



Rep. Robert W. Churchill

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09400HB4391ham001

LRB094 13392 RLC 56596 a

1 AMENDMENT TO HOUSE BILL 4391

2 AMENDMENT NO. _____. Amend House Bill 4391 on page 1, by
3 inserting immediately below line 3, the following:

4 "Section 2. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-740 as follows:

6 (705 ILCS 405/5-740)

7 Sec. 5-740. Placement; legal custody or guardianship.

8 (1) Except as otherwise provided in subsection (1.5), if ~~if~~
9 the court finds that the parents, guardian, or legal custodian
10 of a minor adjudged a ward of the court are unfit or are
11 unable, for some reason other than financial circumstances
12 alone, to care for, protect, train or discipline the minor or
13 are unwilling to do so, and that appropriate services aimed at
14 family preservation and family reunification have been
15 unsuccessful in rectifying the conditions which have led to a
16 finding of unfitness or inability to care for, protect, train
17 or discipline the minor, and that it is in the best interest of
18 the minor to take him or her from the custody of his or her
19 parents, guardian or custodian, the court may:

20 (a) place him or her in the custody of a suitable
21 relative or other person;

22 (b) place him or her under the guardianship of a
23 probation officer;

24 (c) commit him or her to an agency for care or

1 placement, except an institution under the authority of the
2 Department of Corrections or of the Department of Children
3 and Family Services;

4 (d) commit him or her to some licensed training school
5 or industrial school; or

6 (e) commit him or her to any appropriate institution
7 having among its purposes the care of delinquent children,
8 including a child protective facility maintained by a child
9 protection district serving the county from which
10 commitment is made, but not including any institution under
11 the authority of the Department of Corrections or of the
12 Department of Children and Family Services.

13 (1.5) If a minor under 13 years of age commits an act that
14 if committed by an adult would be a violation of paragraph (13)
15 of subsection (a) of Section 26-1 of the Criminal Code of 1961,
16 the court may not place the minor in a juvenile detention
17 center or facility.

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

28 (3) When a minor is placed with a suitable relative or
29 other person, the court shall appoint him or her the legal
30 custodian or guardian of the person of the minor. When a minor
31 is committed to any agency, the court shall appoint the proper
32 officer or representative of the proper officer as legal
33 custodian or guardian of the person of the minor. Legal
34 custodians and guardians of the person of the minor have the

1 respective rights and duties set forth in subsection (9) of
2 Section 5-105 except as otherwise provided by order of court;
3 but no guardian of the person may consent to adoption of the
4 minor. An agency whose representative is appointed guardian of
5 the person or legal custodian of the minor may place him or her
6 in any child care facility, but the facility must be licensed
7 under the Child Care Act of 1969 or have been approved by the
8 Department of Children and Family Services as meeting the
9 standards established for such licensing. Like authority and
10 restrictions shall be conferred by the court upon any probation
11 officer who has been appointed guardian of the person of a
12 minor.

13 (4) No placement by any probation officer or agency whose
14 representative is appointed guardian of the person or legal
15 custodian of a minor may be made in any out of State child care
16 facility unless it complies with the Interstate Compact on the
17 Placement of Children.

18 (5) The clerk of the court shall issue to the guardian or
19 legal custodian of the person a certified copy of the order of
20 court, as proof of his or her authority. No other process is
21 necessary as authority for the keeping of the minor.

22 (6) Legal custody or guardianship granted under this
23 Section continues until the court otherwise directs, but not
24 after the minor reaches the age of 21 years except as set forth
25 in Section 5-750.

26 (Source: P.A. 90-590, eff. 1-1-99.)"