an Interstate Compact has been requested and refused, the
7 court may order the Department of Children and Family Services
8 to arrange for an assessment of the minor's proposed living
9 arrangement and for ongoing monitoring of the health, safety,
10 and best interest of the minor and compliance with any order of
11 protective supervision entered in accordance with Section
12 2-24.

13 (5) Whenever a parent, guardian, or legal custodian files
14 a motion for restoration of custody of the minor, and the minor
15 was adjudicated neglected, abused, or dependent as a result of
16 physical abuse, the court shall cause to be made an
17 investigation as to whether the movant has ever been charged
18 with or convicted of any criminal offense which would indicate
19 the likelihood of any further physical abuse to the minor.
20 Evidence of such criminal convictions shall be taken into
21 account in determining whether the minor can be cared for at
22 home without endangering the minor's health or safety and
23 fitness of the parent, guardian, or legal custodian.

24 (a) Any agency of this State or any subdivision
25 thereof shall cooperate with the agent of the court in
26 providing any information sought in the investigation.

1 (b) The information derived from the investigation and
2 any conclusions or recommendations derived from the
3 information shall be provided to the parent, guardian, or
4 legal custodian seeking restoration of custody prior to
5 the hearing on fitness and the movant shall have an
6 opportunity at the hearing to refute the information or
7 contest its significance.

8 (c) All information obtained from any investigation
9 shall be confidential as provided in Section 5-150 of this
10 Act.

11 (Source: P.A. 102-193, eff. 7-30-21; 102-489, eff. 8-20-21;
12 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-154, eff.
13 6-30-23; 103-171, eff. 1-1-24; 103-605, eff. 7-1-24.)

14 (705 ILCS 405/2-28.1)

15 Sec. 2-28.1. Permanency hearings; before hearing officers.

16 (a) The chief judge of the circuit court may appoint
17 hearing officers to conduct the permanency hearings set forth
18 in subsections (2), (2.3), and (2.4) ~~subsection (2)~~ of Section
19 2-28, in accordance with the provisions of this Section. The
20 hearing officers shall be attorneys with at least 3 years
21 experience in child abuse and neglect or permanency planning
22 and in counties with a population of 3,000,000 or more, any
23 hearing officer appointed after September 1, 1997, must be an
24 attorney admitted to practice for at least 7 years. Once
25 trained by the court, hearing officers shall be authorized to

1 do the following:

2 (1) Conduct a fair and impartial hearing.

3 (2) Summon and compel the attendance of witnesses.

4 (3) Administer the oath or affirmation and take
5 testimony under oath or affirmation.

6 (4) Require the production of evidence relevant to the
7 permanency hearing to be conducted. That evidence may
8 include, but need not be limited to case plans, social
9 histories, medical and psychological evaluations, child
10 placement histories, visitation records, and other
11 documents and writings applicable to those items.

12 (5) Rule on the admissibility of evidence using the
13 standard applied at a dispositional hearing under Section
14 2-22 of this Act.

15 (6) When necessary, cause notices to be issued
16 requiring parties, the public agency that is custodian or
17 guardian of the minor, or another agency responsible for
18 the minor's care to appear either before the hearing
19 officer or in court.

20 (7) Analyze the evidence presented to the hearing
21 officer and prepare written recommended orders, including
22 findings of fact, based on the evidence.

23 (8) Prior to the hearing, conduct any pre-hearings
24 that may be necessary.

25 (9) Conduct in camera interviews with children when
26 requested by a child or the child's guardian ad litem.

1 In counties with a population of 3,000,000 or more, hearing
2 officers shall also be authorized to do the following:

3 (i) Accept specific consents for adoption or
4 surrenders of parental rights from a parent or parents.

5 (ii) Conduct hearings on the progress made toward the
6 permanency goal set for the minor.

7 (iii) Perform other duties as assigned by the court.

8 (b) The hearing officer shall consider evidence and
9 conduct the permanency hearings as set forth in subsections
10 (2), (2.3), (2.4), and (3) ~~(2) and (3)~~ of Section 2-28 in
11 accordance with the standards set forth therein. The hearing
12 officer shall assure that a verbatim record of the proceedings
13 is made and retained for a period of 12 months or until the
14 next permanency hearing, whichever date is later, and shall
15 direct to the clerk of the court all documents and evidence to
16 be made part of the court file. The hearing officer shall
17 inform the participants of their individual rights and
18 responsibilities. The hearing officer shall identify the
19 issues to be reviewed under subsections (2), (2.3), and (2.4)
20 ~~subsection (2)~~ of Section 2-28, consider all relevant facts,
21 and receive or request any additional information necessary to
22 make recommendations to the court.

23 If a party fails to appear at the hearing, the hearing
24 officer may proceed to the permanency hearing with the parties
25 present at the hearing. The hearing officer shall specifically
26 note for the court the absence of any parties. If all parties

1 are present at the permanency hearing, and the parties and the
2 Department are in agreement that the service plan and
3 permanency goal are appropriate or are in agreement that the
4 permanency goal for the child has been achieved, the hearing
5 officer shall prepare a recommended order, including findings
6 of fact, to be submitted to the court, and all parties and the
7 Department shall sign the recommended order at the time of the
8 hearing. The recommended order will then be submitted to the
9 court for its immediate consideration and the entry of an
10 appropriate order.

11 The court may enter an order consistent with the
12 recommended order without further hearing or notice to the
13 parties, may refer the matter to the hearing officer for
14 further proceedings, or may hold such additional hearings as
15 the court deems necessary. All parties present at the hearing
16 and the Department shall be tendered a copy of the court's
17 order at the conclusion of the hearing.

18 (c) If one or more parties are not present at the
19 permanency hearing, or any party or the Department of Children
20 and Family Services objects to the hearing officer's
21 recommended order, including any findings of fact, the hearing
22 officer shall set the matter for a judicial determination
23 within 30 days of the permanency hearing for the entry of the
24 recommended order or for receipt of the parties' objections.
25 Any objections shall be in writing and identify the specific
26 findings or recommendations that are contested, the basis for

1 the objections, and the evidence or applicable law supporting
2 the objection. The recommended order and its contents may not
3 be disclosed to anyone other than the parties and the
4 Department or other agency unless otherwise specifically
5 ordered by a judge of the court.

6 Following the receipt of objections consistent with this
7 subsection from any party or the Department of Children and
8 Family Services to the hearing officer's recommended orders,
9 the court shall make a judicial determination of those
10 portions of the order to which objections were made, and shall
11 enter an appropriate order. The court may refuse to review any
12 objections that fail to meet the requirements of this
13 subsection.

14 (d) The following are judicial functions and shall be
15 performed only by a circuit judge or associate judge:

16 (1) Review of the recommended orders of the hearing
17 officer and entry of orders the court deems appropriate.

18 (2) Conduct of judicial hearings on all pre-hearing
19 motions and other matters that require a court order and
20 entry of orders as the court deems appropriate.

21 (3) Conduct of judicial determinations on all matters
22 in which the parties or the Department of Children and
23 Family Services disagree with the hearing officer's
24 recommended orders under subsection (3).

25 (4) Issuance of rules to show cause, conduct of
26 contempt proceedings, and imposition of appropriate

1 sanctions or relief.

2 (Source: P.A. 89-17, eff. 5-31-95; 90-27, eff. 1-1-98; 90-28,
3 eff. 1-1-98; 90-87, eff. 9-1-97; 90-608, eff. 6-30-98; 90-655,
4 eff. 7-30-98.)

5 (705 ILCS 405/5-745)

6 Sec. 5-745. Court review.

7 (1) The court may require any legal custodian or guardian
8 of the person appointed under this Act, including the
9 Department of Juvenile Justice for youth committed under
10 Section 5-750 of this Act, to report periodically to the court
11 or may cite the legal custodian or guardian into court and
12 require the legal custodian or guardian, or the legal
13 custodian's or guardian's agency, to make a full and accurate
14 report of the doings of the legal custodian, guardian, or
15 agency on behalf of the minor, including efforts to secure
16 post-release placement of the youth after release from the
17 Department's facilities. The legal custodian or guardian,
18 within 10 days after the citation, shall make the report,
19 either in writing verified by affidavit or orally under oath
20 in open court, or otherwise as the court directs. Upon the
21 hearing of the report the court may remove the legal custodian
22 or guardian and appoint another in the legal custodian's or
23 guardian's stead or restore the minor to the custody of the
24 minor's parents or former guardian or legal custodian.

25 (2) If the Department of Children and Family Services is

1 appointed legal custodian or guardian of a minor under Section
2 5-740 of this Act, the Department of Children and Family
3 Services shall file updated case plans with the court every 6
4 months. Every agency which has guardianship of a child shall
5 file a supplemental petition for court review, or review by an
6 administrative body appointed or approved by the court and
7 further order within 18 months of the sentencing order and
8 each 18 months thereafter. The petition shall state facts
9 relative to the child's present condition of physical, mental
10 and emotional health as well as facts relative to the minor's
11 present custodial or foster care. The petition shall be set
12 for hearing and the clerk shall mail 10 days notice of the
13 hearing by certified mail, return receipt requested, to the
14 person or agency having the physical custody of the child, the
15 minor and other interested parties unless a written waiver of
16 notice is filed with the petition.

17 If the minor is in the custody of the Illinois Department
18 of Children and Family Services, pursuant to an order entered
19 under this Article, the court shall conduct permanency
20 hearings as set out in subsections (1), (2), (2.3), (2.4), and
21 (3) of Section 2-28 of Article II of this Act.

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

25 (3) The minor or any person interested in the minor may
26 apply to the court for a change in custody of the minor and the

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

12 (4) If the minor is committed to the Department of
13 Juvenile Justice under Section 5-750 of this Act, the
14 Department shall notify the court in writing of the occurrence
15 of any of the following:

16 (a) a critical incident involving a youth committed to
17 the Department; as used in this paragraph (a), "critical
18 incident" means any incident that involves a serious risk
19 to the life, health, or well-being of the youth and
20 includes, but is not limited to, an accident or suicide
21 attempt resulting in serious bodily harm or
22 hospitalization, psychiatric hospitalization, alleged or
23 suspected abuse, or escape or attempted escape from
24 custody, filed within 10 days of the occurrence;

25 (b) a youth who has been released by the Prisoner
26 Review Board but remains in a Department facility solely

1 because the youth does not have an approved aftercare
2 release host site, filed within 10 days of the occurrence;

3 (c) a youth, except a youth who has been adjudicated a
4 habitual or violent juvenile offender under Section 5-815
5 or 5-820 of this Act or committed for first degree murder,
6 who has been held in a Department facility for over one
7 consecutive year; or

8 (d) if a report has been filed under paragraph (c) of
9 this subsection, a supplemental report shall be filed
10 every 6 months thereafter.

11 The notification required by this subsection (4) shall contain
12 a brief description of the incident or situation and a summary
13 of the youth's current physical, mental, and emotional health
14 and the actions the Department took in response to the
15 incident or to identify an aftercare release host site, as
16 applicable. Upon receipt of the notification, the court may
17 require the Department to make a full report under subsection
18 (1) of this Section.

19 (5) With respect to any report required to be filed with
20 the court under this Section, the Independent Juvenile
21 Ombudsperson shall provide a copy to the minor's court
22 appointed guardian ad litem, if the Department has received
23 written notice of the appointment, and to the minor's
24 attorney, if the Department has received written notice of
25 representation from the attorney. If the Department has a
26 record that a guardian has been appointed for the minor and a

1 record of the last known address of the minor's court
2 appointed guardian, the Independent Juvenile Ombudsperson
3 shall send a notice to the guardian that the report is
4 available and will be provided by the Independent Juvenile
5 Ombudsperson upon request. If the Department has no record
6 regarding the appointment of a guardian for the minor, and the
7 Department's records include the last known addresses of the
8 minor's parents, the Independent Juvenile Ombudsperson shall
9 send a notice to the parents that the report is available and
10 will be provided by the Independent Juvenile Ombudsperson upon
11 request.

12 (Source: P.A. 103-22, eff. 8-8-23.)

13 Section 20. The Adoption Act is amended by changing
14 Sections 4.1 and 15.1 as follows:

15 (750 ILCS 50/4.1) (from Ch. 40, par. 1506)

16 Sec. 4.1. Adoption between multiple jurisdictions. It is
17 the public policy of this State to promote child welfare in
18 adoption between multiple jurisdictions by implementing
19 standards that foster permanency for children in an
20 expeditious manner while considering the best interests of the
21 child as paramount. Ensuring that standards for
22 interjurisdictional adoption are clear and applied
23 consistently, efficiently, and reasonably will promote the
24 best interests of the child in finding a permanent home.

1 (a) The Department of Children and Family Services shall
2 promulgate rules regarding the approval and regulation of
3 agencies providing, in this State, adoption services, as
4 defined in Section 2.24 of the Child Care Act of 1969, which
5 shall include, but not be limited to, a requirement that any
6 agency shall be licensed in this State as a child welfare
7 agency as defined in Section 2.08 of the Child Care Act of
8 1969. Any out-of-state agency, if not licensed in this State
9 as a child welfare agency, must obtain the approval of the
10 Department in order to act as a sending agency, as defined in
11 Section 1 of the Interstate Compact on Placement of Children
12 Act, seeking to place a child into this State through a
13 placement subject to the Interstate Compact on the Placement
14 of Children. An out-of-state agency, if not licensed in this
15 State as a child welfare agency, is prohibited from providing
16 in this State adoption services, as defined by Section 2.24 of
17 the Child Care Act of 1969; shall comply with Section 12C-70 of
18 the Criminal Code of 2012; and shall provide all of the
19 following to the Department:

20 (1) A copy of the agency's current license or other
21 form of authorization from the approving authority in the
22 agency's state. If no license or authorization is issued,
23 the agency must provide a reference statement, from the
24 approving authority, stating that the agency is authorized
25 to place children in foster care or adoption or both in its
26 jurisdiction.

1 (2) A description of the program, including home
2 studies, placements, and supervisions, that the child
3 welfare agency conducts within its geographical area, and,
4 if applicable, adoptive placements and the finalization of
5 adoptions. The child welfare agency must accept continued
6 responsibility for placement planning and replacement if
7 the placement fails.

8 (3) Notification to the Department of any significant
9 child welfare agency changes after approval.

10 (4) Any other information the Department may require.

11 The rules shall also provide that any agency that places
12 children for adoption in this State may not, in any policy or
13 practice relating to the placement of children for adoption,
14 discriminate against any child or prospective adoptive parent
15 on the basis of race.

16 (a-5) (Blank).

17 (b) Interstate adoptions.

18 (1) All interstate adoption placements under this Act
19 shall comply with the Child Care Act of 1969 and the
20 Interstate Compact on the Placement of Children. The
21 placement of children with relatives by the Department of
22 Children and Family Services shall also comply with
23 subsections (b) and (b-5) ~~subsection (b)~~ of Section 7 of
24 the Children and Family Services Act. The Department may
25 promulgate rules to implement interstate adoption
26 placements, including those requirements set forth in this

1 Section.

2 (2) If an adoption is finalized prior to bringing or
3 sending a child to this State, compliance with the
4 Interstate Compact on the Placement of Children is not
5 required.

6 (3) Approval requirements. The Department shall
7 promulgate procedures for interstate adoption placements
8 of children under this Act. No later than September 24,
9 2017 (30 days after the effective date of Public Act
10 100-344), the Department shall distribute a written list
11 of all preadoption approval requirements to all Illinois
12 licensed child welfare agencies performing adoption
13 services, and all out-of-state agencies approved under
14 this Section, and shall post the requirements on the
15 Department's website. The Department may not require any
16 further preadoption requirements other than those set
17 forth in the procedures required under this paragraph. The
18 procedures shall reflect the standard of review as stated
19 in the Interstate Compact on the Placement of Children and
20 approval shall be given by the Department if the placement
21 appears not to be contrary to the best interests of the
22 child.

23 (4) Time for review and decision. In all cases where
24 the child to be placed is not a youth in care in Illinois
25 or any other state, a provisional or final approval for
26 placement shall be provided in writing from the Department

1 in accordance with the Interstate Compact on the Placement
2 of Children. Approval or denial of the placement must be
3 given by the Department as soon as practicable, but in no
4 event more than 3 business days of the receipt of the
5 completed referral packet by the Department's Interstate
6 Compact Administrator. Receipt of the packet shall be
7 evidenced by the packet's arrival at the address
8 designated by the Department to receive such referrals.
9 The written decision to approve or deny the placement
10 shall be communicated in an expeditious manner, including,
11 but not limited to, electronic means referenced in
12 paragraph (b)(7) of this Section, and shall be provided to
13 all Illinois licensed child welfare agencies involved in
14 the placement, all out-of-state child placing agencies
15 involved in the placement, and all attorneys representing
16 the prospective adoptive parent or biological parent. If,
17 during its initial review of the packet, the Department
18 believes there are any incomplete or missing documents, or
19 missing information, as required in paragraph (b)(3), the
20 Department shall, as soon as practicable, but in no event
21 more than 2 business days of receipt of the packet,
22 communicate a list of any incomplete or missing documents
23 and information to all Illinois licensed child welfare
24 agencies involved in the placement, all out-of-state child
25 placing agencies involved in the placement, and all
26 attorneys representing the adoptive parent or biological

1 parent. This list shall be communicated in an expeditious
2 manner, including, but not limited to, electronic means
3 referenced in paragraph (b)(7) of this Section.

4 (5) Denial of approval. In all cases where the child
5 to be placed is not a youth in the care of any state, if
6 the Department denies approval of an interstate placement,
7 the written decision referenced in paragraph (b)(4) of
8 this Section shall set forth the reason or reasons why the
9 placement was not approved and shall reference which
10 requirements under paragraph (b)(3) of this Section were
11 not met. The written decision shall be communicated in an
12 expeditious manner, including, but not limited to,
13 electronic means referenced in paragraph (b)(7) of this
14 Section, to all Illinois licensed child welfare agencies
15 involved in the placement, all out-of-state child placing
16 agencies involved in the placement, and all attorneys
17 representing the prospective adoptive parent or biological
18 parent.

19 (6) Provisional approval. Nothing in paragraphs (b)(3)
20 through (b)(5) of this Section shall preclude the
21 Department from issuing provisional approval of the
22 placement pending receipt of any missing or incomplete
23 documents or information.

24 (7) Electronic communication. All communications
25 concerning an interstate placement made between the
26 Department and an Illinois licensed child welfare agency,

1 an out-of-state child placing agency, and attorneys
2 representing the prospective adoptive parent or biological
3 parent, including the written communications referenced in
4 this Section, may be made through any type of electronic
5 means, including, but not limited to, electronic mail.

6 (c) Intercountry adoptions. The adoption of a child, if
7 the child is a habitual resident of a country other than the
8 United States and the petitioner is a habitual resident of the
9 United States, or, if the child is a habitual resident of the
10 United States and the petitioner is a habitual resident of a
11 country other than the United States, shall comply with the
12 Intercountry Adoption Act of 2000, as amended, and the
13 Immigration and Nationality Act, as amended. In the case of an
14 intercountry adoption that requires oversight by the adoption
15 services governed by the Intercountry Adoption Universal
16 Accreditation Act of 2012, this State shall not impose any
17 additional preadoption requirements.

18 (d) (Blank).

19 (e) Re-adoption after an intercountry adoption.

20 (1) Any time after a minor child has been adopted in a
21 foreign country and has immigrated to the United States,
22 the adoptive parent or parents of the child may petition
23 the court for a judgment of adoption to re-adopt the child
24 and confirm the foreign adoption decree.

25 (2) The petitioner must submit to the court one or
26 more of the following to verify the foreign adoption:

1 (i) an immigrant visa for the child issued by
2 United States Citizenship and Immigration Services of
3 the U.S. Department of Homeland Security that was
4 valid at the time of the child's immigration;

5 (ii) a decree, judgment, certificate of adoption,
6 adoption registration, or equivalent court order,
7 entered or issued by a court of competent jurisdiction
8 or administrative body outside the United States,
9 establishing the relationship of parent and child by
10 adoption; or

11 (iii) such other evidence deemed satisfactory by
12 the court.

13 (3) The child's immigrant visa shall be prima facie
14 proof that the adoption was established in accordance with
15 the laws of the foreign jurisdiction and met United States
16 requirements for immigration.

17 (4) If the petitioner submits documentation that
18 satisfies the requirements of paragraph (2), the court
19 shall not appoint a guardian ad litem for the minor who is
20 the subject of the proceeding, shall not require any
21 further termination of parental rights of the child's
22 biological parents, nor shall it require any home study,
23 investigation, post-placement visit, or background check
24 of the petitioner.

25 (5) The petition may include a request for change of
26 the child's name and any other request for specific relief

1 that is in the best interests of the child. The relief may
2 include a request for a revised birth date for the child if
3 supported by evidence from a medical or dental
4 professional attesting to the appropriate age of the child
5 or other collateral evidence.

6 (6) Two adoptive parents who adopted a minor child
7 together in a foreign country while married to one another
8 may file a petition for adoption to re-adopt the child
9 jointly, regardless of whether their marriage has been
10 dissolved. If either parent whose marriage was dissolved
11 has subsequently remarried or entered into a civil union
12 with another person, the new spouse or civil union partner
13 shall not join in the petition to re-adopt the child,
14 unless the new spouse or civil union partner is seeking to
15 adopt the child. If either adoptive parent does not join
16 in the petition, he or she must be joined as a party
17 defendant. The defendant parent's failure to participate
18 in the re-adoption proceeding shall not affect the
19 existing parental rights or obligations of the parent as
20 they relate to the minor child, and the parent's name
21 shall be placed on any subsequent birth record issued for
22 the child as a result of the re-adoption proceeding.

23 (7) An adoptive parent who adopted a minor child in a
24 foreign country as an unmarried person may file a petition
25 for adoption to re-adopt the child as a sole petitioner,
26 even if the adoptive parent has subsequently married or

1 entered into a civil union.

2 (8) If one of the adoptive parents who adopted a minor
3 child dies prior to a re-adoption proceeding, the deceased
4 parent's name shall be placed on any subsequent birth
5 record issued for the child as a result of the re-adoption
6 proceeding.

7 (Source: P.A. 103-501, eff. 1-1-24.)

8 (750 ILCS 50/15.1) (from Ch. 40, par. 1519.1)

9 Sec. 15.1. (a) Any person over the age of 18, who has cared
10 for a child for a continuous period of one year or more as a
11 foster parent licensed under the Child Care Act of 1969 to
12 operate a foster family home, as a certified relative
13 caregiver as defined in Section 2.37 of the Child Care Act of
14 1969, or as a relative caregiver as defined in Section 4d of
15 the Children and Family Services Act, may apply to the child's
16 guardian with the power to consent to adoption, for such
17 guardian's consent.

18 (b) Such guardian shall give preference and first
19 consideration to that application over all other applications
20 for adoption of the child but the guardian's final decision
21 shall be based on the welfare and best interest of the child.
22 In arriving at this decision, the guardian shall consider all
23 relevant factors including but not limited to:

24 (1) the wishes of the child;

25 (2) the interaction and interrelationship of the child

1 with the applicant to adopt the child;

2 (3) the child's need for stability and continuity of
3 relationship with parent figures;

4 (4) the wishes of the child's parent as expressed in
5 writing prior to that parent's execution of a consent or
6 surrender for adoption;

7 (5) the child's adjustment to the child's ~~his~~ present
8 home, school and community;

9 (6) the mental and physical health of all individuals
10 involved;

11 (7) the family ties between the child and the
12 applicant to adopt the child and the value of preserving
13 family ties between the child and the child's relatives,
14 including siblings;

15 (8) the background, age and living arrangements of the
16 applicant to adopt the child;

17 (9) the criminal background check report presented to
18 the court as part of the investigation required under
19 Section 6 of this Act.

20 (c) The final determination of the propriety of the
21 adoption shall be within the sole discretion of the court,
22 which shall base its decision on the welfare and best interest
23 of the child. In arriving at this decision, the court shall
24 consider all relevant factors including but not limited to the
25 factors in subsection (b).

26 (d) If the court specifically finds that the guardian has

1 abused the guardian's ~~his~~ discretion by withholding consent to
2 an adoption in violation of the child's welfare and best
3 interests, then the court may grant an adoption, after all of
4 the other provisions of this Act have been complied with, with
5 or without the consent of the guardian with power to consent to
6 adoption. If the court specifically finds that the guardian
7 has abused the guardian's ~~his~~ discretion by granting consent
8 to an adoption in violation of the child's welfare and best
9 interests, then the court may deny an adoption even though the
10 guardian with power to consent to adoption has consented to
11 it.

12 (Source: P.A. 90-608, eff. 6-30-98.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.

20 Section 99. Effective date. This Act takes effect July 1,
21 2025, except that this Section and the amendatory changes made
22 by this Act to Sections 1-3, 1-5, 2-13, 2-21, 2-22, 2-28,
23 2-28.1, and 5-745 of the Juvenile Court Act of 1987 take effect
24 upon becoming law.