

1 AN ACT concerning siblings.

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

4 Section 5. The Children and Family Services Act is amended  
5 by changing Sections 7 and 7.4 as follows:

6 (20 ILCS 505/7) (from Ch. 23, par. 5007)

7 Sec. 7. Placement of children; considerations.

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

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

23 (b) In placing a child under this Act, the Department may

1 place a child with a relative if the Department determines that  
2 the relative will be able to adequately provide for the child's  
3 safety and welfare based on the factors set forth in the  
4 Department's rules governing relative placements, and that the  
5 placement is consistent with the child's best interests, taking  
6 into consideration the factors set out in subsection (4.05) of  
7 Section 1-3 of the Juvenile Court Act of 1987.

8 When the Department first assumes custody of a child, in  
9 placing that child under this Act, the Department shall make  
10 reasonable efforts to identify and locate a relative who is  
11 ready, willing, and able to care for the child. At a minimum,  
12 these efforts shall be renewed each time the child requires a  
13 placement change and it is appropriate for the child to be  
14 cared for in a home environment. The Department must document  
15 its efforts to identify and locate such a relative placement  
16 and maintain the documentation in the child's case file.

17 If the Department determines that a placement with any  
18 identified relative is not in the child's best interests or  
19 that the relative does not meet the requirements to be a  
20 relative caregiver, as set forth in Department rules or by  
21 statute, the Department must document the basis for that  
22 decision and maintain the documentation in the child's case  
23 file.

24 If, pursuant to the Department's rules, any person files an  
25 administrative appeal of the Department's decision not to place  
26 a child with a relative, it is the Department's burden to prove

1 that the decision is consistent with the child's best  
2 interests.

3 When the Department determines that the child requires  
4 placement in an environment, other than a home environment, the  
5 Department shall continue to make reasonable efforts to  
6 identify and locate relatives to serve as visitation resources  
7 for the child and potential future placement resources, except  
8 when the Department determines that those efforts would be  
9 futile or inconsistent with the child's best interests.

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

15 If the Department determines that an individual or a group  
16 of relatives are inappropriate to serve as visitation resources  
17 or possible placement resources, the Department shall document  
18 the basis of its determination and maintain the documentation  
19 in the child's case file.

20 When the Department determines that an individual or a  
21 group of relatives are appropriate to serve as visitation  
22 resources or possible future placement resources, the  
23 Department shall document the basis of its determination,  
24 maintain the documentation in the child's case file, create a  
25 visitation or transition plan, or both, and incorporate the  
26 visitation or transition plan, or both, into the child's case

1 plan. For the purpose of this subsection, any determination as  
2 to the child's best interests shall include consideration of  
3 the factors set out in subsection (4.05) of Section 1-3 of the  
4 Juvenile Court Act of 1987.

5 The Department may not place a child with a relative, with  
6 the exception of certain circumstances which may be waived as  
7 defined by the Department in rules, if the results of a check  
8 of the Law Enforcement Agencies Data System (LEADS) identifies  
9 a prior criminal conviction of the relative or any adult member  
10 of the relative's household for any of the following offenses  
11 under the Criminal Code of 1961:

12 (1) murder;

13 (1.1) solicitation of murder;

14 (1.2) solicitation of murder for hire;

15 (1.3) intentional homicide of an unborn child;

16 (1.4) voluntary manslaughter of an unborn child;

17 (1.5) involuntary manslaughter;

18 (1.6) reckless homicide;

19 (1.7) concealment of a homicidal death;

20 (1.8) involuntary manslaughter of an unborn child;

21 (1.9) reckless homicide of an unborn child;

22 (1.10) drug-induced homicide;

23 (2) a sex offense under Article 11, except offenses  
24 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,  
25 11-40, and 11-45;

26 (3) kidnapping;

- 1 (3.1) aggravated unlawful restraint;
- 2 (3.2) forcible detention;
- 3 (3.3) aiding and abetting child abduction;
- 4 (4) aggravated kidnapping;
- 5 (5) child abduction;
- 6 (6) aggravated battery of a child as described in
- 7 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 8 (7) criminal sexual assault;
- 9 (8) aggravated criminal sexual assault;
- 10 (8.1) predatory criminal sexual assault of a child;
- 11 (9) criminal sexual abuse;
- 12 (10) aggravated sexual abuse;
- 13 (11) heinous battery as described in Section 12-4.1 or
- 14 subdivision (a) (2) of Section 12-3.05;
- 15 (12) aggravated battery with a firearm as described in
- 16 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 17 (e) (4) of Section 12-3.05;
- 18 (13) tampering with food, drugs, or cosmetics;
- 19 (14) drug-induced infliction of great bodily harm as
- 20 described in Section 12-4.7 or subdivision (g) (1) of
- 21 Section 12-3.05;
- 22 (15) aggravated stalking;
- 23 (16) home invasion;
- 24 (17) vehicular invasion;
- 25 (18) criminal transmission of HIV;
- 26 (19) criminal abuse or neglect of an elderly or

1 disabled person as described in Section 12-21 or subsection  
2 (b) of Section 12-4.4a;  
3 (20) child abandonment;  
4 (21) endangering the life or health of a child;  
5 (22) ritual mutilation;  
6 (23) ritualized abuse of a child;  
7 (24) an offense in any other state the elements of  
8 which are similar and bear a substantial relationship to  
9 any of the foregoing offenses.

10 For the purpose of this subsection, "relative" shall include  
11 any person, 21 years of age or over, other than the parent, who  
12 (i) is currently related to the child in any of the following  
13 ways by blood or adoption: grandparent, sibling,  
14 great-grandparent, uncle, aunt, nephew, niece, first cousin,  
15 second cousin, godparent, great-uncle, or great-aunt; or (ii)  
16 is the spouse of such a relative; or (iii) is the child's  
17 step-father, step-mother, or adult step-brother or  
18 step-sister; "relative" also includes a person related in any  
19 of the foregoing ways to a sibling of a child, even though the  
20 person is not related to the child, when the child and its  
21 sibling are placed together with that person. For children who  
22 have been in the guardianship of the Department, have been  
23 adopted, and are subsequently returned to the temporary custody  
24 or guardianship of the Department, a "relative" may also  
25 include any person who would have qualified as a relative under  
26 this paragraph prior to the adoption, but only if the

1 Department determines, and documents, that it would be in the  
2 child's best interests to consider this person a relative,  
3 based upon the factors for determining best interests set forth  
4 in subsection (4.05) of Section 1-3 of the Juvenile Court Act  
5 of 1987. A relative with whom a child is placed pursuant to  
6 this subsection may, but is not required to, apply for  
7 licensure as a foster family home pursuant to the Child Care  
8 Act of 1969; provided, however, that as of July 1, 1995, foster  
9 care payments shall be made only to licensed foster family  
10 homes pursuant to the terms of Section 5 of this Act.

11 (c) In placing a child under this Act, the Department shall  
12 ensure that the child's health, safety, and best interests are  
13 met. In rejecting placement of a child with an identified  
14 relative, the Department shall ensure that the child's health,  
15 safety, and best interests are met. In evaluating the best  
16 interests of the child, the Department shall take into  
17 consideration the factors set forth in subsection (4.05) of  
18 Section 1-3 of the Juvenile Court Act of 1987.

19 The Department shall consider the individual needs of the  
20 child and the capacity of the prospective foster or adoptive  
21 parents to meet the needs of the child. When a child must be  
22 placed outside his or her home and cannot be immediately  
23 returned to his or her parents or guardian, a comprehensive,  
24 individualized assessment shall be performed of that child at  
25 which time the needs of the child shall be determined. Only if  
26 race, color, or national origin is identified as a legitimate

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

12 (c-1) At the time of placement, the Department shall  
13 consider concurrent planning, as described in subsection (1-1)  
14 of Section 5, so that permanency may occur at the earliest  
15 opportunity. Consideration should be given so that if  
16 reunification fails or is delayed, the placement made is the  
17 best available placement to provide permanency for the child.

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

21 (e) The Department in placing children in adoptive or  
22 foster care homes may not, in any policy or practice relating  
23 to the placement of children for adoption or foster care,  
24 discriminate against any child or prospective adoptive or  
25 foster parent on the basis of race.

26 (Source: P.A. 96-1551, Article 1, Section 900, eff. 7-1-11;

1 96-1551, Article 2, Section 920, eff. 7-1-11; revised 9-30-11.)

2 (20 ILCS 505/7.4)

3 Sec. 7.4. Development and preservation of sibling  
4 relationships for children in care; placement of siblings;  
5 contact among siblings placed apart. ~~Placement of siblings.~~

6 (a) Purpose and policy. The General Assembly recognizes  
7 that sibling relationships are unique and essential for a  
8 person, but even more so for children who are removed from the  
9 care of their families and placed in the State child welfare  
10 system. When family separation occurs through State  
11 intervention, every effort must be made to preserve, support  
12 and nurture sibling relationships when doing so is in the best  
13 interest of each sibling. It is in the interests of foster  
14 children who are part of a sibling group to enjoy contact with  
15 one another, as long as the contact is in each child's best  
16 interest. This is true both while the siblings are in State  
17 care and after one or all of the siblings leave State care  
18 through adoption, guardianship, or aging out. ~~When a child is~~  
19 ~~in need of an adoptive placement, the Department shall examine~~  
20 ~~its files and other available resources and attempt to~~  
21 ~~determine whether any biological sibling of the child has been~~  
22 ~~adopted. If the Department determines that a biological sibling~~  
23 ~~of the child has been adopted, the Department shall make a good~~  
24 ~~faith effort to locate the adoptive parents of the sibling and~~  
25 ~~inform them of the availability of the child for adoption.~~

1           **(b) Definitions. For purposes of this Section:**

2           **(1) Whenever a best interest determination is required**  
3 **by this Section, the Department shall consider the factors**  
4 **set out in subsection 4.05 of Section 1-3 or the Juvenile**  
5 **Court Act of 1987 and the Department's rules regarding**  
6 **Sibling Placement, 89 111. Admin. Code 301.70 and Sibling**  
7 **Visitation, 89 111. Admin. Code 301.220, and the**  
8 **Department's rules regarding Placement Selection Criteria.**  
9 **89 111. Admin. Code 301.60.**

10           **(2) "Adopted child" means a child who, immediately**  
11 **preceding the adoption, was in the custody or guardianship**  
12 **of the Illinois Department of Children and Family Services**  
13 **under Article II of the Juvenile Court Act of 1987.**

14           **(3) "Adoptive parent" means a person who has become a**  
15 **parent through the legal process of adoption.**

16           **(4) "Child" means a person in the temporary custody or**  
17 **guardianship of the Department who is under the age of 21.**

18           **(5) "Child placed in private guardianship" means a**  
19 **child who, immediately preceding the guardianship, was in**  
20 **the custody or guardianship of the Illinois Department of**  
21 **Children and Family Services under Article II of the**  
22 **Juvenile Court Act.**

23           **(6) "Contact" may include, but is not limited to**  
24 **visits, telephone calls, letters, sharing of photographs**  
25 **or information, e-mails, video conferencing, and other**  
26 **form of communication or contact.**

1           (7) "Legal Guardian" means a person who has become the  
2           legal guardian of a child who, immediately prior to the  
3           guardianship, was in the custody or guardianship of the  
4           Illinois Department of Children and Family Services under  
5           Article II of the Juvenile Court Act of 1987.

6           (8) "Parent" means the child's mother or father who is  
7           named as the respondent in proceedings conducted under  
8           Article II of the Juvenile Court Act of 1987.

9           (9) "Post Permanency Sibling Contact" means contact  
10           between siblings following the entry of a Judgment Order  
11           for Adoption under Section 14 of the Adoption Act regarding  
12           at least one sibling or an Order for Guardianship  
13           appointing a private guardian under Section 2-27 or the  
14           Juvenile Court Act of 1987, regarding at least one sibling.  
15           Post Permanency Sibling Contact may include, but is not  
16           limited to, visits, telephone calls, letters, sharing of  
17           photographs or information, emails, video conferencing,  
18           and other form of communication or connection agreed to by  
19           the parties to a Post Permanency Sibling Contact Agreement.

20           (10) "Post Permanency Sibling Contact Agreement" means  
21           a written agreement between the adoptive parent or parents,  
22           the child, and the child's sibling regarding post  
23           permanency contact between the adopted child and the  
24           child's sibling, or a written agreement between the legal  
25           guardians, the child, and the child's sibling regarding  
26           post permanency contact between the child placed in

1 guardianship and the child's sibling. The Post Permanency  
2 Sibling Contact Agreement may specify the nature and  
3 frequency of contact between the adopted child or child  
4 placed in guardianship and the child's sibling following  
5 the entry of the Judgment Order for Adoption or Order for  
6 Private Guardianship. The Post Permanency Sibling Contact  
7 Agreement may be supported by services as specified in this  
8 Section. The Post Permanency Sibling Contact Agreement is  
9 voluntary on the part of the parties to the Post Permanency  
10 Sibling Contact Agreement and is not a requirement for  
11 finalization of the child's adoption or guardianship. When  
12 entered into, the Post Permanency Sibling Contact  
13 Agreement shall be placed in the child's Post Adoption or  
14 Guardianship case record and in the case file of a sibling  
15 who is a party to the agreement and who remains in the  
16 Department's custody or guardianship.

17 (11) "Sibling Contact Support Plan" means a written  
18 document that sets forth the plan for future contact  
19 between siblings who are in the Department's care and  
20 custody and residing separately. The goal of the Support  
21 Plan is to develop or preserve and nurture the siblings'  
22 relationships. The Support Plan shall set forth the role of  
23 the foster parents, caregivers, and others in implementing  
24 the Support Plan. The Support Plan must meet the minimum  
25 standards regarding frequency of in-person visits provided  
26 for in Department rule.

1           (12) "Siblings" means children who share at least one  
2           parent in common. This definition of siblings applies  
3           solely for purposes of placement and contact under this  
4           Section. For purposes of this Section, children who share  
5           at least one parent in common continue to be siblings after  
6           their parent's parental rights are terminated, if parental  
7           rights were terminated while a petition under Article II of  
8           the Juvenile Court Act of 1987 was pending. For purposes of  
9           this Section, children who share at least one parent in  
10           common continue to be siblings after a sibling is adopted  
11           or placed in private guardianship when the adopted child or  
12           child placed in private guardianship was in the  
13           Department's custody or guardianship under Article II of  
14           the Juvenile Court Act of 1987 immediately prior to the  
15           adoption or private guardianship. For children who have  
16           been in the guardianship of the Department under Article II  
17           of the Juvenile Court Act of 1987, have been adopted, and  
18           are subsequently returned to the temporary custody or  
19           guardianship of the Department under Article II of the  
20           Juvenile Court Act of 1987, "siblings" includes a person  
21           who would have been considered a sibling prior to the  
22           adoption and siblings through adoption.

23           (c) No later than January 1, 2013, the Department shall  
24           promulgate rules addressing the development and preservation  
25           of sibling relationships. The rules shall address, at a  
26           minimum:

1           (1) Recruitment, licensing, and support of foster  
2 parents willing and capable of either fostering sibling  
3 groups or supporting and being actively involved in  
4 planning and executing sibling contact for siblings placed  
5 apart. The rules shall address training for foster parents,  
6 licensing workers, placement workers, and others as deemed  
7 necessary.

8           (2) Placement selection for children who are separated  
9 from their siblings and how to best promote placements of  
10 children with foster parents or programs that can meet the  
11 childrens' needs, including the need to develop and  
12 maintain contact with siblings.

13           (3) State-supported guidance to siblings who have aged  
14 out of state care regarding positive engagement with  
15 siblings.

16           (4) Implementation of Post Permanency Sibling Contact  
17 Agreements for children exiting State care, including  
18 services offered by the Department to encourage and assist  
19 parties in developing agreements, services offered by the  
20 Department post-permanency to support parties in  
21 implementing and maintaining agreements, and including  
22 services offered by the Department post-permanency to  
23 assist parties in amending agreements as necessary to meet  
24 the needs of the children.

25           (5) Services offered by the Department for children who  
26 exited foster care prior to the availability of

1 Post-Permanency Sibling Contact Agreements, to invite  
2 willing parties to participate in a facilitated  
3 discussion, including, but not limited to, a mediation or  
4 joint team decision-making meeting, to explore sibling  
5 contact.

6 ~~If the adoptive parents of a biological sibling of a~~  
7 ~~child available for adoption apply to adopt that child, the~~  
8 ~~Department shall consider them as adoptive applicants for~~  
9 ~~the adoption of the child. The Department's final decision,~~  
10 ~~however, shall be based upon the welfare and best interest~~  
11 ~~of the child. In arriving at its decision, the Department~~  
12 ~~shall consider all relevant factors, including but not~~  
13 ~~limited to:~~

14 (d) The Department shall develop a form to be provided to  
15 youth entering care and exiting care explaining their rights  
16 and responsibilities related to sibling visitation while in  
17 care and post permanency.

18 (e) Whenever a child enters care or requires a new  
19 placement, the Department shall consider the development and  
20 preservation of sibling relationships.

21 (1) This subsection applies when a child entering care  
22 or requiring a change of placement has siblings who are in  
23 the custody or guardianship of the Department. When a child  
24 enters care or requires a new placement, the Department  
25 shall examine its files and other available resources and  
26 determine whether a sibling of that child is in the custody

1 or guardianship of the Department. If the Department  
2 determines that a sibling is in its custody or  
3 guardianship, the Department shall then determine whether  
4 it is in the best interests of each of the siblings for the  
5 child needing placement to be placed with the sibling. If  
6 the Department determines that it is in the best interest  
7 of each sibling to be placed together, and the sibling's  
8 foster parent is able and willing to care for the child  
9 needing placement, the Department shall place the child  
10 needing placement with the sibling. A determination that it  
11 is not in a child's best interest to be placed with a  
12 sibling shall be made in accordance with Department rules,  
13 and documented in the file of each sibling.

14 (2) This subsection applies when a child who is  
15 entering care has siblings who have been adopted or placed  
16 in private guardianship. When a child enters care, the  
17 Department shall examine its files and other available  
18 resources, including consulting with the child's parents,  
19 to determine whether a sibling of the child was adopted or  
20 placed in private guardianship from State care. The  
21 Department shall determine, in consultation with the  
22 child's parents, whether it would be in the child's best  
23 interests to explore placement with the adopted sibling or  
24 sibling in guardianship. Unless the parent objects, if the  
25 Department determines it is in the child's best interest to  
26 explore the placement, the Department shall contact the

1 adoptive parent or guardian of the sibling, determine  
2 whether they are willing to be considered as placement  
3 resources for the child, and, if so, determine whether it  
4 is in the best interests of the child to be placed in the  
5 home with the sibling. If the Department determines that it  
6 is in the child's best interests to be placed in the home  
7 with the sibling, and the sibling's adoptive parents or  
8 guardians are willing and capable, the Department shall  
9 make the placement. A determination that it is not in a  
10 child's best interest to be placed with a sibling shall be  
11 made in accordance with Department rule, and documented in  
12 the child's file.

13 (3) This subsection applies when a child in Department  
14 custody or guardianship requires a change of placement, and  
15 the child has siblings who have been adopted or placed in  
16 private guardianship. When a child in care requires a new  
17 placement, the Department may consider placing the child  
18 with the adoptive parent or guardian of a sibling under the  
19 same procedures and standards set forth in paragraph (2) of  
20 this subsection.

21 (4) When the Department determines it is not in the  
22 best interest of one or more siblings to be placed together  
23 the Department shall ensure that the child requiring  
24 placement is placed in a home or program where the  
25 caregiver is willing and able to be actively involved in  
26 supporting the sibling relationship to the extent doing so

1 is in the child's best interest.

2 (f) When siblings in care are placed in separate  
3 placements, the Department shall develop a Sibling Contact  
4 Support Plan. The Department shall convene a meeting to develop  
5 the Support Plan. The meeting shall include, at a minimum, the  
6 case managers for the siblings, the foster parents or other  
7 care providers if a child is in a non-foster home placement and  
8 the child, when developmentally and clinically appropriate.  
9 The Department shall make all reasonable efforts to promote the  
10 participation of the foster parents. Parents whose parental  
11 rights are intact shall be invited to the meeting. Others, such  
12 as therapists and mentors, shall be invited as appropriate. The  
13 Support Plan shall set forth future contact and visits between  
14 the siblings to develop or preserve, and nurture the siblings'  
15 relationships. The Support Plan shall set forth the role of the  
16 foster parents and caregivers and others in implementing the  
17 Support Plan. The Support Plan must meet the minimum standards  
18 regarding frequency of in-person visits provided for in  
19 Department rule. The Support Plan will be incorporated in the  
20 child's service plan and reviewed at each administrative case  
21 review. The Support Plan should be modified if one of the  
22 children moves to a new placement, or as necessary to meet the  
23 needs of the children. The Sibling Contact Support Plan for a  
24 child in care may include siblings who are not in the care of  
25 the Department, with the consent and participation of that  
26 child's parent or guardian.

1       (g) By January 1, 2013, the Department shall develop a  
2 registry so that placement information regarding adopted  
3 siblings and siblings in private guardianship is readily  
4 available to Department and private agency caseworkers  
5 responsible for placing children in the Department's care. When  
6 a child is adopted or placed in private guardianship from  
7 foster care the Department shall inform the adoptive parents or  
8 guardians that they may be contacted in the future regarding  
9 placement of or contact with, siblings subsequently requiring  
10 placement.

11       (h) When a child is in need of an adoptive placement, the  
12 Department shall examine its files and other available  
13 resources and attempt to determine whether a sibling of the  
14 child has been adopted or placed in private guardianship after  
15 being in the Department's custody or guardianship. If the  
16 Department determines that a sibling of the child has been  
17 adopted or placed in private guardianship, the Department shall  
18 make a good faith effort to locate the adoptive parents or  
19 guardians of the sibling and inform them of the availability of  
20 the child for adoption. The Department may determine not to  
21 inform the adoptive parents or guardian of a sibling of a child  
22 that the child is available for adoption only for a reason  
23 permitted under criteria adopted by the Department by rule, and  
24 documented in the child's case file. If a child available for  
25 adoption has a sibling who has been adopted or placed in  
26 guardianship, and the adoptive parents or guardians of that

1 sibling apply to adopt the child, the Department shall consider  
2 them as adoptive applicants for the adoption of the child. The  
3 Department's final decision as to whether it will consent to  
4 the adoptive parents or guardians of a sibling being the  
5 adoptive parents of the child shall be based upon the welfare  
6 and best interest of the child. In arriving at its decision,  
7 the Department shall consider all relevant factors, including  
8 but not limited to:

9 (1) the wishes of the child;

10 (2) the interaction and interrelationship of the child  
11 with the applicant to adopt the child;

12 (3) the child's need for stability and continuity of  
13 relationship with parent figures;

14 (4) the child's adjustment to his or her present home,  
15 school, and community;

16 (5) the mental and physical health of all individuals  
17 involved;

18 (6) the family ties between the child and the child's  
19 relatives, including siblings;

20 (7) the background, age, and living arrangements of the  
21 applicant to adopt the child;

22 (8) a criminal background report of the applicant to  
23 adopt the child.

24 If placement of the child available for adoption with the  
25 adopted sibling or sibling in private guardianship is not  
26 feasible, but it is in the child's best interest to develop a

1 relationship with his or her sibling, the Department shall  
2 invite the adoptive parents, guardian, or guardians for a  
3 mediation or joint team decision-making meeting to facilitate a  
4 discussion regarding future sibling contact.

5 (i) Post Permanency Sibling Contact Agreement. When a child  
6 in the Department's care has a permanency goal of adoption or  
7 private guardianship, and the Department is preparing to  
8 finalize the adoption or guardianship, the Department shall  
9 convene a meeting with the pre-adoptive parent or prospective  
10 guardian and the case manager for the child being adopted or  
11 placed in guardianship and the foster parents and case managers  
12 for the child's siblings, and others as applicable. The  
13 children should participate as is developmentally appropriate.  
14 Others, such as therapists and mentors, may participate as  
15 appropriate. At the meeting the Department shall encourage the  
16 parties to discuss sibling contact post permanency. The  
17 Department may assist the parties in drafting a post permanency  
18 sibling contact agreement.

19 (1) Parties to the Agreement for Post Permanency  
20 Sibling Contact Agreement shall include:

21 (A) The adoptive parent or parents or guardian.

22 (B) The child's sibling or siblings, parents or  
23 guardians.

24 (C) The child.

25 (2) Consent of child 14 and over. The written consent  
26 of a child age 14 and over to the terms and conditions of

1 the Post Permanency Sibling Contact Agreement and  
2 subsequent modifications is required.

3 (3) In developing this Agreement, the Department shall  
4 encourage the parties to consider the following factors:

5 (A) the physical and emotional safety and welfare  
6 of the child;

7 (B) the child's wishes;

8 (C) the interaction and interrelationship of the  
9 child with the child's sibling or siblings who would be  
10 visiting or communicating with the child, including:

11 (i) the quality of the relationship between  
12 the child and the sibling or siblings, and

13 (ii) the benefits and potential harms to the  
14 child in allowing the relationship or  
15 relationships to continue or in ending them;

16 (D) the child's sense of attachments to the birth  
17 sibling or siblings and adoptive family, including:

18 (i) the child's sense of being valued;

19 (ii) the child's sense of familiarity; and

20 (iii) continuity of affection for the child;

21 and

22 (E) other factors relevant to the best interest of  
23 the child.

24 (4) In considering the factors in paragraph (3) of this  
25 subsection, the Department shall encourage the parties to  
26 recognize the importance to a child of developing a

1 relationship with siblings including siblings with whom  
2 the child does not yet have a relationship; and the value  
3 of preserving family ties between the child and the child's  
4 siblings, including:

5 (A) the child's need for stability and continuity  
6 of relationships with siblings, and

7 (B) the importance of sibling contact in the  
8 development of the child's identity.

9 (5) Modification or termination of Post Permanency  
10 Sibling Contact Agreement. The parties to the agreement may  
11 modify or terminate the Post Permanency Sibling Contact  
12 Agreement. If the parties cannot agree to modification or  
13 termination, they may request the assistance of the  
14 Department of Children and Family Services or another  
15 agency identified and agreed upon by the parties to the  
16 Post Permanency Sibling Contact Agreement. Any and all  
17 terms may be modified by agreement of the parties. Post  
18 Permanency Sibling Contact Agreements may also be modified  
19 to include contact with siblings whose whereabouts were  
20 unknown or who had not yet been born when the Judgment  
21 Order for Adoption or Order for Private Guardianship was  
22 entered.

23 (6) Adoptions and private guardianships finalized  
24 prior to the effective date of amendatory Act. Nothing in  
25 this Section prohibits the parties from entering into a  
26 Post Permanency Sibling Contact Agreement if the adoption

1 or private guardianship was finalized prior to the  
2 effective date of this Section. If the Agreement is  
3 completed and signed by the parties, the Department shall  
4 include the Post Permanency Sibling Contact Agreement in  
5 the child's Post Adoption or Private Guardianship case  
6 record and in the case file of siblings who are parties to  
7 the agreement who are in the Department's custody or  
8 guardianship.

9 ~~(1) the wishes of the child;~~

10 ~~(2) the interaction and interrelationship of the child~~  
11 ~~with the applicant to adopt the child;~~

12 ~~(3) the child's need for stability and continuity of~~  
13 ~~relationship with parent figures;~~

14 ~~(4) the child's adjustment to his or her present home,~~  
15 ~~school, and community;~~

16 ~~(5) the mental and physical health of all individuals~~  
17 ~~involved;~~

18 ~~(6) the family ties between the child and the child's~~  
19 ~~relatives, including siblings;~~

20 ~~(7) the background, age, and living arrangements of the~~  
21 ~~applicant to adopt the child;~~

22 ~~(8) a criminal background report of the applicant to~~  
23 ~~adopt the child.~~

24 ~~(e) The Department may refuse to inform the adoptive~~  
25 ~~parents of a biological sibling of a child that the child is~~  
26 ~~available for adoption, as required under subsection (a), only~~

1 ~~for a reason permitted under criteria adopted by the Department~~  
2 ~~by rule.~~

3 (Source: P.A. 92-666, eff. 7-16-02.)

4 Section 10. The Juvenile Court Act of 1987 is amended by  
5 changing Sections 1-3, 2-10, 2-23, and 2-28 as follows:

6 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

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

10 (1) "Adjudicatory hearing" means a hearing to determine  
11 whether the allegations of a petition under Section 2-13, 3-15  
12 or 4-12 that a minor under 18 years of age is abused, neglected  
13 or dependent, or requires authoritative intervention, or  
14 addicted, respectively, are supported by a preponderance of the  
15 evidence or whether the allegations of a petition under Section  
16 5-520 that a minor is delinquent are proved beyond a reasonable  
17 doubt.

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

19 (3) "Agency" means a public or private child care facility  
20 legally authorized or licensed by this State for placement or  
21 institutional care or for both placement and institutional  
22 care.

23 (4) "Association" means any organization, public or  
24 private, engaged in welfare functions which include services to

1 or on behalf of children but does not include "agency" as  
2 herein defined.

3 (4.05) Whenever a "best interest" determination is  
4 required, the following factors shall be considered in the  
5 context of the child's age and developmental needs:

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

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

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

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

12 (i) where the child actually feels love,  
13 attachment, and a sense of being valued (as opposed to  
14 where adults believe the child should feel such love,  
15 attachment, and a sense of being valued);

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

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

18 (iv) continuity of affection for the child;

19 (v) the least disruptive placement alternative for  
20 the child;

21 (e) the child's wishes and long-term goals;

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

24 (g) the child's need for permanence which includes the  
25 child's need for stability and continuity of relationships  
26 with parent figures and with siblings and other relatives;

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

2 (i) the risks attendant to entering and being in  
3 substitute care; and

4 (j) the preferences of the persons available to care  
5 for the child.

6 (4.1) "Chronic truant" shall have the definition ascribed  
7 to it in Section 26-2a of the School Code.

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

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

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

17 (8) "Guardianship of the person" of a minor means the duty  
18 and authority to act in the best interests of the minor,  
19 subject to residual parental rights and responsibilities, to  
20 make important decisions in matters having a permanent effect  
21 on the life and development of the minor and to be concerned  
22 with his or her general welfare. It includes but is not  
23 necessarily limited to:

24 (a) the authority to consent to marriage, to enlistment  
25 in the armed forces of the United States, or to a major  
26 medical, psychiatric, and surgical treatment; to represent

1 the minor in legal actions; and to make other decisions of  
2 substantial legal significance concerning the minor;

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

6 (c) the rights and responsibilities of legal custody  
7 except where legal custody has been vested in another  
8 person or agency; and

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

12 (9) "Legal custody" means the relationship created by an  
13 order of court in the best interests of the minor which imposes  
14 on the custodian the responsibility of physical possession of a  
15 minor and the duty to protect, train and discipline him and to  
16 provide him with food, shelter, education and ordinary medical  
17 care, except as these are limited by residual parental rights  
18 and responsibilities and the rights and responsibilities of the  
19 guardian of the person, if any.

20 (9.1) "Mentally capable adult relative" means a person 21  
21 years of age or older who is not suffering from a mental  
22 illness that prevents him or her from providing the care  
23 necessary to safeguard the physical safety and welfare of a  
24 minor who is left in that person's care by the parent or  
25 parents or other person responsible for the minor's welfare.

26 (10) "Minor" means a person under the age of 21 years

1 subject to this Act.

2 (11) "Parent" means the father or mother of a child and  
3 includes any adoptive parent. It also includes a man (i) whose  
4 paternity is presumed or has been established under the law of  
5 this or another jurisdiction or (ii) who has registered with  
6 the Putative Father Registry in accordance with Section 12.1 of  
7 the Adoption Act and whose paternity has not been ruled out  
8 under the law of this or another jurisdiction. It does not  
9 include a parent whose rights in respect to the minor have been  
10 terminated in any manner provided by law. It does not include a  
11 person who has been or could be determined to be a parent under  
12 the Illinois Parentage Act of 1984, or similar parentage law in  
13 any other state, if that person has been convicted of or pled  
14 nolo contendere to a crime that resulted in the conception of  
15 the child under Section 11-1.20, 11-1.30, 11-1.40, 11-11,  
16 12-13, 12-14, 12-14.1, subsection (a) or (b) (but not  
17 subsection (c)) of Section 11-1.50 or 12-15, or subsection (a),  
18 (b), (c), (e), or (f) (but not subsection (d)) of Section  
19 11-1.60 or 12-16 of the Criminal Code of 1961 or similar  
20 statute in another jurisdiction unless upon motion of any  
21 party, other than the offender, to the juvenile court  
22 proceedings the court finds it is in the child's best interest  
23 to deem the offender a parent for purposes of the juvenile  
24 court proceedings.

25 (11.1) "Permanency goal" means a goal set by the court as  
26 defined in subdivision (2) of Section 2-28.

1           (11.2) "Permanency hearing" means a hearing to set the  
2 permanency goal and to review and determine (i) the  
3 appropriateness of the services contained in the plan and  
4 whether those services have been provided, (ii) whether  
5 reasonable efforts have been made by all the parties to the  
6 service plan to achieve the goal, and (iii) whether the plan  
7 and goal have been achieved.

8           (12) "Petition" means the petition provided for in Section  
9 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions  
10 thereunder in Section 3-15, 4-12 or 5-520.

11           (12.1) "Physically capable adult relative" means a person  
12 21 years of age or older who does not have a severe physical  
13 disability or medical condition, or is not suffering from  
14 alcoholism or drug addiction, that prevents him or her from  
15 providing the care necessary to safeguard the physical safety  
16 and welfare of a minor who is left in that person's care by the  
17 parent or parents or other person responsible for the minor's  
18 welfare.

19           (12.2) "Post Permanency Sibling Contact Agreement" has the  
20 meaning ascribed to the term in Section 7.4 of the Children and  
21 Family Services Act.

22           (13) "Residual parental rights and responsibilities" means  
23 those rights and responsibilities remaining with the parent  
24 after the transfer of legal custody or guardianship of the  
25 person, including, but not necessarily limited to, the right to  
26 reasonable visitation (which may be limited by the court in the

1 best interests of the minor as provided in subsection (8) (b) of  
2 this Section), the right to consent to adoption, the right to  
3 determine the minor's religious affiliation, and the  
4 responsibility for his support.

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

8 (14.1) "Sibling Contact Support Plan" has the meaning  
9 ascribed to the term in Section 7.4 of the Children and Family  
10 Services Act.

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

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

17 (17) "Juvenile police officer" means a sworn police officer  
18 who has completed a Basic Recruit Training Course, has been  
19 assigned to the position of juvenile police officer by his or  
20 her chief law enforcement officer and has completed the  
21 necessary juvenile officers training as prescribed by the  
22 Illinois Law Enforcement Training Standards Board, or in the  
23 case of a State police officer, juvenile officer training  
24 approved by the Director of the Department of State Police.

25 (18) "Secure child care facility" means any child care  
26 facility licensed by the Department of Children and Family

1 Services to provide secure living arrangements for children  
2 under 18 years of age who are subject to placement in  
3 facilities under the Children and Family Services Act and who  
4 are not subject to placement in facilities for whom standards  
5 are established by the Department of Corrections under Section  
6 3-15-2 of the Unified Code of Corrections. "Secure child care  
7 facility" also means a facility that is designed and operated  
8 to ensure that all entrances and exits from the facility, a  
9 building, or a distinct part of the building are under the  
10 exclusive control of the staff of the facility, whether or not  
11 the child has the freedom of movement within the perimeter of  
12 the facility, building, or distinct part of the building.

13 (Source: P.A. 96-168, eff. 8-10-09; 97-568, eff. 8-25-11.)

14 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

15 Sec. 2-10. Temporary custody hearing. At the appearance of  
16 the minor before the court at the temporary custody hearing,  
17 all witnesses present shall be examined before the court in  
18 relation to any matter connected with the allegations made in  
19 the petition.

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

23 (2) If the court finds that there is probable cause to  
24 believe that the minor is abused, neglected or dependent, the  
25 court shall state in writing the factual basis supporting its

1 finding and the minor, his or her parent, guardian, custodian  
2 and other persons able to give relevant testimony shall be  
3 examined before the court. The Department of Children and  
4 Family Services shall give testimony concerning indicated  
5 reports of abuse and neglect, of which they are aware of  
6 through the central registry, involving the minor's parent,  
7 guardian or custodian. After such testimony, the court may,  
8 consistent with the health, safety and best interests of the  
9 minor, enter an order that the minor shall be released upon the  
10 request of parent, guardian or custodian if the parent,  
11 guardian or custodian appears to take custody. If it is  
12 determined that a parent's, guardian's, or custodian's  
13 compliance with critical services mitigates the necessity for  
14 removal of the minor from his or her home, the court may enter  
15 an Order of Protection setting forth reasonable conditions of  
16 behavior that a parent, guardian, or custodian must observe for  
17 a specified period of time, not to exceed 12 months, without a  
18 violation; provided, however, that the 12-month period shall  
19 begin anew after any violation. Custodian shall include any  
20 agency of the State which has been given custody or wardship of  
21 the child. If it is consistent with the health, safety and best  
22 interests of the minor, the court may also prescribe shelter  
23 care and order that the minor be kept in a suitable place  
24 designated by the court or in a shelter care facility  
25 designated by the Department of Children and Family Services or  
26 a licensed child welfare agency; however, a minor charged with

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

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

1 that were made to prevent or eliminate the necessity of removal  
2 of the minor from his or her home or the reasons why no efforts  
3 reasonably could be made to prevent or eliminate the necessity  
4 of removal. When a minor is placed in the home of a relative,  
5 the Department of Children and Family Services shall complete a  
6 preliminary background review of the members of the minor's  
7 custodian's household in accordance with Section 4.3 of the  
8 Child Care Act of 1969 within 90 days of that placement. If the  
9 minor is ordered placed in a shelter care facility of the  
10 Department of Children and Family Services or a licensed child  
11 welfare agency, the court shall, upon request of the  
12 appropriate Department or other agency, appoint the Department  
13 of Children and Family Services Guardianship Administrator or  
14 other appropriate agency executive temporary custodian of the  
15 minor and the court may enter such other orders related to the  
16 temporary custody as it deems fit and proper, including the  
17 provision of services to the minor or his family to ameliorate  
18 the causes contributing to the finding of probable cause or to  
19 the finding of the existence of immediate and urgent necessity.

20 Where the Department of Children and Family Services  
21 Guardianship Administrator is appointed as the executive  
22 temporary custodian, the Department of Children and Family  
23 Services shall file with the court and serve on the parties a  
24 parent-child visiting plan, within 10 days, excluding weekends  
25 and holidays, after the appointment. The parent-child visiting  
26 plan shall set out the time and place of visits, the frequency

1 of visits, the length of visits, who shall be present at the  
2 visits, and where appropriate, the minor's opportunities to  
3 have telephone and mail communication with the parents.

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

1 of the Sibling Contact Support Plan, under subsection (f) of  
2 Section 7.4 of the Children and Family Services Act, and shall  
3 remain in effect until the Sibling Contact Support Plan is  
4 developed.

5 For good cause, the court may waive the requirement to  
6 file the parent-child visiting plan or the sibling placement  
7 and contact plan, or extend the time for filing either ~~the~~  
8 ~~parent-child visiting~~ plan. Any party may, by motion, request  
9 the court to review the parent-child visiting plan to determine  
10 whether it is reasonably calculated to expeditiously  
11 facilitate the achievement of the permanency goal. A party may,  
12 by motion, request the court to review the parent-child  
13 visiting plan or the sibling placement and contact plan to  
14 determine whether it is ~~and is~~ consistent with the minor's best  
15 interest. The court may refer the parties to mediation where  
16 available. The frequency, duration, and locations of  
17 visitation shall be measured by the needs of the child and  
18 family, and not by the convenience of Department personnel.  
19 Child development principles shall be considered by the court  
20 in its analysis of how frequent visitation should be, how long  
21 it should last, where it should take place, and who should be  
22 present. If upon motion of the party to review either ~~the~~ plan  
23 and after receiving evidence, the court determines that the  
24 parent-child visiting plan is not reasonably calculated to  
25 expeditiously facilitate the achievement of the permanency  
26 goal or that the restrictions placed on parent-child contact or

1 sibling placement or contact are contrary to the child's best  
2 interests, the court shall put in writing the factual basis  
3 supporting the determination and enter specific findings based  
4 on the evidence. The court shall enter an order for the  
5 Department to implement changes to the parent-child visiting  
6 plan or sibling placement or contact plan, consistent with the  
7 court's findings. At any stage of proceeding, any party may by  
8 motion request the court to enter any orders necessary to  
9 implement the parent-child visiting plan, sibling placement or  
10 contact plan or subsequently developed Sibling Contact Support  
11 Plan. Nothing under this subsection (2) shall restrict the  
12 court from granting discretionary authority to the Department  
13 to increase opportunities for additional parent-child contacts  
14 or sibling contacts, without further court orders. Nothing in  
15 this subsection (2) shall restrict the Department from  
16 immediately restricting or terminating parent-child contact or  
17 sibling contacts, without either amending the parent-child  
18 visiting plan or the sibling contact plan or obtaining a court  
19 order, where the Department or its assigns reasonably believe  
20 that continuation of the parent-child contact, as set out in  
21 the ~~parent-child visiting~~ plan, would be contrary to the  
22 child's health, safety, and welfare. The Department shall file  
23 with the court and serve on the parties any amendments to the  
24 ~~visitation~~ plan within 10 days, excluding weekends and  
25 holidays, of the change of the visitation. ~~Any party may, by~~  
26 ~~motion, request the court to review the parent child visiting~~

1 ~~plan to determine whether the parent-child visiting plan is~~  
2 ~~reasonably calculated to expeditiously facilitate the~~  
3 ~~achievement of the permanency goal, and is consistent with the~~  
4 ~~minor's health, safety, and best interest.~~

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

26 Once the court finds that it is a matter of immediate and

1 urgent necessity for the protection of the minor that the minor  
2 be placed in a shelter care facility, the minor shall not be  
3 returned to the parent, custodian or guardian until the court  
4 finds that such placement is no longer necessary for the  
5 protection of the minor.

6 If the child is placed in the temporary custody of the  
7 Department of Children and Family Services for his or her  
8 protection, the court shall admonish the parents, guardian,  
9 custodian or responsible relative that the parents must  
10 cooperate with the Department of Children and Family Services,  
11 comply with the terms of the service plans, and correct the  
12 conditions which require the child to be in care, or risk  
13 termination of their parental rights.

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

1 known address of the other person or persons entitled to  
 2 notice. The notice shall also state the nature of the  
 3 allegations, the nature of the order sought by the State,  
 4 including whether temporary custody is sought, and the  
 5 consequences of failure to appear and shall contain a notice  
 6 that the parties will not be entitled to further written  
 7 notices or publication notices of proceedings in this case,  
 8 including the filing of an amended petition or a motion to  
 9 terminate parental rights, except as required by Supreme Court  
 10 Rule 11; and shall explain the right of the parties and the  
 11 procedures to vacate or modify a shelter care order as provided  
 12 in this Section. The notice for a shelter care hearing shall be  
 13 substantially as follows:

14 NOTICE TO PARENTS AND CHILDREN  
 15 OF SHELTER CARE HEARING

16 On ..... at ....., before the Honorable  
 17 ....., (address:) ....., the State  
 18 of Illinois will present evidence (1) that (name of child  
 19 or children) ..... are abused, neglected  
 20 or dependent for the following reasons:  
 21 ..... and (2)  
 22 whether there is "immediate and urgent necessity" to remove  
 23 the child or children from the responsible relative.

24 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN  
 25 PLACEMENT of the child or children in foster care until a  
 26 trial can be held. A trial may not be held for up to 90

1 days. You will not be entitled to further notices of  
2 proceedings in this case, including the filing of an  
3 amended petition or a motion to terminate parental rights.

4 At the shelter care hearing, parents have the following  
5 rights:

6 1. To ask the court to appoint a lawyer if they  
7 cannot afford one.

8 2. To ask the court to continue the hearing to  
9 allow them time to prepare.

10 3. To present evidence concerning:

11 a. Whether or not the child or children were  
12 abused, neglected or dependent.

13 b. Whether or not there is "immediate and  
14 urgent necessity" to remove the child from home  
15 (including: their ability to care for the child,  
16 conditions in the home, alternative means of  
17 protecting the child other than removal).

18 c. The best interests of the child.

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

20 The Notice for rehearings shall be substantially as  
21 follows:

22 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

23 TO REHEARING ON TEMPORARY CUSTODY

24 If you were not present at and did not have adequate  
25 notice of the Shelter Care Hearing at which temporary

1 custody of ..... was awarded to  
 2 ....., you have the right to request a full  
 3 rehearing on whether the State should have temporary  
 4 custody of ..... To request this rehearing,  
 5 you must file with the Clerk of the Juvenile Court  
 6 (address): ....., in person or by  
 7 mailing a statement (affidavit) setting forth the  
 8 following:

- 9 1. That you were not present at the shelter care
- 10 hearing.
- 11 2. That you did not get adequate notice (explaining
- 12 how the notice was inadequate).
- 13 3. Your signature.
- 14 4. Signature must be notarized.

15 The rehearing should be scheduled within 48 hours of  
 16 your filing this affidavit.

17 At the rehearing, your rights are the same as at the  
 18 initial shelter care hearing. The enclosed notice explains  
 19 those rights.

20 At the Shelter Care Hearing, children have the  
 21 following rights:

- 22 1. To have a guardian ad litem appointed.
- 23 2. To be declared competent as a witness and to
- 24 present testimony concerning:
  - 25 a. Whether they are abused, neglected or
  - 26 dependent.

1                   b. Whether there is "immediate and urgent  
2                   necessity" to be removed from home.

3                   c. Their best interests.

4                   3. To cross examine witnesses for other parties.

5                   4. To obtain an explanation of any proceedings and  
6                   orders of the court.

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

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

20                  (6) No minor under 16 years of age may be confined in a  
21                  jail or place ordinarily used for the confinement of prisoners  
22                  in a police station. Minors under 17 years of age must be kept  
23                  separate from confined adults and may not at any time be kept  
24                  in the same cell, room, or yard with adults confined pursuant  
25                  to the criminal law.

26                  (7) If the minor is not brought before a judicial officer

1 within the time period as specified in Section 2-9, the minor  
2 must immediately be released from custody.

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

15 (9) Notwithstanding any other provision of this Section any  
16 interested party, including the State, the temporary  
17 custodian, an agency providing services to the minor or family  
18 under a service plan pursuant to Section 8.2 of the Abused and  
19 Neglected Child Reporting Act, foster parent, or any of their  
20 representatives, on notice to all parties entitled to notice,  
21 may file a motion that it is in the best interests of the minor  
22 to modify or vacate a temporary custody order on any of the  
23 following grounds:

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

26 (b) There is a material change in the circumstances of

1 the natural family from which the minor was removed and the  
2 child can be cared for at home without endangering the  
3 child's health or safety; or

4 (c) A person not a party to the alleged abuse, neglect  
5 or dependency, including a parent, relative or legal  
6 guardian, is capable of assuming temporary custody of the  
7 minor; or

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

13 In ruling on the motion, the court shall determine whether  
14 it is consistent with the health, safety and best interests of  
15 the minor to modify or vacate a temporary custody order.

16 The clerk shall set the matter for hearing not later than  
17 14 days after such motion is filed. In the event that the court  
18 modifies or vacates a temporary custody order but does not  
19 vacate its finding of probable cause, the court may order that  
20 appropriate services be continued or initiated in behalf of the  
21 minor and his or her family.

22 (10) When the court finds or has found that there is  
23 probable cause to believe a minor is an abused minor as  
24 described in subsection (2) of Section 2-3 and that there is an  
25 immediate and urgent necessity for the abused minor to be  
26 placed in shelter care, immediate and urgent necessity shall be

1 presumed for any other minor residing in the same household as  
2 the abused minor provided:

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

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

7 Once the presumption of immediate and urgent necessity has  
8 been raised, the burden of demonstrating the lack of immediate  
9 and urgent necessity shall be on any party that is opposing  
10 shelter care for the other minor.

11 (Source: P.A. 94-604, eff. 1-1-06; 95-405, eff. 6-1-08; 95-642,  
12 eff. 6-1-08; 95-876, eff. 8-21-08.)

13 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

17 (a) A minor under 18 years of age found to be neglected  
18 or abused under Section 2-3 or dependent under Section 2-4  
19 may be (1) continued in the custody of his or her parents,  
20 guardian or legal custodian; (2) placed in accordance with  
21 Section 2-27; (3) restored to the custody of the parent,  
22 parents, guardian, or legal custodian, provided the court  
23 shall order the parent, parents, guardian, or legal  
24 custodian to cooperate with the Department of Children and  
25 Family Services and comply with the terms of an after-care

1 plan or risk the loss of custody of the child and the  
2 possible termination of their parental rights; or (4)  
3 ordered partially or completely emancipated in accordance  
4 with the provisions of the Emancipation of Minors Act.

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

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

22 However, in any case in which a minor is found by the  
23 court to be dependent under Section 2-4 of this Act,  
24 custody of the minor shall not be restored to any parent,  
25 guardian or legal custodian whose acts or omissions or both  
26 have been identified, pursuant to subsection (1) of Section

1           2-21, as forming the basis for the court's finding of  
2           dependency, until such time as a hearing is held on the  
3           issue of the fitness of such parent, guardian or legal  
4           custodian to care for the minor without endangering the  
5           minor's health or safety, and the court enters an order  
6           that such parent, guardian or legal custodian is fit to  
7           care for the minor.

8           (b-1) A minor between the ages of 18 and 21 may be  
9           placed pursuant to Section 2-27 of this Act if (1) the  
10          court has granted a supplemental petition to reinstate  
11          wardship of the minor pursuant to subsection (2) of Section  
12          2-33, or (2) the court has adjudicated the minor a ward of  
13          the court, permitted the minor to return home under an  
14          order of protection, and subsequently made a finding that  
15          it is in the minor's best interest to vacate the order of  
16          protection and commit the minor to the Department of  
17          Children and Family Services for care and service.

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

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

1 protection under Section 2-25.

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

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

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

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

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

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

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

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

14 (Source: P.A. 95-331, eff. 8-21-07; 96-581, eff. 1-1-10;  
15 96-600, eff. 8-21-09; 96-1000, eff. 7-2-10.)

16 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

17 Sec. 2-28. Court review.

18 (1) The court may require any legal custodian or guardian  
19 of the person appointed under this Act to report periodically  
20 to the court or may cite him into court and require him or his  
21 agency, to make a full and accurate report of his or its doings  
22 in behalf of the minor. The custodian or guardian, within 10  
23 days after such citation, shall make the report, either in  
24 writing verified by affidavit or orally under oath in open  
25 court, or otherwise as the court directs. Upon the hearing of

1 the report the court may remove the custodian or guardian and  
2 appoint another in his stead or restore the minor to the  
3 custody of his parents or former guardian or custodian.  
4 However, custody of the minor shall not be restored to any  
5 parent, guardian or legal custodian in any case in which the  
6 minor is found to be neglected or abused under Section 2-3 or  
7 dependent under Section 2-4 of this Act, unless the minor can  
8 be cared for at home without endangering the minor's health or  
9 safety and it is in the best interests of the minor, and if  
10 such neglect, abuse, or dependency is found by the court under  
11 paragraph (1) of Section 2-21 of this Act to have come about  
12 due to the acts or omissions or both of such parent, guardian  
13 or legal custodian, until such time as an investigation is made  
14 as provided in paragraph (5) and a hearing is held on the issue  
15 of the fitness of such parent, guardian or legal custodian to  
16 care for the minor and the court enters an order that such  
17 parent, guardian or legal custodian is fit to care for the  
18 minor.

19 (2) The first permanency hearing shall be conducted by the  
20 judge. Subsequent permanency hearings may be heard by a judge  
21 or by hearing officers appointed or approved by the court in  
22 the manner set forth in Section 2-28.1 of this Act. The initial  
23 hearing shall be held (a) within 12 months from the date  
24 temporary custody was taken, regardless of whether an  
25 adjudication or dispositional hearing has been completed  
26 within that time frame, (b) if the parental rights of both

1 parents have been terminated in accordance with the procedure  
2 described in subsection (5) of Section 2-21, within 30 days of  
3 the order for termination of parental rights and appointment of  
4 a guardian with power to consent to adoption, or (c) in  
5 accordance with subsection (2) of Section 2-13.1. Subsequent  
6 permanency hearings shall be held every 6 months or more  
7 frequently if necessary in the court's determination following  
8 the initial permanency hearing, in accordance with the  
9 standards set forth in this Section, until the court determines  
10 that the plan and goal have been achieved. Once the plan and  
11 goal have been achieved, if the minor remains in substitute  
12 care, the case shall be reviewed at least every 6 months  
13 thereafter, subject to the provisions of this Section, unless  
14 the minor is placed in the guardianship of a suitable relative  
15 or other person and the court determines that further  
16 monitoring by the court does not further the health, safety or  
17 best interest of the child and that this is a stable permanent  
18 placement. The permanency hearings must occur within the time  
19 frames set forth in this subsection and may not be delayed in  
20 anticipation of a report from any source or due to the agency's  
21 failure to timely file its written report (this written report  
22 means the one required under the next paragraph and does not  
23 mean the service plan also referred to in that paragraph).

24 The public agency that is the custodian or guardian of the  
25 minor, or another agency responsible for the minor's care,  
26 shall ensure that all parties to the permanency hearings are

1 provided a copy of the most recent service plan prepared within  
2 the prior 6 months at least 14 days in advance of the hearing.  
3 If not contained in the plan, the agency shall also include a  
4 report setting forth (i) any special physical, psychological,  
5 educational, medical, emotional, or other needs of the minor or  
6 his or her family that are relevant to a permanency or  
7 placement determination and (ii) for any minor age 16 or over,  
8 a written description of the programs and services that will  
9 enable the minor to prepare for independent living. The  
10 agency's written report must detail what progress or lack of  
11 progress the parent has made in correcting the conditions  
12 requiring the child to be in care; whether the child can be  
13 returned home without jeopardizing the child's health, safety,  
14 and welfare, and if not, what permanency goal is recommended to  
15 be in the best interests of the child, and why the other  
16 permanency goals are not appropriate. The caseworker must  
17 appear and testify at the permanency hearing. If a permanency  
18 hearing has not previously been scheduled by the court, the  
19 moving party shall move for the setting of a permanency hearing  
20 and the entry of an order within the time frames set forth in  
21 this subsection.

22 At the permanency hearing, the court shall determine the  
23 future status of the child. The court shall set one of the  
24 following permanency goals:

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

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

6           (B-1) The minor will be in short-term care with a  
7 continued goal to return home pending a status hearing.  
8 When the court finds that a parent has not made reasonable  
9 efforts or reasonable progress to date, the court shall  
10 identify what actions the parent and the Department must  
11 take in order to justify a finding of reasonable efforts or  
12 reasonable progress and shall set a status hearing to be  
13 held not earlier than 9 months from the date of  
14 adjudication nor later than 11 months from the date of  
15 adjudication during which the parent's progress will again  
16 be reviewed.

17           (C) The minor will be in substitute care pending court  
18 determination on termination of parental rights.

19           (D) Adoption, provided that parental rights have been  
20 terminated or relinquished.

21           (E) The guardianship of the minor will be transferred  
22 to an individual or couple on a permanent basis provided  
23 that goals (A) through (D) have been ruled out.

24           (F) The minor over age 15 will be in substitute care  
25 pending independence.

26           (G) The minor will be in substitute care because he or

1 she cannot be provided for in a home environment due to  
2 developmental disabilities or mental illness or because he  
3 or she is a danger to self or others, provided that goals  
4 (A) through (D) have been ruled out.

5 In selecting any permanency goal, the court shall indicate  
6 in writing the reasons the goal was selected and why the  
7 preceding goals were ruled out. Where the court has selected a  
8 permanency goal other than (A), (B), or (B-1), the Department  
9 of Children and Family Services shall not provide further  
10 reunification services, but shall provide services consistent  
11 with the goal selected.

12 (H) Notwithstanding any other provision in this  
13 Section, the court may select the goal of continuing foster  
14 care as a permanency goal if:

15 (1) The Department of Children and Family Services  
16 has custody and guardianship of the minor;

17 (2) The court has ruled out all other permanency  
18 goals based on the child's best interest;

19 (3) The court has found compelling reasons, based  
20 on written documentation reviewed by the court, to  
21 place the minor in continuing foster care. Compelling  
22 reasons include:

23 (a) the child does not wish to be adopted or to  
24 be placed in the guardianship of his or her  
25 relative or foster care placement;

26 (b) the child exhibits an extreme level of need

1           such that the removal of the child from his or her  
2           placement would be detrimental to the child; or

3           (c) the child who is the subject of the  
4           permanency hearing has existing close and strong  
5           bonds with a sibling, and achievement of another  
6           permanency goal would substantially interfere with  
7           the subject child's sibling relationship, taking  
8           into consideration the nature and extent of the  
9           relationship, and whether ongoing contact is in  
10          the subject child's best interest, including  
11          long-term emotional interest, as compared with the  
12          legal and emotional benefit of permanence;

13          (4) The child has lived with the relative or foster  
14          parent for at least one year; and

15          (5) The relative or foster parent currently caring  
16          for the child is willing and capable of providing the  
17          child with a stable and permanent environment.

18          The court shall set a permanency goal that is in the best  
19          interest of the child. In determining that goal, the court  
20          shall consult with the minor in an age-appropriate manner  
21          regarding the proposed permanency or transition plan for the  
22          minor. The court's determination shall include the following  
23          factors:

24                 (1) Age of the child.

25                 (2) Options available for permanence, including both  
26                 out-of-State and in-State placement options.

1           (3) Current placement of the child and the intent of  
2           the family regarding adoption.

3           (4) Emotional, physical, and mental status or  
4           condition of the child.

5           (5) Types of services previously offered and whether or  
6           not the services were successful and, if not successful,  
7           the reasons the services failed.

8           (6) Availability of services currently needed and  
9           whether the services exist.

10          (7) Status of siblings of the minor.

11          The court shall consider (i) the permanency goal contained  
12          in the service plan, (ii) the appropriateness of the services  
13          contained in the plan and whether those services have been  
14          provided, (iii) whether reasonable efforts have been made by  
15          all the parties to the service plan to achieve the goal, and  
16          (iv) whether the plan and goal have been achieved. All evidence  
17          relevant to determining these questions, including oral and  
18          written reports, may be admitted and may be relied on to the  
19          extent of their probative value.

20          The court shall make findings as to whether, in violation  
21          of Section 8.2 of the Abused and Neglected Child Reporting Act,  
22          any portion of the service plan compels a child or parent to  
23          engage in any activity or refrain from any activity that is not  
24          reasonably related to remedying a condition or conditions that  
25          gave rise or which could give rise to any finding of child  
26          abuse or neglect. The services contained in the service plan

1 shall include services reasonably related to remedy the  
2 conditions that gave rise to removal of the child from the home  
3 of his or her parents, guardian, or legal custodian or that the  
4 court has found must be remedied prior to returning the child  
5 home. Any tasks the court requires of the parents, guardian, or  
6 legal custodian or child prior to returning the child home,  
7 must be reasonably related to remedying a condition or  
8 conditions that gave rise to or which could give rise to any  
9 finding of child abuse or neglect.

10 If the permanency goal is to return home, the court shall  
11 make findings that identify any problems that are causing  
12 continued placement of the children away from the home and  
13 identify what outcomes would be considered a resolution to  
14 these problems. The court shall explain to the parents that  
15 these findings are based on the information that the court has  
16 at that time and may be revised, should additional evidence be  
17 presented to the court.

18 The court shall review the Sibling Contact and Support Plan  
19 developed or modified under subsection (f) of Section 7.4 of  
20 the Children and Family Services Act, if applicable. If the  
21 Department has not convened a meeting to develop or modify a  
22 Sibling Contact Support Plan, or if the court finds that the  
23 existing Plan is not in the child's best interest, the court  
24 may enter an order requiring the Department to develop, modify  
25 or implement a Sibling Contact Support Plan, or order  
26 mediation.

1           If the goal has been achieved, the court shall enter orders  
2 that are necessary to conform the minor's legal custody and  
3 status to those findings.

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

19           A guardian or custodian appointed by the court pursuant to  
20 this Act shall file updated case plans with the court every 6  
21 months.

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

25           (3) Following the permanency hearing, the court shall enter  
26 a written order that includes the determinations required under

1 subsection (2) of this Section and sets forth the following:

2 (a) The future status of the minor, including the  
3 permanency goal, and any order necessary to conform the  
4 minor's legal custody and status to such determination; or

5 (b) If the permanency goal of the minor cannot be  
6 achieved immediately, the specific reasons for continuing  
7 the minor in the care of the Department of Children and  
8 Family Services or other agency for short term placement,  
9 and the following determinations:

10 (i) (Blank).

11 (ii) Whether the services required by the court and  
12 by any service plan prepared within the prior 6 months  
13 have been provided and (A) if so, whether the services  
14 were reasonably calculated to facilitate the  
15 achievement of the permanency goal or (B) if not  
16 provided, why the services were not provided.

17 (iii) Whether the minor's placement is necessary,  
18 and appropriate to the plan and goal, recognizing the  
19 right of minors to the least restrictive (most  
20 family-like) setting available and in close proximity  
21 to the parents' home consistent with the health,  
22 safety, best interest and special needs of the minor  
23 and, if the minor is placed out-of-State, whether the  
24 out-of-State placement continues to be appropriate and  
25 consistent with the health, safety, and best interest  
26 of the minor.

1 (iv) (Blank).

2 (v) (Blank).

3 (4) The minor or any person interested in the minor may  
4 apply to the court for a change in custody of the minor and the  
5 appointment of a new custodian or guardian of the person or for  
6 the restoration of the minor to the custody of his parents or  
7 former guardian or custodian.

8 When return home is not selected as the permanency goal:

9 (a) The Department, the minor, or the current foster  
10 parent or relative caregiver seeking private guardianship  
11 may file a motion for private guardianship of the minor.  
12 Appointment of a guardian under this Section requires  
13 approval of the court.

14 (b) The State's Attorney may file a motion to terminate  
15 parental rights of any parent who has failed to make  
16 reasonable efforts to correct the conditions which led to  
17 the removal of the child or reasonable progress toward the  
18 return of the child, as defined in subdivision (D)(m) of  
19 Section 1 of the Adoption Act or for whom any other  
20 unfitness ground for terminating parental rights as  
21 defined in subdivision (D) of Section 1 of the Adoption Act  
22 exists.

23 When parental rights have been terminated for a minimum  
24 of 3 years and the child who is the subject of the  
25 permanency hearing is 13 years old or older and is not  
26 currently placed in a placement likely to achieve

1           permanency, the Department of Children and Family Services  
2           shall make reasonable efforts to locate parents whose  
3           rights have been terminated, except when the Court  
4           determines that those efforts would be futile or  
5           inconsistent with the subject child's best interests. The  
6           Department of Children and Family Services shall assess the  
7           appropriateness of the parent whose rights have been  
8           terminated, and shall, as appropriate, foster and support  
9           connections between the parent whose rights have been  
10          terminated and the youth. The Department of Children and  
11          Family Services shall document its determinations and  
12          efforts to foster connections in the child's case plan.

13          Custody of the minor shall not be restored to any parent,  
14          guardian or legal custodian in any case in which the minor is  
15          found to be neglected or abused under Section 2-3 or dependent  
16          under Section 2-4 of this Act, unless the minor can be cared  
17          for at home without endangering his or her health or safety and  
18          it is in the best interest of the minor, and if such neglect,  
19          abuse, or dependency is found by the court under paragraph (1)  
20          of Section 2-21 of this Act to have come about due to the acts  
21          or omissions or both of such parent, guardian or legal  
22          custodian, until such time as an investigation is made as  
23          provided in paragraph (5) and a hearing is held on the issue of  
24          the health, safety and best interest of the minor and the  
25          fitness of such parent, guardian or legal custodian to care for  
26          the minor and the court enters an order that such parent,

1 guardian or legal custodian is fit to care for the minor. In  
2 the event that the minor has attained 18 years of age and the  
3 guardian or custodian petitions the court for an order  
4 terminating his guardianship or custody, guardianship or  
5 custody shall terminate automatically 30 days after the receipt  
6 of the petition unless the court orders otherwise. No legal  
7 custodian or guardian of the person may be removed without his  
8 consent until given notice and an opportunity to be heard by  
9 the court.

10 When the court orders a child restored to the custody of  
11 the parent or parents, the court shall order the parent or  
12 parents to cooperate with the Department of Children and Family  
13 Services and comply with the terms of an after-care plan, or  
14 risk the loss of custody of the child and possible termination  
15 of their parental rights. The court may also enter an order of  
16 protective supervision in accordance with Section 2-24.

17 (5) Whenever a parent, guardian, or legal custodian files a  
18 motion for restoration of custody of the minor, and the minor  
19 was adjudicated neglected, abused, or dependent as a result of  
20 physical abuse, the court shall cause to be made an  
21 investigation as to whether the movant has ever been charged  
22 with or convicted of any criminal offense which would indicate  
23 the likelihood of any further physical abuse to the minor.  
24 Evidence of such criminal convictions shall be taken into  
25 account in determining whether the minor can be cared for at  
26 home without endangering his or her health or safety and

1 fitness of the parent, guardian, or legal custodian.

2 (a) Any agency of this State or any subdivision thereof  
3 shall co-operate with the agent of the court in providing  
4 any information sought in the investigation.

5 (b) The information derived from the investigation and  
6 any conclusions or recommendations derived from the  
7 information shall be provided to the parent, guardian, or  
8 legal custodian seeking restoration of custody prior to the  
9 hearing on fitness and the movant shall have an opportunity  
10 at the hearing to refute the information or contest its  
11 significance.

12 (c) All information obtained from any investigation  
13 shall be confidential as provided in Section 5-150 of this  
14 Act.

15 (Source: P.A. 96-600, eff. 8-21-09; 96-1375, eff. 7-29-10;  
16 97-425, eff. 8-16-11.)

17 Section 15. The Adoption Act is amended by changing Section  
18 18.3 as follows:

19 (750 ILCS 50/18.3) (from Ch. 40, par. 1522.3)

20 Sec. 18.3. (a) The agency, Department of Children and  
21 Family Services, Court Supportive Services, Juvenile Division  
22 of the Circuit Court, and any other party to the surrender of a  
23 child for adoption or in an adoption proceeding shall inform  
24 any birth parent or parents relinquishing a child for purposes

1 of adoption after the effective date of this Act of the  
2 opportunity to register with the Illinois Adoption Registry and  
3 Medical Information Exchange and to utilize the Illinois  
4 confidential intermediary program and shall obtain a written  
5 confirmation that acknowledges the birth parent's receipt of  
6 such information.

7 The birth parent shall be informed in writing that if  
8 contact or exchange of identifying information with the adult  
9 adopted or surrendered person is to occur, that adult adopted  
10 or surrendered person must be 21 years of age or over except as  
11 referenced in paragraph (d) of this Section.

12 (b) Any birth parent, birth sibling, adopted or surrendered  
13 person, adoptive parent, or legal guardian indicating their  
14 desire to receive identifying or medical information shall be  
15 informed of the existence of the Registry and assistance shall  
16 be given to such person to legally record his or her name with  
17 the Registry.

18 (c) The agency, Department of Children and Family Services,  
19 Court Supportive Services, Juvenile Division of the Circuit  
20 Court, and any other organization involved in the surrender of  
21 a child for adoption in an adoption proceeding which has  
22 written statements from an adopted or surrendered person and  
23 the birth parent or a birth sibling indicating a desire to  
24 share identifying information or establish contact shall  
25 supply such information to the mutually consenting parties,  
26 except that no identifying information shall be supplied to

1 consenting birth siblings if any such sibling is under 21 years  
2 of age. However, both the Registry having an Information  
3 Exchange Authorization and the organization having a written  
4 statement requesting the sharing of identifying information or  
5 contact shall communicate with each other to determine if the  
6 adopted or surrendered person or the birth parent or birth  
7 sibling has signed a form at a later date indicating a change  
8 in his or her desires regarding the sharing of information or  
9 contact.

10 (d) On and after January 1, 2000, any licensed child  
11 welfare agency which provides post-adoption search assistance  
12 to adoptive parents, adopted persons, surrendered persons,  
13 birth parents, or other birth relatives shall require that any  
14 person requesting post-adoption search assistance complete an  
15 Illinois Adoption Registry Application prior to the  
16 commencement of the search. However, former wards of the  
17 Department of Children and Family Services between the ages of  
18 18 and 21 who have been surrendered or adopted shall not be  
19 required to complete an Illinois Adoption Registry Application  
20 prior to commencement of the search.

21 (Source: P.A. 96-895, eff. 5-21-10.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.