

HB0761



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0761

Introduced 2/6/2009, by Rep. Constance A. Howard

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-745

Amends the Juvenile Court Act of 1987. Provides that if the minor is in the custody of the Illinois Department of Children and Family Services, pursuant to an order entered under the Delinquent Minors Article, the court shall conduct permanency hearings as set out in the Abused, Neglected, or Dependent Minors Article of the Act.

LRB096 08587 RLC 18710 b

A BILL FOR

1 AN ACT concerning courts.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-745 as follows:

6 (705 ILCS 405/5-745)

7 Sec. 5-745. Court review.

8 (1) The court may require any legal custodian or guardian
9 of the person appointed under this Act to report periodically
10 to the court or may cite him or her into court and require him
11 or her, or his or her agency, to make a full and accurate
12 report of his or her or its doings in behalf of the minor. The
13 legal custodian or guardian, within 10 days after the citation,
14 shall make the report, either in writing verified by affidavit
15 or orally under oath in open court, or otherwise as the court
16 directs. Upon the hearing of the report the court may remove
17 the legal custodian or guardian and appoint another in his or
18 her stead or restore the minor to the custody of his or her
19 parents or former guardian or legal custodian.

20 (2) A guardian or legal custodian appointed by the court
21 under this Act shall file updated case plans with the court
22 every 6 months. Every agency which has guardianship of a child
23 shall file a supplemental petition for court review, or review

1 by an administrative body appointed or approved by the court
2 and further order within 18 months of the sentencing order and
3 each 18 months thereafter. The petition shall state facts
4 relative to the child's present condition of physical, mental
5 and emotional health as well as facts relative to his or her
6 present custodial or foster care. The petition shall be set for
7 hearing and the clerk shall mail 10 days notice of the hearing
8 by certified mail, return receipt requested, to the person or
9 agency having the physical custody of the child, the minor and
10 other interested parties unless a written waiver of notice is
11 filed with the petition.

12 If the minor is in the custody of the Illinois Department
13 of Children and Family Services, pursuant to an order entered
14 under this Article, the court shall conduct permanency hearings
15 as set out in subsections (1), (2), and (3) of Section 2-28 of
16 Article II of this Act.

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

20 (3) The minor or any person interested in the minor may
21 apply to the court for a change in custody of the minor and the
22 appointment of a new custodian or guardian of the person or for
23 the restoration of the minor to the custody of his or her
24 parents or former guardian or custodian. In the event that the
25 minor has attained 18 years of age and the guardian or
26 custodian petitions the court for an order terminating his or

1 her guardianship or custody, guardianship or legal custody
2 shall terminate automatically 30 days after the receipt of the
3 petition unless the court orders otherwise. No legal custodian
4 or guardian of the person may be removed without his or her
5 consent until given notice and an opportunity to be heard by
6 the court.

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