



Sen. Pamela J. Althoff

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1 AMENDMENT TO SENATE BILL 850

2 AMENDMENT NO. _____. Amend Senate Bill 850 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is amended
5 by adding Section 5.40 as follows:

6 (20 ILCS 505/5.40 new)

7 Sec. 5.40. Voluntary placement agreement.

8 (a) The Department of Children and Family Services shall
9 develop, by rule, criteria for determining when a child may be
10 voluntarily placed in therapeutic out-of-home care funded by
11 the Department for the sole purpose of obtaining mental health
12 treatment for the child's serious mental illness or serious
13 emotional disturbance. Relinquishment of custody of a child
14 shall not be a condition for receipt of services or care
15 delivered or funded by the Department under this Section, and
16 the Department is prohibited from requesting, recommending, or

1 requiring a parent to relinquish his or her custody or
2 guardianship of the child. The voluntary placement provisions
3 under this Section do not apply to children who are abused or
4 neglected as determined under the Abused and Neglected Child
5 Reporting Act and the Juvenile Court Act of 1987. The criteria
6 shall include the following:

7 (1) The ability of the child's parent or legal guardian
8 to pay for services.

9 (2) The child's access to services.

10 (3) The severity of the child's mental illness or
11 emotional disturbance.

12 (4) The danger the child poses to other residents of
13 the home.

14 (b) A child voluntarily placed shall be placed in a
15 therapeutic out-of-home placement pursuant to a voluntary
16 placement agreement voluntarily entered into by the parent or
17 legal guardian of the child. The agreement must contain, at a
18 minimum, the following:

19 (1) A statement that the parent or legal guardian of
20 the child is not transferring legal custody of the child to
21 the Department or terminating his or her parental rights.

22 (2) A statement specifying the legal status of the
23 child.

24 (3) A statement specifying the rights and obligations
25 of the parent of the child and the child's legal guardian
26 or custodian, if any.

1 (4) A statement specifying the responsibilities of the
2 Department regarding the care, placement, and treatment of
3 the child.

4 (c) When a child is voluntarily placed, the Department is
5 responsible for the child's placement and care. When a
6 voluntary placement agreement is executed, the Department
7 shall ensure that the case is brought to the attention of a
8 court pursuant to Article II of the Juvenile Court Act of 1987
9 in sufficient time for the court to make a finding within the
10 first 180 days that the therapeutic out-of-home placement is in
11 the best interests of the child. For a child to remain in
12 therapeutic out-of-home care for longer than 180 days, a court
13 must make a judicial determination within the first 180 days of
14 the placement that the placement is in the best interests of
15 the child. In addition, the court shall hold a permanency
16 hearing as provided under Section 2-28 of the Juvenile Court
17 Act of 1987 no later than 12 months after the child's original
18 voluntary placement and not less frequently than once every 6
19 months thereafter during the continuation of the child's
20 original voluntary placement, to determine the future
21 placement of the child.

22 (d) A child's need for therapeutic out-of-home placement to
23 treat a serious emotional disturbance or a serious mental
24 illness shall not in and of itself constitute a basis for a
25 finding that the child is abused or neglected. A planned
26 abandonment or relinquishment of custody of a child at a

1 hospital or similar facility shall not be the basis for a
2 finding of abuse or neglect of the child if the Department
3 determines that the parent or legal guardian was reasonable in
4 his or her belief that taking the child home would endanger the
5 child or other family members and the child is not otherwise
6 abused or neglected.

7 (e) For a child voluntarily placed pursuant to this
8 Section, parental or guardian financial contribution to the
9 cost of the child's care while the child is in a therapeutic
10 out-of-home placement is required based on family income level:

11 (1) If family income is at or below 300% of the federal
12 poverty level, the parents or guardians are not required to
13 share in the cost of the child's care.

14 (2) If family income is above 300% of the federal
15 poverty level and equal to or less than 400% of the federal
16 poverty level, the parents or guardians of the child must
17 contribute an amount not to exceed 5% of the cost of the
18 child's care.

19 (3) If family income is above 400% of the federal
20 poverty level and equal to or less than 500% of the federal
21 poverty level, the parents or guardians of the child must
22 contribute an amount not to exceed 10% of the cost of the
23 child's care.

24 (4) If family income is above 500% of the federal
25 poverty level, the parents or guardians shall contribute
26 not more than 15% to the cost of the child's care.

1 (5) A parent or guardian who has private health
2 insurance coverage for their family, including their
3 child, must exhaust their insurance coverage first for
4 coverage for residential services before the Department of
5 Children and Family Services funds a therapeutic
6 out-of-home placement pursuant to this Section. The parent
7 or guardian shall maintain existing health care coverage to
8 pay for the child's other health care needs while in the
9 therapeutic out-of-home placement.

10 (f) As used in this Section:

11 "Family income" means the sum of a family's annual
12 earnings and cash benefits from all sources before taxes,
13 less payments made for child support.

14 "Federal poverty level" means the poverty guidelines
15 updated periodically in the Federal Register by the United
16 States Department of Health and Human Services under the
17 authority of 42 U.S.C. 9902(2).

18 "Serious emotional disturbance" means a diagnosable
19 mental, behavioral, or emotional disorder in a child or
20 youth that resulted in functional impairment which
21 substantially interferes with or limits his or her role or
22 functioning in family, school, or community activities.

23 "Serious mental illness" means the presence of a major
24 disorder as classified in the Diagnostic and Statistical
25 Manual of Mental Disorders, Fourth Edition (DSM-IV)
26 (American Psychiatric Association, 1400 K Street NW,

1 Washington, DC 20005), excluding alcohol and substance
2 abuse, Alzheimer's disease, and other forms of dementia
3 based upon organic or physical disorders. A serious mental
4 illness is determined by all of the following diagnoses
5 that constitute a serious mental illness:

6 (1) Schizophrenia;

7 (2) Delusional disorder;

8 (3) Schizo-affective disorder;

9 (4) Psychotic disorder not otherwise
10 specified;

11 (5) Bipolar disorder I - mixed, manic, and
12 depressed;

13 (6) Bipolar disorder II;

14 (7) Cyclothymic disorder; or

15 (8) Bipolar disorder not otherwise specified

16 I.

17 (g) The Department shall submit a report annually to the
18 General Assembly by no later than January 15th on the number of
19 children voluntarily placed pursuant to this Section during the
20 previous calendar year.

21 Section 10. The Juvenile Court Act of 1987 is amended by
22 changing Sections 1-3, 2-1, 2-4, 2-13, 2-17, 2-21, 2-22, 2-23,
23 and 2-28 as follows:

24 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

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

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

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

14 (3) "Agency" means a public or private child care facility
15 legally authorized or licensed by this State for placement or
16 institutional care or for both placement and institutional
17 care.

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

22 (4.05) Whenever a "best interest" determination is
23 required, the following factors shall be considered in the
24 context of the child's age and developmental needs:

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

- 1 (b) the development of the child's identity;
- 2 (c) the child's background and ties, including
3 familial, cultural, and religious;
- 4 (d) the child's sense of attachments, including:
- 5 (i) where the child actually feels love,
6 attachment, and a sense of being valued (as opposed to
7 where adults believe the child should feel such love,
8 attachment, and a sense of being valued);
- 9 (ii) the child's sense of security;
- 10 (iii) the child's sense of familiarity;
- 11 (iv) continuity of affection for the child;
- 12 (v) the least disruptive placement alternative for
13 the child;
- 14 (e) the child's wishes and long-term goals;
- 15 (f) the child's community ties, including church,
16 school, and friends;
- 17 (g) the child's need for permanence which includes the
18 child's need for stability and continuity of relationships
19 with parent figures and with siblings and other relatives;
- 20 (h) the uniqueness of every family and child;
- 21 (i) the risks attendant to entering and being in
22 substitute care; and
- 23 (j) the preferences of the persons available to care
24 for the child.
- 25 (4.1) "Chronic truant" shall have the definition ascribed
26 to it in Section 26-2a of the School Code.

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

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

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

10 (7.05) "Foster parent" includes a relative caregiver
11 selected by the Department of Children and Family Services to
12 provide care for the minor.

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

20 (a) the authority to consent to marriage, to enlistment
21 in the armed forces of the United States, or to a major
22 medical, psychiatric, and surgical treatment; to represent
23 the minor in legal actions; and to make other decisions of
24 substantial legal significance concerning the minor;

25 (b) the authority and duty of reasonable visitation,
26 except to the extent that these have been limited in the

1 best interests of the minor by court order;

2 (c) the rights and responsibilities of legal custody
3 except where legal custody has been vested in another
4 person or agency; and

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

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

16 (9.1) "Mentally capable adult relative" means a person 21
17 years of age or older who is not suffering from a mental
18 illness that prevents him or her from providing the care
19 necessary to safeguard the physical safety and welfare of a
20 minor who is left in that person's care by the parent or
21 parents or other person responsible for the minor's welfare.

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

24 (11) "Parent" means the father or mother of a child and
25 includes any adoptive parent. It also includes a man (i) whose
26 paternity is presumed or has been established under the law of

1 this or another jurisdiction or (ii) who has registered with
2 the Putative Father Registry in accordance with Section 12.1 of
3 the Adoption Act and whose paternity has not been ruled out
4 under the law of this or another jurisdiction. It does not
5 include a parent whose rights in respect to the minor have been
6 terminated in any manner provided by law. It does not include a
7 person who has been or could be determined to be a parent under
8 the Illinois Parentage Act of 1984, or similar parentage law in
9 any other state, if that person has been convicted of or pled
10 nolo contendere to a crime that resulted in the conception of
11 the child under Section 11-1.20, 11-1.30, 11-1.40, 11-11,
12 12-13, 12-14, 12-14.1, subsection (a) or (b) (but not
13 subsection (c)) of Section 11-1.50 or 12-15, or subsection (a),
14 (b), (c), (e), or (f) (but not subsection (d)) of Section
15 11-1.60 or 12-16 of the Criminal Code of 1961 or the Criminal
16 Code of 2012, or similar statute in another jurisdiction unless
17 upon motion of any party, other than the offender, to the
18 juvenile court proceedings the court finds it is in the child's
19 best interest to deem the offender a parent for purposes of the
20 juvenile court proceedings.

21 (11.1) "Permanency goal" means a goal set by the court as
22 defined in subdivision (2) of Section 2-28.

23 (11.2) "Permanency hearing" means a hearing to set the
24 permanency goal and to review and determine (i) the
25 appropriateness of the services contained in the plan and
26 whether those services have been provided, (ii) whether

1 reasonable efforts have been made by all the parties to the
2 service plan to achieve the goal, and (iii) whether the plan
3 and goal have been achieved.

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

7 (12.1) "Physically capable adult relative" means a person
8 21 years of age or older who does not have a severe physical
9 disability or medical condition, or is not suffering from
10 alcoholism or drug addiction, that prevents him or her from
11 providing the care necessary to safeguard the physical safety
12 and welfare of a minor who is left in that person's care by the
13 parent or parents or other person responsible for the minor's
14 welfare.

15 (12.2) "Post Permanency Sibling Contact Agreement" has the
16 meaning ascribed to the term in Section 7.4 of the Children and
17 Family Services Act.

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

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

4 (14.1) "Sibling Contact Support Plan" has the meaning
5 ascribed to the term in Section 7.4 of the Children and Family
6 Services Act.

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

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

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

21 (18) "Secure child care facility" means any child care
22 facility licensed by the Department of Children and Family
23 Services to provide secure living arrangements for children
24 under 18 years of age who are subject to placement in
25 facilities under the Children and Family Services Act and who
26 are not subject to placement in facilities for whom standards

1 are established by the Department of Corrections under Section
2 3-15-2 of the Unified Code of Corrections. "Secure child care
3 facility" also means a facility that is designed and operated
4 to ensure that all entrances and exits from the facility, a
5 building, or a distinct part of the building are under the
6 exclusive control of the staff of the facility, whether or not
7 the child has the freedom of movement within the perimeter of
8 the facility, building, or distinct part of the building.

9 (Source: P.A. 97-568, eff. 8-25-11; 97-1076, eff. 8-24-12;
10 97-1150, eff. 1-25-13; 98-249, eff. 1-1-14.)

11 (705 ILCS 405/2-1) (from Ch. 37, par. 802-1)

12 Sec. 2-1. Jurisdictional facts. Proceedings may be
13 instituted under the provisions of this Article concerning boys
14 and girls who are abused, neglected, ~~or~~ dependent, or
15 voluntarily placed, as defined in Sections 2-3 or 2-4.

16 (Source: P.A. 85-601.)

17 (705 ILCS 405/2-4) (from Ch. 37, par. 802-4)

18 Sec. 2-4. Dependent minor.

19 (1) Those who are dependent include any minor under 18
20 years of age:

21 (a) who is without a parent, guardian or legal
22 custodian;

23 (b) who is without proper care because of the physical
24 or mental disability of his parent, guardian or custodian;

1 (c) who is without proper medical or other remedial
2 care recognized under State law or other care necessary for
3 his or her well being through no fault, neglect or lack of
4 concern by his parents, guardian or custodian, provided
5 that no order may be made terminating parental rights, nor
6 may a minor be removed from the custody of his or her
7 parents for longer than 6 months, pursuant to an
8 adjudication as a dependent minor under this subdivision
9 (c), unless it is found to be in his or her best interest
10 by the court or the case automatically closes as provided
11 under Section 2-31 of this Act; this subsection (c) does
12 not apply to children with a serious emotional disturbance
13 or a serious mental illness who are placed under a
14 voluntary placement agreement; or

15 (d) who has a parent, guardian or legal custodian who
16 with good cause wishes to be relieved of all residual
17 parental rights and responsibilities, guardianship or
18 custody, and who desires the appointment of a guardian of
19 the person with power to consent to the adoption of the
20 minor under Section 2-29.

21 (2) This Section does not apply to a minor who would be
22 included herein solely for the purpose of qualifying for
23 financial assistance for himself, his parent or parents,
24 guardian or custodian or to a minor solely because his or her
25 parent or parents or guardian has left the minor for any period
26 of time in the care of an adult relative, who the parent or

1 parents or guardian know is both a mentally capable adult
2 relative and physically capable adult relative, as defined by
3 this Act.

4 (Source: P.A. 96-168, eff. 8-10-09.)

5 (705 ILCS 405/2-13) (from Ch. 37, par. 802-13)

6 Sec. 2-13. Petition.

7 (1) Any adult person, any agency or association by its
8 representative may file, or the court on its own motion,
9 consistent with the health, safety and best interests of the
10 minor may direct the filing through the State's Attorney of a
11 petition in respect of a minor under this Act. The petition and
12 all subsequent court documents shall be entitled "In the
13 interest of, a minor".

14 (2) The petition shall be verified but the statements may
15 be made upon information and belief. It shall allege that the
16 minor is abused, neglected, ~~or~~ dependent, or subject to a
17 voluntary placement agreement, with citations to the
18 appropriate provisions of this Act, and set forth (a) facts
19 sufficient to bring the minor under Section 2-3 or 2-4 and to
20 inform respondents of the cause of action, including, but not
21 limited to, a plain and concise statement of the factual
22 allegations that form the basis for the filing of the petition;
23 (b) the name, age and residence of the minor; (c) the names and
24 residences of his parents; (d) the name and residence of his
25 legal guardian or the person or persons having custody or

1 control of the minor, or of the nearest known relative if no
2 parent or guardian can be found; and (e) if the minor upon
3 whose behalf the petition is brought is sheltered in custody,
4 the date on which such temporary custody was ordered by the
5 court or the date set for a temporary custody hearing. If any
6 of the facts herein required are not known by the petitioner,
7 the petition shall so state.

8 (3) The petition must allege that it is in the best
9 interests of the minor and of the public that he be adjudged a
10 ward of the court and may pray generally for relief available
11 under this Act. The petition need not specify any proposed
12 disposition following adjudication of wardship. The petition
13 may request that the minor remain in the custody of the parent,
14 guardian, or custodian under an Order of Protection.

15 (4) If termination of parental rights and appointment of a
16 guardian of the person with power to consent to adoption of the
17 minor under Section 2-29 is sought, the petition shall so
18 state. If the petition includes this request, the prayer for
19 relief shall clearly and obviously state that the parents could
20 permanently lose their rights as a parent at this hearing.

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

26 (4.5) (a) With respect to any minors committed to its care

1 pursuant to this Act, the Department of Children and Family
2 Services shall request the State's Attorney to file a petition
3 or motion for termination of parental rights and appointment of
4 guardian of the person with power to consent to adoption of the
5 minor under Section 2-29 if:

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

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

12 (iii) the parent is criminally convicted of (A) first
13 degree murder or second degree murder of any child, (B)
14 attempt or conspiracy to commit first degree murder or
15 second degree murder of any child, (C) solicitation to
16 commit murder of any child, solicitation to commit murder
17 for hire of any child, or solicitation to commit second
18 degree murder of any child, (D) aggravated battery,
19 aggravated battery of a child, or felony domestic battery,
20 any of which has resulted in serious injury to the minor or
21 a sibling of the minor, (E) aggravated criminal sexual
22 assault in violation of subdivision (a)(1) of Section
23 11-1.40 or subdivision (a)(1) of Section 12-14.1 of the
24 Criminal Code of 1961 or the Criminal Code of 2012, or (F)
25 an offense in any other state the elements of which are
26 similar and bear a substantial relationship to any of the

1 foregoing offenses

2 unless:

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

4 (ii) the Department has documented in the case plan a
5 compelling reason for determining that filing such
6 petition would not be in the best interests of the child,

7 (iii) the court has found within the preceding 12
8 months that the Department has failed to make reasonable
9 efforts to reunify the child and family, or

10 (iv) paragraph (c) of this subsection (4.5) provides
11 otherwise.

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

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

17 (2) 60 days after the date on which the child is
18 removed from his or her parent, guardian, or legal
19 custodian.

20 (c) With respect to paragraph (a)(i), the following
21 transition rules shall apply:

22 (1) If the child entered foster care after November 19,
23 1997 and this amendatory Act of 1998 takes effect before
24 the child has been in foster care for 15 months of the
25 preceding 22 months, then the Department shall comply with
26 the requirements of paragraph (a) of this subsection (4.5)

1 for that child as soon as the child has been in foster care
2 for 15 of the preceding 22 months.

3 (2) If the child entered foster care after November 19,
4 1997 and this amendatory Act of 1998 takes effect after the
5 child has been in foster care for 15 of the preceding 22
6 months, then the Department shall comply with the
7 requirements of paragraph (a) of this subsection (4.5) for
8 that child within 3 months after the end of the next
9 regular session of the General Assembly.

10 (3) If the child entered foster care prior to November
11 19, 1997, then the Department shall comply with the
12 requirements of paragraph (a) of this subsection (4.5) for
13 that child in accordance with Department policy or rule.

14 (d) If the State's Attorney determines that the
15 Department's request for filing of a petition or motion
16 conforms to the requirements set forth in subdivisions (a),
17 (b), and (c) of this subsection (4.5), then the State's
18 Attorney shall file the petition or motion as requested.

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

1 time prior to ruling. In all cases in which the court has
2 granted leave to amend based on new evidence or new
3 allegations, the court shall permit the respondent an adequate
4 opportunity to prepare a defense to the amended petition.

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

10 (Source: P.A. 97-1150, eff. 1-25-13.)

11 (705 ILCS 405/2-17) (from Ch. 37, par. 802-17)

12 Sec. 2-17. Guardian ad litem.

13 (1) Immediately upon the filing of a petition alleging that
14 the minor is a person described in Sections 2-3 or 2-4 of this
15 Article, the court shall appoint a guardian ad litem for the
16 minor if:

17 (a) such petition alleges that the minor is ~~an~~ abused,
18 ~~or~~ neglected, dependent, or voluntarily placed child; or

19 (b) such petition alleges that charges alleging the
20 commission of any of the sex offenses defined in Article 11
21 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
22 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the
23 Criminal Code of 1961 or the Criminal Code of 2012, have
24 been filed against a defendant in any court and that such
25 minor is the alleged victim of the acts of defendant in the

1 commission of such offense.

2 Unless the guardian ad litem appointed pursuant to this
3 paragraph (1) is an attorney at law he shall be represented in
4 the performance of his duties by counsel. The guardian ad litem
5 shall represent the best interests of the minor and shall
6 present recommendations to the court consistent with that duty.

7 (2) Before proceeding with the hearing, the court shall
8 appoint a guardian ad litem for the minor if

9 (a) no parent, guardian, custodian or relative of the
10 minor appears at the first or any subsequent hearing of the
11 case;

12 (b) the petition prays for the appointment of a
13 guardian with power to consent to adoption; ~~or~~

14 (c) the petition for which the minor is before the
15 court resulted from a report made pursuant to the Abused
16 and Neglected Child Reporting Act; or ~~or~~

17 (d) the petition alleges that the minor is subject to a
18 voluntary placement agreement.

19 (3) The court may appoint a guardian ad litem for the minor
20 whenever it finds that there may be a conflict of interest
21 between the minor and his parents or other custodian or that it
22 is otherwise in the minor's best interest to do so.

23 (4) Unless the guardian ad litem is an attorney, he shall
24 be represented by counsel.

25 (5) The reasonable fees of a guardian ad litem appointed
26 under this Section shall be fixed by the court and charged to

1 the parents of the minor, to the extent they are able to pay.
2 If the parents are unable to pay those fees, they shall be paid
3 from the general fund of the county.

4 (6) A guardian ad litem appointed under this Section, shall
5 receive copies of any and all classified reports of child abuse
6 and neglect made under the Abused and Neglected Child Reporting
7 Act in which the minor who is the subject of a report under the
8 Abused and Neglected Child Reporting Act, is also the minor for
9 whom the guardian ad litem is appointed under this Section.

10 (7) The appointed guardian ad litem shall remain the
11 child's guardian ad litem throughout the entire juvenile trial
12 court proceedings, including permanency hearings and
13 termination of parental rights proceedings, unless there is a
14 substitution entered by order of the court.

15 (8) The guardian ad litem or an agent of the guardian ad
16 litem shall have a minimum of one in-person contact with the
17 minor and one contact with one of the current foster parents or
18 caregivers prior to the adjudicatory hearing, and at least one
19 additional in-person contact with the child and one contact
20 with one of the current foster parents or caregivers after the
21 adjudicatory hearing but prior to the first permanency hearing
22 and one additional in-person contact with the child and one
23 contact with one of the current foster parents or caregivers
24 each subsequent year. For good cause shown, the judge may
25 excuse face-to-face interviews required in this subsection.

26 (9) In counties with a population of 100,000 or more but

1 less than 3,000,000, each guardian ad litem must successfully
2 complete a training program approved by the Department of
3 Children and Family Services. The Department of Children and
4 Family Services shall provide training materials and documents
5 to guardians ad litem who are not mandated to attend the
6 training program. The Department of Children and Family
7 Services shall develop and distribute to all guardians ad litem
8 a bibliography containing information including but not
9 limited to the juvenile court process, termination of parental
10 rights, child development, medical aspects of child abuse, and
11 the child's need for safety and permanence.

12 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

13 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)

14 Sec. 2-21. Findings and adjudication.

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

23 No further service of process as defined in Sections 2-15
24 and 2-16 is required in any subsequent proceeding for a parent
25 who was properly served in any manner, except as required by

1 Supreme Court Rule 11.

2 The caseworker shall testify about the diligent search
3 conducted for the parent.

4 After hearing the evidence the court shall determine
5 whether or not the minor is abused, neglected, ~~or~~ dependent, or
6 subject to a voluntary placement agreement. If it finds that
7 the minor is not such a person, the court shall order the
8 petition dismissed and the minor discharged. The court's
9 determination of whether the minor is abused, neglected, ~~or~~
10 dependent, or subject to a voluntary placement agreement and
11 that continued therapeutic out-of-home care is in the minor's
12 best interest shall be stated in writing with the factual basis
13 supporting that determination.

14 If the court finds that the minor is abused, neglected, or
15 dependent, the court shall then determine and put in writing
16 the factual basis supporting that determination, and specify,
17 to the extent possible, the acts or omissions or both of each
18 parent, guardian, or legal custodian that form the basis of the
19 court's findings. That finding shall appear in the order of the
20 court.

21 If the court finds that the child has been abused,
22 neglected or dependent, the court shall admonish the parents
23 that they must cooperate with the Department of Children and
24 Family Services, comply with the terms of the service plan, and
25 correct the conditions that require the child to be in care, or
26 risk termination of parental rights.

1 If the court determines that a person has inflicted
2 physical or sexual abuse upon a minor, the court shall report
3 that determination to the Department of State Police, which
4 shall include that information in its report to the President
5 of the school board for a school district that requests a
6 criminal history records check of that person, or the regional
7 superintendent of schools who requests a check of that person,
8 as required under Section 10-21.9 or 34-18.5 of the School
9 Code.

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

1 information that may be helpful to the court. The dispositional
2 hearing may be continued once for a period not to exceed 30
3 days if the court finds that such continuance is necessary to
4 complete the dispositional report.

5 (3) The time limits of this Section may be waived only by
6 consent of all parties and approval by the court, as determined
7 to be consistent with the health, safety and best interests of
8 the minor.

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

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

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

19 (ii) the court has found by a preponderance of
20 evidence, introduced or stipulated to at an adjudicatory
21 hearing, that the child comes under the jurisdiction of the
22 court as an abused, neglected, or dependent minor under
23 Section 2-18; and

24 (iii) the court finds, on the basis of clear and
25 convincing evidence admitted at the adjudicatory hearing
26 that the parent is an unfit person under subdivision D of

1 Section 1 of the Adoption Act; and

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

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

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

10 (B) termination of parental rights and appointment
11 of a guardian with power to consent to adoption is in
12 the best interest of the child pursuant to Section
13 2-29.

14 (Source: P.A. 93-909, eff. 8-12-04.)

15 (705 ILCS 405/2-22) (from Ch. 37, par. 802-22)

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

17 (1) At the dispositional hearing, the court shall determine
18 whether it is in the best interests of the minor and the public
19 that he be made a ward of the court, and, if he is to be made a
20 ward of the court, the court shall determine the proper
21 disposition best serving the health, safety and interests of
22 the minor and the public. The court also shall consider the
23 permanency goal set for the minor, the nature of the service
24 plan for the minor and the services delivered and to be
25 delivered under the plan. All evidence helpful in determining

1 these questions, including oral and written reports, may be
2 admitted and may be relied upon to the extent of its probative
3 value, even though not competent for the purposes of the
4 adjudicatory hearing.

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

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

25 (4) On its own motion or that of the State's Attorney, a
26 parent, guardian, custodian, responsible relative or counsel,

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

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

22 (6) When the court declares a child to be a ward of the
23 court and awards guardianship to the Department of Children and
24 Family Services, (a) the court shall admonish the parents,
25 guardian, custodian or responsible relative that the parents
26 must cooperate with the Department of Children and Family

1 Services, comply with the terms of the service plans, and
2 correct the conditions which require the child to be in care,
3 or risk termination of their parental rights; and (b) the court
4 shall inquire of the parties of any intent to proceed with
5 termination of parental rights of a parent:

6 (A) whose identity still remains unknown;

7 (B) whose whereabouts remain unknown; or

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

12 (Source: P.A. 92-822, eff. 8-21-02.)

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 (b-2) A minor under the age of 18 shall be continued in
19 the custody and guardianship of his parents, guardians, or
20 legal custodians and the Department of Children and Family
21 Services shall be responsible for the child's placement and
22 care.

23 (c) When the court awards guardianship to the
24 Department of Children and Family Services, the court shall
25 order the parents to cooperate with the Department of
26 Children and Family Services, comply with the terms of the

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

4 (2) Any order of disposition may provide for protective
5 supervision under Section 2-24 and may include an order of
6 protection under Section 2-25.

7 Unless the order of disposition expressly so provides, it
8 does not operate to close proceedings on the pending petition,
9 but is subject to modification, not inconsistent with Section
10 2-28, until final closing and discharge of the proceedings
11 under Section 2-31.

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

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

20 (4) In addition to any other order of disposition, the
21 court may order any minor adjudicated neglected with respect to
22 his or her own injurious behavior to make restitution, in
23 monetary or non-monetary form, under the terms and conditions
24 of Section 5-5-6 of the Unified Code of Corrections, except
25 that the "presentence hearing" referred to therein shall be the
26 dispositional hearing for purposes of this Section. The parent,

1 guardian or legal custodian of the minor may pay some or all of
2 such restitution on the minor's behalf.

3 (5) Any order for disposition where the minor is committed
4 or placed in accordance with Section 2-27 shall provide for the
5 parents or guardian of the estate of such minor to pay to the
6 legal custodian or guardian of the person of the minor such
7 sums as are determined by the custodian or guardian of the
8 person of the minor as necessary for the minor's needs. Such
9 payments may not exceed the maximum amounts provided for by
10 Section 9.1 of the Children and Family Services Act.

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

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

19 (Source: P.A. 96-581, eff. 1-1-10; 96-600, eff. 8-21-09;
20 96-1000, eff. 7-2-10; 97-1076, eff. 8-24-12.)

21 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)
22 Sec. 2-28. Court review.

23 (1) The court may require any legal custodian or guardian
24 of the person appointed under this Act to report periodically
25 to the court or may cite him into court and require him or his

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

1 minor.

2 (2) The first permanency hearing shall be conducted by the
3 judge. Subsequent permanency hearings may be heard by a judge
4 or by hearing officers appointed or approved by the court in
5 the manner set forth in Section 2-28.1 of this Act. The initial
6 hearing shall be held (a) within 12 months from the date
7 temporary custody was taken, regardless of whether an
8 adjudication or dispositional hearing has been completed
9 within that time frame, or within 12 months of the date a
10 voluntary placement agreement was executed, (b) if the parental
11 rights of both parents have been terminated in accordance with
12 the procedure described in subsection (5) of Section 2-21,
13 within 30 days of the order for termination of parental rights
14 and appointment of a guardian with power to consent to
15 adoption, or (c) in accordance with subsection (2) of Section
16 2-13.1. Subsequent permanency hearings shall be held every 6
17 months or more frequently if necessary in the court's
18 determination following the initial permanency hearing, in
19 accordance with the standards set forth in this Section, until
20 the court determines that the plan and goal have been achieved.
21 Once the plan and goal have been achieved, if the minor remains
22 in substitute care, the case shall be reviewed at least every 6
23 months thereafter, subject to the provisions of this Section,
24 unless the minor is placed in the guardianship of a suitable
25 relative or other person and the court determines that further
26 monitoring by the court does not further the health, safety or

1 best interest of the child and that this is a stable permanent
2 placement. The permanency hearings must occur within the time
3 frames set forth in this subsection and may not be delayed in
4 anticipation of a report from any source or due to the agency's
5 failure to timely file its written report (this written report
6 means the one required under the next paragraph and does not
7 mean the service plan also referred to in that paragraph).

8 The public agency that is the custodian or guardian of the
9 minor, or another agency responsible for the minor's care,
10 shall ensure that all parties to the permanency hearings are
11 provided a copy of the most recent service plan prepared within
12 the prior 6 months at least 14 days in advance of the hearing.
13 In voluntary placement cases, the Department of Children and
14 Family Services is responsible for creating and distributing
15 the service plan. If not contained in the plan, the agency
16 shall also include a report setting forth (i) any special
17 physical, psychological, educational, medical, emotional, or
18 other needs of the minor or his or her family that are relevant
19 to a permanency or placement determination and (ii) for any
20 minor age 16 or over, a written description of the programs and
21 services that will enable the minor to prepare for independent
22 living. The agency's written report must detail what progress
23 or lack of progress the parent has made in correcting the
24 conditions requiring the child to be in care; whether the child
25 can be returned home without jeopardizing the child's health,
26 safety, and welfare, and if not, what permanency goal is

1 recommended to be in the best interests of the child, and why
2 the other permanency goals are not appropriate. The caseworker
3 must appear and testify at the permanency hearing. If a
4 permanency hearing has not previously been scheduled by the
5 court, the moving party shall move for the setting of a
6 permanency hearing and the entry of an order within the time
7 frames set forth in this subsection.

8 At the permanency hearing, the court shall determine the
9 future status of the child. The court shall set one of the
10 following permanency goals:

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

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

18 (B-1) The minor will be in short-term care with a
19 continued goal to return home pending a status hearing.
20 When the court finds that a parent has not made reasonable
21 efforts or reasonable progress to date, the court shall
22 identify what actions the parent and the Department must
23 take in order to justify a finding of reasonable efforts or
24 reasonable progress and shall set a status hearing to be
25 held not earlier than 9 months from the date of
26 adjudication nor later than 11 months from the date of

1 adjudication during which the parent's progress will again
2 be reviewed.

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

5 (D) Adoption, provided that parental rights have been
6 terminated or relinquished.

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

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

12 (G) The minor will be in substitute care because he or
13 she cannot be provided for in a home environment due to
14 developmental disabilities or mental illness or because he
15 or she is a danger to self or others, provided that goals
16 (A) through (D) have been ruled out.

17 In selecting any permanency goal, the court shall indicate
18 in writing the reasons the goal was selected and why the
19 preceding goals were ruled out. Where the court has selected a
20 permanency goal other than (A), (B), or (B-1), the Department
21 of Children and Family Services shall not provide further
22 reunification services, but shall provide services consistent
23 with the goal selected.

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

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

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

5 (3) The court has found compelling reasons, based
6 on written documentation reviewed by the court, to
7 place the minor in continuing foster care. Compelling
8 reasons include:

9 (a) the child does not wish to be adopted or to
10 be placed in the guardianship of his or her
11 relative or foster care placement;

12 (b) the child exhibits an extreme level of need
13 such that the removal of the child from his or her
14 placement would be detrimental to the child; or

15 (c) the child who is the subject of the
16 permanency hearing has existing close and strong
17 bonds with a sibling, and achievement of another
18 permanency goal would substantially interfere with
19 the subject child's sibling relationship, taking
20 into consideration the nature and extent of the
21 relationship, and whether ongoing contact is in
22 the subject child's best interest, including
23 long-term emotional interest, as compared with the
24 legal and emotional benefit of permanence;

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

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

4 The court shall set a permanency goal that is in the best
5 interest of the child. In determining that goal, the court
6 shall consult with the minor in an age-appropriate manner
7 regarding the proposed permanency or transition plan for the
8 minor. The court's determination shall include the following
9 factors:

10 (1) Age of the child.

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

13 (3) Current placement of the child and the intent of
14 the family regarding adoption.

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

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

20 (6) Availability of services currently needed and
21 whether the services exist.

22 (7) Status of siblings of the minor.

23 The court shall consider (i) the permanency goal contained
24 in the service plan, (ii) the appropriateness of the services
25 contained in the plan and whether those services have been
26 provided, (iii) whether reasonable efforts have been made by

1 all the parties to the service plan to achieve the goal, and
2 (iv) whether the plan and goal have been achieved. All evidence
3 relevant to determining these questions, including oral and
4 written reports, may be admitted and may be relied on to the
5 extent of their probative value.

6 The court shall make findings as to whether, in violation
7 of Section 8.2 of the Abused and Neglected Child Reporting Act,
8 any portion of the service plan compels a child or parent to
9 engage in any activity or refrain from any activity that is not
10 reasonably related to remedying a condition or conditions that
11 gave rise or which could give rise to any finding of child
12 abuse or neglect. The services contained in the service plan
13 shall include services reasonably related to remedy the
14 conditions that gave rise to removal of the child from the home
15 of his or her parents, guardian, or legal custodian or that the
16 court has found must be remedied prior to returning the child
17 home. Any tasks the court requires of the parents, guardian, or
18 legal custodian or child prior to returning the child home,
19 must be reasonably related to remedying a condition or
20 conditions that gave rise to or which could give rise to any
21 finding of child abuse or neglect. For children who are
22 voluntarily placed, the services identified in the plan must be
23 reasonably related to ensuring a safe return of the child to
24 the home.

25 If the permanency goal is to return home, the court shall
26 make findings that identify any problems that are causing

1 continued placement of the children away from the home and
2 identify what outcomes would be considered a resolution to
3 these problems. The court shall explain to the parents that
4 these findings are based on the information that the court has
5 at that time and may be revised, should additional evidence be
6 presented to the court.

7 The court shall review the Sibling Contact Support Plan
8 developed or modified under subsection (f) of Section 7.4 of
9 the Children and Family Services Act, if applicable. If the
10 Department has not convened a meeting to develop or modify a
11 Sibling Contact Support Plan, or if the court finds that the
12 existing Plan is not in the child's best interest, the court
13 may enter an order requiring the Department to develop, modify
14 or implement a Sibling Contact Support Plan, or order
15 mediation.

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

19 If, after receiving evidence, the court determines that the
20 services contained in the plan are not reasonably calculated to
21 facilitate achievement of the permanency goal, the court shall
22 put in writing the factual basis supporting the determination
23 and enter specific findings based on the evidence. The court
24 also shall enter an order for the Department to develop and
25 implement a new service plan or to implement changes to the
26 current service plan consistent with the court's findings. The

1 new service plan shall be filed with the court and served on
2 all parties within 45 days of the date of the order. The court
3 shall continue the matter until the new service plan is filed.
4 Unless otherwise specifically authorized by law, the court is
5 not empowered under this subsection (2) or under subsection (3)
6 to order specific placements, specific services, or specific
7 service providers to be included in the plan.

8 A guardian or custodian appointed by the court pursuant to
9 this Act or, in the case of a voluntary placement, the
10 Department of Children and Family Services shall file updated
11 case plans with the court every 6 months.

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

15 (3) Following the permanency hearing, the court shall enter
16 a written order that includes the determinations required under
17 subsection (2) of this Section and sets forth the following:

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

21 (b) If the permanency goal of the minor cannot be
22 achieved immediately, the specific reasons for continuing
23 the minor in the care of the Department of Children and
24 Family Services or other agency for short term placement,
25 and the following determinations:

26 (i) (Blank).

1 (ii) Whether the services required by the court and
2 by any service plan prepared within the prior 6 months
3 have been provided and (A) if so, whether the services
4 were reasonably calculated to facilitate the
5 achievement of the permanency goal or (B) if not
6 provided, why the services were not provided.

7 (iii) Whether the minor's placement is necessary,
8 and appropriate to the plan and goal, recognizing the
9 right of minors to the least restrictive (most
10 family-like) setting available and in close proximity
11 to the parents' home consistent with the health,
12 safety, best interest and special needs of the minor
13 and, if the minor is placed out-of-State, whether the
14 out-of-State placement continues to be appropriate and
15 consistent with the health, safety, and best interest
16 of the minor.

17 (iv) (Blank).

18 (v) (Blank).

19 (4) The minor or any person interested in the minor may
20 apply to the court for a change in custody of the minor and the
21 appointment of a new custodian or guardian of the person or for
22 the restoration of the minor to the custody of his parents or
23 former guardian or custodian.

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

25 (a) The Department, the minor, or the current foster
26 parent or relative caregiver seeking private guardianship

1 may file a motion for private guardianship of the minor.
2 Appointment of a guardian under this Section requires
3 approval of the court.

4 (b) The State's Attorney may file a motion to terminate
5 parental rights of any parent who has failed to make
6 reasonable efforts to correct the conditions which led to
7 the removal of the child or reasonable progress toward the
8 return of the child, as defined in subdivision (D)(m) of
9 Section 1 of the Adoption Act or for whom any other
10 unfitness ground for terminating parental rights as
11 defined in subdivision (D) of Section 1 of the Adoption Act
12 exists.

13 When parental rights have been terminated for a minimum
14 of 3 years and the child who is the subject of the
15 permanency hearing is 13 years old or older and is not
16 currently placed in a placement likely to achieve
17 permanency, the Department of Children and Family Services
18 shall make reasonable efforts to locate parents whose
19 rights have been terminated, except when the Court
20 determines that those efforts would be futile or
21 inconsistent with the subject child's best interests. The
22 Department of Children and Family Services shall assess the
23 appropriateness of the parent whose rights have been
24 terminated, and shall, as appropriate, foster and support
25 connections between the parent whose rights have been
26 terminated and the youth. The Department of Children and

1 Family Services shall document its determinations and
2 efforts to foster connections in the child's case plan.

3 Custody of the minor shall not be restored to any parent,
4 guardian or legal custodian in any case in which the minor is
5 found to be neglected or abused under Section 2-3 or dependent
6 under Section 2-4 of this Act, unless the minor can be cared
7 for at home without endangering his or her health or safety and
8 it is in the best interest of the minor, and if such neglect,
9 abuse, or dependency is found by the court under paragraph (1)
10 of Section 2-21 of this Act to have come about due to the acts
11 or omissions or both of such parent, guardian or legal
12 custodian, until such time as an investigation is made as
13 provided in paragraph (5) and a hearing is held on the issue of
14 the health, safety and best interest of the minor and the
15 fitness of such parent, guardian or legal custodian to care for
16 the minor and the court enters an order that such parent,
17 guardian or legal custodian is fit to care for the minor. In
18 the event that the minor has attained 18 years of age and the
19 guardian or custodian petitions the court for an order
20 terminating his guardianship or custody, guardianship or
21 custody shall terminate automatically 30 days after the receipt
22 of the petition unless the court orders otherwise. No legal
23 custodian or guardian of the person may be removed without his
24 consent until given notice and an opportunity to be heard by
25 the court.

26 When the court orders a child restored to the custody of

1 the parent or parents, the court shall order the parent or
2 parents to cooperate with the Department of Children and Family
3 Services and comply with the terms of an after-care plan, or
4 risk the loss of custody of the child and possible termination
5 of their parental rights. The court may also enter an order of
6 protective supervision in accordance with Section 2-24.

7 (5) Whenever a parent, guardian, or legal custodian files a
8 motion for restoration of custody of the minor, and the minor
9 was adjudicated neglected, abused, or dependent as a result of
10 physical abuse, the court shall cause to be made an
11 investigation as to whether the movant has ever been charged
12 with or convicted of any criminal offense which would indicate
13 the likelihood of any further physical abuse to the minor.
14 Evidence of such criminal convictions shall be taken into
15 account in determining whether the minor can be cared for at
16 home without endangering his or her health or safety and
17 fitness of the parent, guardian, or legal custodian.

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

21 (b) The information derived from the investigation and
22 any conclusions or recommendations derived from the
23 information shall be provided to the parent, guardian, or
24 legal custodian seeking restoration of custody prior to the
25 hearing on fitness and the movant shall have an opportunity
26 at the hearing to refute the information or contest its

1 significance.

2 (c) All information obtained from any investigation
3 shall be confidential as provided in Section 5-150 of this
4 Act.

5 (Source: P.A. 97-425, eff. 8-16-11; 97-1076, eff. 8-24-12;
6 98-756, eff. 7-16-14.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".