



Rep. Mary E. Flowers

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LRB098 19356 RLC 56287 a

1 AMENDMENT TO HOUSE BILL 4496

2 AMENDMENT NO. _____. Amend House Bill 4496 by replacing
3 everything after the enacting clause with the following:

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

6 (705 ILCS 405/5-745)

7 Sec. 5-745. Court review.

8 (1) The court may require any legal custodian or guardian
9 of the person appointed under this Act, including the
10 Department of Juvenile Justice for youth committed under
11 Section 5-750 of this Act, to report periodically to the court
12 or may cite him or her into court and require him or her, or his
13 or her agency, to make a full and accurate report of his or her
14 or its doings in behalf of the minor, including efforts to
15 secure post-release placement of the youth after release from
16 the Department's facilities. The legal custodian or guardian,

1 within 10 days after the citation, shall make the report,
2 either in writing verified by affidavit or orally under oath in
3 open court, or otherwise as the court directs. Upon the hearing
4 of the report the court may remove the legal custodian or
5 guardian and appoint another in his or her stead or restore the
6 minor to the custody of his or her parents or former guardian
7 or legal custodian.

8 (2) A guardian or legal custodian appointed by the court
9 under this Act shall file updated case plans with the court
10 every 6 months. Every agency which has guardianship of a child
11 shall file a supplemental petition for court review, or review
12 by an administrative body appointed or approved by the court
13 and further order within 18 months of the sentencing order and
14 each 18 months thereafter. The petition shall state facts
15 relative to the child's present condition of physical, mental
16 and emotional health as well as facts relative to his or her
17 present custodial or foster care. The petition shall be set for
18 hearing and the clerk shall mail 10 days notice of the hearing
19 by certified mail, return receipt requested, to the person or
20 agency having the physical custody of the child, the minor and
21 other interested parties unless a written waiver of notice is
22 filed with the petition.

23 If the minor is in the custody of the Illinois Department
24 of Children and Family Services, pursuant to an order entered
25 under this Article, the court shall conduct permanency hearings
26 as set out in subsections (1), (2), and (3) of Section 2-28 of

1 Article II of this Act.

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

5 (2.1) The following provisions apply if the minor is in the
6 physical custody of the Department of Juvenile Justice. The
7 Department of Juvenile Justice shall file updated case plans
8 with the court every 6 months. The plan shall also be provided
9 to the minor's court appointed guardian ad litem, when the
10 Department has received written notice of the appointment and a
11 copy of the order making the appointment. When the court record
12 includes last known addresses for the minor's parents and
13 guardian, the Department shall send a notice to the parents or
14 guardian that the plan is available and the Department shall
15 provide the plan to the parents or guardian upon request. The
16 plan shall include:

17 (a) information as to the minor's physical, mental, and
18 emotional health;

19 (b) a summary of the services provided to the minor to
20 address the minor's physical, mental, and emotional
21 health;

22 (c) a description of the minor's general well-being,
23 including whether any information exists that the minor has
24 been abused or neglected while in the custody of the
25 Department;

26 (d) a description of the minor's unmet physical,

1 mental, and emotional health and educational needs which
2 have been identified by the Department and the plan to
3 address these needs;

4 (e) information as to the Department's efforts to
5 secure post-release placement of the minor after release
6 from the Department. The plan shall specifically state
7 whether the minor remains in the physical custody of the
8 Department solely because a post-release placement has not
9 been secured;

10 (f) identification of the minor's grade level and
11 educational history, including information about whether
12 the minor has in the past or is currently receiving special
13 education services;

14 (g) if the minor is currently receiving special
15 education services a copy of the minor's Individualized
16 Education Plan shall be included in the service plan;

17 (h) identification of educational goals, educational
18 needs, and identifiable educational problems; and

19 (i) a determination as to the need for a case study
20 evaluation.

21 Upon receipt of the plan, the court shall review the report
22 and determine whether a hearing would serve the minor's best
23 interests. The guardian ad litem, parent, or guardian of the
24 minor may request that the court schedule the matter for a
25 hearing. When the court has set a hearing on the case plan, the
26 clerk shall mail notice of the hearing to the Director of

1 Juvenile Justice and the minor's guardian ad litem at least 10
2 days prior to the hearing and when the court record includes
3 their last known addresses, to the minor's parents and
4 guardian. If the minor does not have an attorney or guardian ad
5 litem appointed, the court may appoint an attorney or guardian
6 ad litem for the minor, or both. If after receiving evidence,
7 the court determines that the services contained in the plan
8 are not reasonably calculated to prepare the minor for a
9 successful reentry into the community, the court shall put in
10 writing the factual basis supporting the determination and
11 enter specific findings based on the evidence. The court also
12 shall enter an order for the Department to develop and
13 implement a new service plan or to implement changes to the
14 current service plan consistent with the court's findings. The
15 new service plan shall be filed with the court and served on
16 all parties within 45 days of the date of the order. The court
17 shall continue the matter until the new service plan is filed.
18 Unless otherwise specifically authorized by law, the court may
19 not under subsection (2) or subsection (3) of this Section
20 order specific placements, specific services, or specific
21 service providers to be included in the plan.

22 (3) The minor or any person interested in the minor may
23 apply to the court for a change in custody of the minor and the
24 appointment of a new custodian or guardian of the person or for
25 the restoration of the minor to the custody of his or her
26 parents or former guardian or custodian. In the event that the

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

9 (Source: P.A. 96-178, eff. 1-1-10; 97-518, eff. 1-1-12.)".