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Filed: 11/19/2024

10300HB4781sam001

LRB103 38607 KTG 76622 a

1 AMENDMENT TO HOUSE BILL 4781

2 AMENDMENT NO. _____. Amend House Bill 4781 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the Kinship in
5 Demand (KIND) Act.

6 Section 2. Legislative findings and declaration of policy.
7 The General Assembly finds, determines, and declares the
8 following:

9 (1) The Kinship in Demand Act creates the statutory
10 vision and authority for the Department of Children and
11 Family Services to execute a kin-first approach to service
12 delivery and directs the juvenile courts to provide
13 necessary oversight of the Department's obligations to
14 maintain family connections and promote equitable
15 opportunities for youth and families to thrive with
16 relational permanence.

1 (2) Connection to family, community, and culture
2 creates emotional and relational permanency. Emotional and
3 relational permanency includes recognizing and supporting
4 many types of important long-term relationships that help
5 a youth feel loved and connected.

6 (3) Federal policy prioritizes placement with
7 relatives or close family friends when youth enter into
8 the foster system. Research consistently demonstrates that
9 placing youth with their kin lessens the trauma of family
10 separation, reduces placement disruptions, enhances
11 permanency options if youth cannot be reunified, results
12 in higher placement satisfaction for youth in care, and
13 delivers better social, behavioral, mental health, and
14 educational outcomes for youth than non-kin foster care.

15 (4) Kinship placements are not only more stable, they
16 are shown to reduce the time to permanence when both
17 subsidized guardianship and adoption are available as
18 permanency options. By making the duration in foster care
19 shorter, kinship placements can help to mitigate the
20 long-term consequences of family separation. This reality
21 means that the State should encourage kinship
22 guardianship, and carefully consider how such arrangements
23 help children with existing family structures which can be
24 damaged by the termination of parental rights.

25 (5) It is in the State's public policy interest to
26 adopt a kin-first culture for the Illinois foster system

1 and ensure that youth placed in the care of relatives by
2 the Department of Children and Family Services receive
3 equitable resources and permanency planning tailored to
4 each family's unique needs. The Department of Children and
5 Family Services must promote kinship placement, help youth
6 in care maintain connections with their families, tailor
7 services and supports to kinship families, and listen to
8 the voices of youth, their families, and kinship
9 caregivers to materially improve young people's
10 experiences. The Department's policies and resource
11 allocations must align with kin-first values and the
12 Department must pursue federal funding opportunities to
13 enhance kinship care. Lawyers and judges in juvenile court
14 play a meaningful role in creating a kin-first culture.
15 The juvenile court must have sufficient information at all
16 stages of the process to provide essential judicial
17 oversight of the Department's efforts to contact and
18 engage relatives.

19 (6) The financial costs of raising a child, whether
20 borne by a relative or a foster parent, are significant.
21 Youth in care who are placed with relatives should not be
22 deprived of the financial resources available to
23 non-relative foster parents. Foster home licensing
24 standards comprise the foundation on which different and
25 insufficient financial support for relative caregivers
26 compared to non-relatives is built, a disparity that

1 undermines the economic security, well-being, and
2 equitable access to federal foster care maintenance
3 payments for youth living with kin. In September 2023, the
4 U.S. Department of Health and Human Services authorized
5 states to voluntarily establish different licensing or
6 approval standards for kinship caregivers to remove
7 barriers to kinship caregiving that harms youth and
8 impedes attainment of permanency. To address inequities
9 and harms, the General Assembly intends to effectuate this
10 federal rule and to leverage every opportunity permitted
11 by the federal government to obtain federal funds for (i)
12 family finding and relative placements, including payments
13 for kinship caregivers at least equivalent to those
14 provided to licensed foster parents and (ii) kinship
15 navigator programs, which the federal government asserts
16 are essential components of the foster system, designed to
17 support kinship caregivers who are providing homes for
18 youth in care.

19 Section 5. The Children and Family Services Act is amended
20 by changing Sections 4d, 5, 6a, 7, and 7.3 and by adding
21 Sections 46 and 55 as follows:

22 (20 ILCS 505/4d)

23 Sec. 4d. Definitions ~~Definition~~. As used in this Act:

24 "Caregiver" means a certified relative caregiver, relative

1 caregiver, or foster parent with whom a youth in care is
2 placed.

3 "Certified relative caregiver" has the meaning ascribed to
4 that term in Section 2.36 of the Child Care Act of 1969.

5 "Certified relative caregiver home" has the meaning
6 ascribed to that term in Section 2.37 of the Child Care Act of
7 1969.

8 "Fictive kin" means a person who is unrelated to a child by
9 birth, marriage, tribal custom, or adoption who is shown to
10 have significant and close personal or emotional ties with the
11 child or the child's family.

12 "Relative" means a person who is: (i) related to a child by
13 blood, marriage, tribal custom, adoption, or to a child's
14 sibling in any of the foregoing ways, even though the person is
15 not related to the child, when the child and the child's
16 sibling are placed together with that person or (ii) fictive
17 kin. For children who have been in the guardianship of the
18 Department following the termination of their parents'
19 parental rights, been adopted or placed in subsidized or
20 unsubsidized guardianship, and are subsequently returned to
21 the temporary custody or guardianship of the Department,
22 "relative" includes any person who would have qualified as a
23 relative under this Section prior to the termination of the
24 parents' parental rights if the Department determines, and
25 documents, or the court finds that it would be in the child's
26 best interests to consider this person a relative, based upon

1 the factors for determining best interests set forth in
2 subsection (4.05) of Section 1-3 of the Juvenile Court Act of
3 1987.

4 "Relative caregiver" means a person responsible for the
5 care and supervision of a child placed by the Department,
6 other than the parent, who is a relative.

7 "Relative home" means a home of a relative that is not a
8 foster family home or a certified relative caregiver home but
9 provides care to a child placed by the Department who is a
10 relative of a household member of the relative's home.

11 "Subsidized guardian" means a person who signs a
12 subsidized guardianship agreement prior to being appointed as
13 plenary guardian of the person of a minor.

14 "Subsidized guardianship" means a permanency outcome when
15 a caregiver is appointed as a plenary guardian of the person of
16 a minor exiting the foster care system, who receives
17 guardianship assistance program payments. Payments may be
18 funded through State funds, federal funds, or both State and
19 federal funds.

20 "Youth in care" means persons placed in the temporary
21 custody or guardianship of the Department pursuant to the
22 Juvenile Court Act of 1987.

23 (Source: P.A. 100-159, eff. 8-18-17.)

24 (20 ILCS 505/5)

25 Sec. 5. Direct child welfare services; Department of

1 Children and Family Services. To provide direct child welfare
2 services when not available through other public or private
3 child care or program facilities.

4 (a) For purposes of this Section:

5 (1) "Children" means persons found within the State
6 who are under the age of 18 years. The term also includes
7 persons under age 21 who:

8 (A) were committed to the Department pursuant to
9 the Juvenile Court Act or the Juvenile Court Act of
10 1987 and who continue under the jurisdiction of the
11 court; or

12 (B) were accepted for care, service and training
13 by the Department prior to the age of 18 and whose best
14 interest in the discretion of the Department would be
15 served by continuing that care, service and training
16 because of severe emotional disturbances, physical
17 disability, social adjustment or any combination
18 thereof, or because of the need to complete an
19 educational or vocational training program.

20 (2) "Homeless youth" means persons found within the
21 State who are under the age of 19, are not in a safe and
22 stable living situation and cannot be reunited with their
23 families.

24 (3) "Child welfare services" means public social
25 services which are directed toward the accomplishment of
26 the following purposes:

1 (A) protecting and promoting the health, safety
2 and welfare of children, including homeless,
3 dependent, or neglected children;

4 (B) remedying, or assisting in the solution of
5 problems which may result in, the neglect, abuse,
6 exploitation, or delinquency of children;

7 (C) preventing the unnecessary separation of
8 children from their families by identifying family
9 problems, assisting families in resolving their
10 problems, and preventing the breakup of the family
11 where the prevention of child removal is desirable and
12 possible when the child can be cared for at home
13 without endangering the child's health and safety;

14 (D) restoring to their families children who have
15 been removed, by the provision of services to the
16 child and the families when the child can be cared for
17 at home without endangering the child's health and
18 safety;

19 (E) placing children in suitable permanent family
20 arrangements, through guardianship or adoption, in
21 cases where restoration to the birth family is not
22 safe, possible, or appropriate;

23 (F) at the time of placement, conducting
24 concurrent planning, as described in subsection (1-1)
25 of this Section, so that permanency may occur at the
26 earliest opportunity. Consideration should be given so

1 that if reunification fails or is delayed, the
2 placement made is the best available placement to
3 provide permanency for the child;

4 (G) (blank);

5 (H) (blank); and

6 (I) placing and maintaining children in facilities
7 that provide separate living quarters for children
8 under the age of 18 and for children 18 years of age
9 and older, unless a child 18 years of age is in the
10 last year of high school education or vocational
11 training, in an approved individual or group treatment
12 program, in a licensed shelter facility, or secure
13 child care facility. The Department is not required to
14 place or maintain children:

15 (i) who are in a foster home, or

16 (ii) who are persons with a developmental
17 disability, as defined in the Mental Health and
18 Developmental Disabilities Code, or

19 (iii) who are female children who are
20 pregnant, pregnant and parenting, or parenting, or

21 (iv) who are siblings, in facilities that
22 provide separate living quarters for children 18
23 years of age and older and for children under 18
24 years of age.

25 (b) (Blank).

26 (b-5) The Department shall adopt rules to establish a

1 process for all licensed residential providers in Illinois to
2 submit data as required by the Department if they contract or
3 receive reimbursement for children's mental health, substance
4 use, and developmental disability services from the Department
5 of Human Services, the Department of Juvenile Justice, or the
6 Department of Healthcare and Family Services. The requested
7 data must include, but is not limited to, capacity, staffing,
8 and occupancy data for the purpose of establishing State need
9 and placement availability.

10 All information collected, shared, or stored pursuant to
11 this subsection shall be handled in accordance with all State
12 and federal privacy laws and accompanying regulations and
13 rules, including without limitation the federal Health
14 Insurance Portability and Accountability Act of 1996 (Public
15 Law 104-191) and the Mental Health and Developmental
16 Disabilities Confidentiality Act.

17 (c) The Department shall establish and maintain
18 tax-supported child welfare services and extend and seek to
19 improve voluntary services throughout the State, to the end
20 that services and care shall be available on an equal basis
21 throughout the State to children requiring such services.

22 (d) The Director may authorize advance disbursements for
23 any new program initiative to any agency contracting with the
24 Department. As a prerequisite for an advance disbursement, the
25 contractor must post a surety bond in the amount of the advance
26 disbursement and have a purchase of service contract approved

1 by the Department. The Department may pay up to 2 months
2 operational expenses in advance. The amount of the advance
3 disbursement shall be prorated over the life of the contract
4 or the remaining months of the fiscal year, whichever is less,
5 and the installment amount shall then be deducted from future
6 bills. Advance disbursement authorizations for new initiatives
7 shall not be made to any agency after that agency has operated
8 during 2 consecutive fiscal years. The requirements of this
9 Section concerning advance disbursements shall not apply with
10 respect to the following: payments to local public agencies
11 for child day care services as authorized by Section 5a of this
12 Act; and youth service programs receiving grant funds under
13 Section 17a-4.

14 (e) (Blank).

15 (f) (Blank).

16 (g) The Department shall establish rules and regulations
17 concerning its operation of programs designed to meet the
18 goals of child safety and protection, family preservation, and
19 permanency, ~~family reunification, and adoption~~, including, but
20 not limited to:

21 (1) reunification, guardianship, and adoption;

22 (2) relative and licensed foster care;

23 (3) family counseling;

24 (4) protective services;

25 (5) (blank);

26 (6) homemaker service;

- 1 (7) return of runaway children;
- 2 (8) (blank);
- 3 (9) placement under Section 5-7 of the Juvenile Court
4 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
5 Court Act of 1987 in accordance with the federal Adoption
6 Assistance and Child Welfare Act of 1980; and
- 7 (10) interstate services.

8 Rules and regulations established by the Department shall
9 include provisions for training Department staff and the staff
10 of Department grantees, through contracts with other agencies
11 or resources, in screening techniques to identify substance
12 use disorders, as defined in the Substance Use Disorder Act,
13 approved by the Department of Human Services, as a successor
14 to the Department of Alcoholism and Substance Abuse, for the
15 purpose of identifying children and adults who should be
16 referred for an assessment at an organization appropriately
17 licensed by the Department of Human Services for substance use
18 disorder treatment.

19 (h) If the Department finds that there is no appropriate
20 program or facility within or available to the Department for
21 a youth in care and that no licensed private facility has an
22 adequate and appropriate program or none agrees to accept the
23 youth in care, the Department shall create an appropriate
24 individualized, program-oriented plan for such youth in care.
25 The plan may be developed within the Department or through
26 purchase of services by the Department to the extent that it is

1 within its statutory authority to do.

2 (i) Service programs shall be available throughout the
3 State and shall include but not be limited to the following
4 services:

5 (1) case management;

6 (2) homemakers;

7 (3) counseling;

8 (4) parent education;

9 (5) day care; ~~and~~

10 (6) emergency assistance and advocacy; and ~~—~~

11 (7) kinship navigator and relative caregiver supports.

12 In addition, the following services may be made available
13 to assess and meet the needs of children and families:

14 (1) comprehensive family-based services;

15 (2) assessments;

16 (3) respite care; and

17 (4) in-home health services.

18 The Department shall provide transportation for any of the
19 services it makes available to children or families or for
20 which it refers children or families.

21 (j) The Department may provide categories of financial
22 assistance and education assistance grants, and shall
23 establish rules and regulations concerning the assistance and
24 grants, to persons who adopt or become subsidized guardians of
25 children with physical or mental disabilities, children who
26 are older, or other hard-to-place children who (i) immediately

1 prior to their adoption or subsidized guardianship were youth
2 in care or (ii) were determined eligible for financial
3 assistance with respect to a prior adoption and who become
4 available for adoption because the prior adoption has been
5 dissolved and the parental rights of the adoptive parents have
6 been terminated or because the child's adoptive parents have
7 died. The Department may continue to provide financial
8 assistance and education assistance grants for a child who was
9 determined eligible for financial assistance under this
10 subsection (j) in the interim period beginning when the
11 child's adoptive parents died and ending with the finalization
12 of the new adoption of the child by another adoptive parent or
13 parents. The Department may also provide categories of
14 financial assistance and education assistance grants, and
15 shall establish rules and regulations for the assistance and
16 grants, to persons appointed guardian of the person under
17 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
18 4-25, or 5-740 of the Juvenile Court Act of 1987 for children
19 who were youth in care for 12 months immediately prior to the
20 appointment of the guardian.

21 The amount of assistance may vary, depending upon the
22 needs of the child and the adoptive parents or subsidized
23 guardians, as set forth in the annual assistance agreement.
24 Special purpose grants are allowed where the child requires
25 special service but such costs may not exceed the amounts
26 which similar services would cost the Department if it were to

1 provide or secure them as guardian of the child.

2 Any financial assistance provided under this subsection is
3 inalienable by assignment, sale, execution, attachment,
4 garnishment, or any other remedy for recovery or collection of
5 a judgment or debt.

6 (j-5) The Department shall not deny or delay the placement
7 of a child for adoption if an approved family is available
8 either outside of the Department region handling the case, or
9 outside of the State of Illinois.

10 (k) The Department shall accept for care and training any
11 child who has been adjudicated neglected or abused, or
12 dependent committed to it pursuant to the Juvenile Court Act
13 or the Juvenile Court Act of 1987.

14 (l) The Department shall offer family preservation
15 services, as defined in Section 8.2 of the Abused and
16 Neglected Child Reporting Act, to help families, including
17 adoptive and extended families. Family preservation services
18 shall be offered (i) to prevent the placement of children in
19 substitute care when the children can be cared for at home or
20 in the custody of the person responsible for the children's
21 welfare, (ii) to reunite children with their families, or
22 (iii) to maintain an adoption or subsidized guardianship
23 ~~adoptive placement~~. Family preservation services shall only be
24 offered when doing so will not endanger the children's health
25 or safety. With respect to children who are in substitute care
26 pursuant to the Juvenile Court Act of 1987, family

1 preservation services shall not be offered if a goal other
2 than those of subdivisions (A), (B), or (B-1) of subsection
3 (2.3) ~~(2)~~ of Section 2-28 of that Act has been set, except that
4 reunification services may be offered as provided in paragraph
5 (F) of subsection (2.3) ~~(2)~~ of Section 2-28 of that Act.
6 Nothing in this paragraph shall be construed to create a
7 private right of action or claim on the part of any individual
8 or child welfare agency, except that when a child is the
9 subject of an action under Article II of the Juvenile Court Act
10 of 1987 and the child's service plan calls for services to
11 facilitate achievement of the permanency goal, the court
12 hearing the action under Article II of the Juvenile Court Act
13 of 1987 may order the Department to provide the services set
14 out in the plan, if those services are not provided with
15 reasonable promptness and if those services are available.

16 The Department shall notify the child and the child's
17 family of the Department's responsibility to offer and provide
18 family preservation services as identified in the service
19 plan. The child and the child's family shall be eligible for
20 services as soon as the report is determined to be
21 "indicated". The Department may offer services to any child or
22 family with respect to whom a report of suspected child abuse
23 or neglect has been filed, prior to concluding its
24 investigation under Section 7.12 of the Abused and Neglected
25 Child Reporting Act. However, the child's or family's
26 willingness to accept services shall not be considered in the

1 investigation. The Department may also provide services to any
2 child or family who is the subject of any report of suspected
3 child abuse or neglect or may refer such child or family to
4 services available from other agencies in the community, even
5 if the report is determined to be unfounded, if the conditions
6 in the child's or family's home are reasonably likely to
7 subject the child or family to future reports of suspected
8 child abuse or neglect. Acceptance of such services shall be
9 voluntary. The Department may also provide services to any
10 child or family after completion of a family assessment, as an
11 alternative to an investigation, as provided under the
12 "differential response program" provided for in subsection
13 (a-5) of Section 7.4 of the Abused and Neglected Child
14 Reporting Act.

15 The Department may, at its discretion except for those
16 children also adjudicated neglected or dependent, accept for
17 care and training any child who has been adjudicated addicted,
18 as a truant minor in need of supervision or as a minor
19 requiring authoritative intervention, under the Juvenile Court
20 Act or the Juvenile Court Act of 1987, but no such child shall
21 be committed to the Department by any court without the
22 approval of the Department. On and after January 1, 2015 (the
23 effective date of Public Act 98-803) and before January 1,
24 2017, a minor charged with a criminal offense under the
25 Criminal Code of 1961 or the Criminal Code of 2012 or
26 adjudicated delinquent shall not be placed in the custody of

1 or committed to the Department by any court, except (i) a minor
2 less than 16 years of age committed to the Department under
3 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
4 for whom an independent basis of abuse, neglect, or dependency
5 exists, which must be defined by departmental rule, or (iii) a
6 minor for whom the court has granted a supplemental petition
7 to reinstate wardship pursuant to subsection (2) of Section
8 2-33 of the Juvenile Court Act of 1987. On and after January 1,
9 2017, a minor charged with a criminal offense under the
10 Criminal Code of 1961 or the Criminal Code of 2012 or
11 adjudicated delinquent shall not be placed in the custody of
12 or committed to the Department by any court, except (i) a minor
13 less than 15 years of age committed to the Department under
14 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
15 for whom an independent basis of abuse, neglect, or dependency
16 exists, which must be defined by departmental rule, or (iii) a
17 minor for whom the court has granted a supplemental petition
18 to reinstate wardship pursuant to subsection (2) of Section
19 2-33 of the Juvenile Court Act of 1987. An independent basis
20 exists when the allegations or adjudication of abuse, neglect,
21 or dependency do not arise from the same facts, incident, or
22 circumstances which give rise to a charge or adjudication of
23 delinquency. The Department shall assign a caseworker to
24 attend any hearing involving a youth in the care and custody of
25 the Department who is placed on aftercare release, including
26 hearings involving sanctions for violation of aftercare

1 release conditions and aftercare release revocation hearings.

2 As soon as is possible ~~after August 7, 2009 (the effective~~
3 ~~date of Public Act 96-134)~~, the Department shall develop and
4 implement a special program of family preservation services to
5 support intact, relative, foster, and adoptive families who
6 are experiencing extreme hardships due to the difficulty and
7 stress of caring for a child who has been diagnosed with a
8 pervasive developmental disorder if the Department determines
9 that those services are necessary to ensure the health and
10 safety of the child. The Department may offer services to any
11 family whether or not a report has been filed under the Abused
12 and Neglected Child Reporting Act. The Department may refer
13 the child or family to services available from other agencies
14 in the community if the conditions in the child's or family's
15 home are reasonably likely to subject the child or family to
16 future reports of suspected child abuse or neglect. Acceptance
17 of these services shall be voluntary. The Department shall
18 develop and implement a public information campaign to alert
19 health and social service providers and the general public
20 about these special family preservation services. The nature
21 and scope of the services offered and the number of families
22 served under the special program implemented under this
23 paragraph shall be determined by the level of funding that the
24 Department annually allocates for this purpose. The term
25 "pervasive developmental disorder" under this paragraph means
26 a neurological condition, including, but not limited to,

1 Asperger's Syndrome and autism, as defined in the most recent
2 edition of the Diagnostic and Statistical Manual of Mental
3 Disorders of the American Psychiatric Association.

4 (1-1) The General Assembly recognizes that the best
5 interests of the child require that the child be placed in the
6 most permanent living arrangement that is an appropriate
7 option for the child, consistent with the child's best
8 interest, using the factors set forth in subsection (4.05) of
9 Section 1-3 of the Juvenile Court Act of 1987 as soon as is
10 practically possible. To achieve this goal, the General
11 Assembly directs the Department of Children and Family
12 Services to conduct concurrent planning so that permanency may
13 occur at the earliest opportunity. Permanent living
14 arrangements may include prevention of placement of a child
15 outside the home of the family when the child can be cared for
16 at home without endangering the child's health or safety;
17 reunification with the family, when safe and appropriate, if
18 temporary placement is necessary; or movement of the child
19 toward the most appropriate ~~permanent~~ living arrangement and
20 ~~permanent~~ legal status.

21 When determining reasonable efforts to be made with
22 respect to a child, as described in this subsection, and in
23 making such reasonable efforts, the child's health and safety
24 shall be the paramount concern.

25 When a child is placed in foster care, the Department
26 shall ensure and document that reasonable efforts were made to

1 prevent or eliminate the need to remove the child from the
2 child's home. The Department must make reasonable efforts to
3 reunify the family when temporary placement of the child
4 occurs unless otherwise required, pursuant to the Juvenile
5 Court Act of 1987. At any time after the dispositional hearing
6 where the Department believes that further reunification
7 services would be ineffective, it may request a finding from
8 the court that reasonable efforts are no longer appropriate.
9 The Department is not required to provide further
10 reunification services after such a finding.

11 A decision to place a child in substitute care shall be
12 made with considerations of the child's health, safety, and
13 best interests. The Department shall make diligent efforts to
14 place the child with a relative, document those diligent
15 efforts, and document reasons for any failure or inability to
16 secure such a relative placement. If the primary issue
17 preventing an emergency placement of a child with a relative
18 is a lack of resources, including, but not limited to,
19 concrete goods, safety modifications, and services, the
20 Department shall make diligent efforts to assist the relative
21 in obtaining the necessary resources. No later than July 1,
22 2025, the Department shall adopt rules defining what is
23 diligent and necessary in providing supports to potential
24 relative placements. At the time of placement, consideration
25 should also be given so that if reunification fails or is
26 delayed, the placement has the potential to be an appropriate

1 ~~permanent placement made is the best available placement to~~
2 ~~provide permanency~~ for the child.

3 The Department shall adopt rules addressing concurrent
4 planning for reunification and permanency. The Department
5 shall consider the following factors when determining
6 appropriateness of concurrent planning:

7 (1) the likelihood of prompt reunification;

8 (2) the past history of the family;

9 (3) the barriers to reunification being addressed by
10 the family;

11 (4) the level of cooperation of the family;

12 (4.5) the child's wishes;

13 (5) the caregivers' ~~foster parents'~~ willingness to
14 work with the family to reunite;

15 (6) the willingness and ability of the caregivers'
16 ~~foster family~~ to provide a permanent placement ~~an adoptive~~
17 ~~home or long term placement;~~

18 (7) the age of the child;

19 (8) placement of siblings; and -

20 (9) the wishes of the parent or parents unless the
21 parental preferences are contrary to the best interests of
22 the child.

23 (m) The Department may assume temporary custody of any
24 child if:

25 (1) it has received a written consent to such
26 temporary custody signed by the parents of the child or by

1 the parent having custody of the child if the parents are
2 not living together or by the guardian or custodian of the
3 child if the child is not in the custody of either parent,
4 or

5 (2) the child is found in the State and neither a
6 parent, guardian nor custodian of the child can be
7 located.

8 If the child is found in the child's residence without a
9 parent, guardian, custodian, or responsible caretaker, the
10 Department may, instead of removing the child and assuming
11 temporary custody, place an authorized representative of the
12 Department in that residence until such time as a parent,
13 guardian, or custodian enters the home and expresses a
14 willingness and apparent ability to ensure the child's health
15 and safety and resume permanent charge of the child, or until a
16 relative enters the home and is willing and able to ensure the
17 child's health and safety and assume charge of the child until
18 a parent, guardian, or custodian enters the home and expresses
19 such willingness and ability to ensure the child's safety and
20 resume permanent charge. After a caretaker has remained in the
21 home for a period not to exceed 12 hours, the Department must
22 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
23 5-415 of the Juvenile Court Act of 1987.

24 The Department shall have the authority, responsibilities
25 and duties that a legal custodian of the child would have
26 pursuant to subsection (9) of Section 1-3 of the Juvenile

1 Court Act of 1987. Whenever a child is taken into temporary
2 custody pursuant to an investigation under the Abused and
3 Neglected Child Reporting Act, or pursuant to a referral and
4 acceptance under the Juvenile Court Act of 1987 of a minor in
5 limited custody, the Department, during the period of
6 temporary custody and before the child is brought before a
7 judicial officer as required by Section 2-9, 3-11, 4-8, or
8 5-415 of the Juvenile Court Act of 1987, shall have the
9 authority, responsibilities and duties that a legal custodian
10 of the child would have under subsection (9) of Section 1-3 of
11 the Juvenile Court Act of 1987.

12 The Department shall ensure that any child taken into
13 custody is scheduled for an appointment for a medical
14 examination.

15 A parent, guardian, or custodian of a child in the
16 temporary custody of the Department who would have custody of
17 the child if the child were not in the temporary custody of the
18 Department may deliver to the Department a signed request that
19 the Department surrender the temporary custody of the child.
20 The Department may retain temporary custody of the child for
21 10 days after the receipt of the request, during which period
22 the Department may cause to be filed a petition pursuant to the
23 Juvenile Court Act of 1987. If a petition is so filed, the
24 Department shall retain temporary custody of the child until
25 the court orders otherwise. If a petition is not filed within
26 the 10-day period, the child shall be surrendered to the

1 custody of the requesting parent, guardian, or custodian not
2 later than the expiration of the 10-day period, at which time
3 the authority and duties of the Department with respect to the
4 temporary custody of the child shall terminate.

5 (m-1) The Department may place children under 18 years of
6 age in a secure child care facility licensed by the Department
7 that cares for children who are in need of secure living
8 arrangements for their health, safety, and well-being after a
9 determination is made by the facility director and the
10 Director or the Director's designate prior to admission to the
11 facility subject to Section 2-27.1 of the Juvenile Court Act
12 of 1987. This subsection (m-1) does not apply to a child who is
13 subject to placement in a correctional facility operated
14 pursuant to Section 3-15-2 of the Unified Code of Corrections,
15 unless the child is a youth in care who was placed in the care
16 of the Department before being subject to placement in a
17 correctional facility and a court of competent jurisdiction
18 has ordered placement of the child in a secure care facility.

19 (n) The Department may place children under 18 years of
20 age in licensed child care facilities when in the opinion of
21 the Department, appropriate services aimed at family
22 preservation have been unsuccessful and cannot ensure the
23 child's health and safety or are unavailable and such
24 placement would be for their best interest. Payment for board,
25 clothing, care, training and supervision of any child placed
26 in a licensed child care facility may be made by the

1 Department, by the parents or guardians of the estates of
2 those children, or by both the Department and the parents or
3 guardians, except that no payments shall be made by the
4 Department for any child placed in a licensed child care
5 facility for board, clothing, care, training, and supervision
6 of such a child that exceed the average per capita cost of
7 maintaining and of caring for a child in institutions for
8 dependent or neglected children operated by the Department.
9 However, such restriction on payments does not apply in cases
10 where children require specialized care and treatment for
11 problems of severe emotional disturbance, physical disability,
12 social adjustment, or any combination thereof and suitable
13 facilities for the placement of such children are not
14 available at payment rates within the limitations set forth in
15 this Section. All reimbursements for services delivered shall
16 be absolutely inalienable by assignment, sale, attachment, or
17 garnishment or otherwise.

18 (n-1) The Department shall provide or authorize child
19 welfare services, aimed at assisting minors to achieve
20 sustainable self-sufficiency as independent adults, for any
21 minor eligible for the reinstatement of wardship pursuant to
22 subsection (2) of Section 2-33 of the Juvenile Court Act of
23 1987, whether or not such reinstatement is sought or allowed,
24 provided that the minor consents to such services and has not
25 yet attained the age of 21. The Department shall have
26 responsibility for the development and delivery of services

1 under this Section. An eligible youth may access services
2 under this Section through the Department of Children and
3 Family Services or by referral from the Department of Human
4 Services. Youth participating in services under this Section
5 shall cooperate with the assigned case manager in developing
6 an agreement identifying the services to be provided and how
7 the youth will increase skills to achieve self-sufficiency. A
8 homeless shelter is not considered appropriate housing for any
9 youth receiving child welfare services under this Section. The
10 Department shall continue child welfare services under this
11 Section to any eligible minor until the minor becomes 21 years
12 of age, no longer consents to participate, or achieves
13 self-sufficiency as identified in the minor's service plan.
14 The Department of Children and Family Services shall create
15 clear, readable notice of the rights of former foster youth to
16 child welfare services under this Section and how such
17 services may be obtained. The Department of Children and
18 Family Services and the Department of Human Services shall
19 disseminate this information statewide. The Department shall
20 adopt regulations describing services intended to assist
21 minors in achieving sustainable self-sufficiency as
22 independent adults.

23 (o) The Department shall establish an administrative
24 review and appeal process for children and families who
25 request or receive child welfare services from the Department.
26 Youth in care who are placed by private child welfare

1 agencies, and caregivers ~~foster families~~ with whom those youth
2 are placed, shall be afforded the same procedural and appeal
3 rights as children and families in the case of placement by the
4 Department, including the right to an initial review of a
5 private agency decision by that agency. The Department shall
6 ensure that any private child welfare agency, which accepts
7 youth in care for placement, affords those rights to children
8 and caregivers with whom those children are placed ~~foster~~
9 ~~families~~. The Department shall accept for administrative
10 review and an appeal hearing a complaint made by (i) a child or
11 caregiver with whom the child is placed ~~foster family~~
12 concerning a decision following an initial review by a private
13 child welfare agency or (ii) a prospective adoptive parent who
14 alleges a violation of subsection (j-5) of this Section. An
15 appeal of a decision concerning a change in the placement of a
16 child shall be conducted in an expedited manner. A court
17 determination that a current ~~foster home~~ placement is
18 necessary and appropriate under Section 2-28 of the Juvenile
19 Court Act of 1987 does not constitute a judicial determination
20 on the merits of an administrative appeal, filed by a former
21 caregiver ~~foster parent~~, involving a change of placement
22 decision. No later than July 1, 2025, the Department shall
23 adopt rules to develop a reconsideration process to review: a
24 denial of certification of a relative, a denial of placement
25 with a relative, and a denial of visitation with an identified
26 relative. Rules shall include standards and criteria for

1 reconsideration that incorporate the best interests of the
2 child under subsection (4.05) of Section 1-3 of the Juvenile
3 Court Act of 1987, address situations where multiple relatives
4 seek certification, and provide that all rules regarding
5 placement changes shall be followed. The rules shall outline
6 the essential elements of each form used in the implementation
7 and enforcement of the provisions of this amendatory Act of
8 the 103rd General Assembly.

9 (p) (Blank).

10 (q) The Department may receive and use, in their entirety,
11 for the benefit of children any gift, donation, or bequest of
12 money or other property which is received on behalf of such
13 children, or any financial benefits to which such children are
14 or may become entitled while under the jurisdiction or care of
15 the Department, except that the benefits described in Section
16 5.46 must be used and conserved consistent with the provisions
17 under Section 5.46.

18 The Department shall set up and administer no-cost,
19 interest-bearing accounts in appropriate financial
20 institutions for children for whom the Department is legally
21 responsible and who have been determined eligible for
22 Veterans' Benefits, Social Security benefits, assistance
23 allotments from the armed forces, court ordered payments,
24 parental voluntary payments, Supplemental Security Income,
25 Railroad Retirement payments, Black Lung benefits, or other
26 miscellaneous payments. Interest earned by each account shall

1 be credited to the account, unless disbursed in accordance
2 with this subsection.

3 In disbursing funds from children's accounts, the
4 Department shall:

5 (1) Establish standards in accordance with State and
6 federal laws for disbursing money from children's
7 accounts. In all circumstances, the Department's
8 Guardianship Administrator or the Guardianship
9 Administrator's designee must approve disbursements from
10 children's accounts. The Department shall be responsible
11 for keeping complete records of all disbursements for each
12 account for any purpose.

13 (2) Calculate on a monthly basis the amounts paid from
14 State funds for the child's board and care, medical care
15 not covered under Medicaid, and social services; and
16 utilize funds from the child's account, as covered by
17 regulation, to reimburse those costs. Monthly,
18 disbursements from all children's accounts, up to 1/12 of
19 \$13,000,000, shall be deposited by the Department into the
20 General Revenue Fund and the balance over 1/12 of
21 \$13,000,000 into the DCFS Children's Services Fund.

22 (3) Maintain any balance remaining after reimbursing
23 for the child's costs of care, as specified in item (2).
24 The balance shall accumulate in accordance with relevant
25 State and federal laws and shall be disbursed to the child
26 or the child's guardian or to the issuing agency.

1 (r) The Department shall promulgate regulations
2 encouraging all adoption agencies to voluntarily forward to
3 the Department or its agent names and addresses of all persons
4 who have applied for and have been approved for adoption of a
5 hard-to-place child or child with a disability and the names
6 of such children who have not been placed for adoption. A list
7 of such names and addresses shall be maintained by the
8 Department or its agent, and coded lists which maintain the
9 confidentiality of the person seeking to adopt the child and
10 of the child shall be made available, without charge, to every
11 adoption agency in the State to assist the agencies in placing
12 such children for adoption. The Department may delegate to an
13 agent its duty to maintain and make available such lists. The
14 Department shall ensure that such agent maintains the
15 confidentiality of the person seeking to adopt the child and
16 of the child.

17 (s) The Department of Children and Family Services may
18 establish and implement a program to reimburse caregivers
19 ~~Department and private child welfare agency foster parents~~
20 licensed, certified, or otherwise approved by the Department
21 of Children and Family Services for damages sustained by the
22 caregivers ~~foster parents~~ as a result of the malicious or
23 negligent acts of ~~foster~~ children placed by the Department, as
24 well as providing third party coverage for such caregivers
25 ~~foster parents~~ with regard to actions of ~~foster~~ children
26 placed by the Department to other individuals. Such coverage

1 will be secondary to the caregiver's ~~foster parent~~ liability
2 insurance policy, if applicable. The program shall be funded
3 through appropriations from the General Revenue Fund,
4 specifically designated for such purposes.

5 (t) The Department shall perform home studies and
6 investigations and shall exercise supervision over visitation
7 as ordered by a court pursuant to the Illinois Marriage and
8 Dissolution of Marriage Act or the Adoption Act only if:

9 (1) an order entered by an Illinois court specifically
10 directs the Department to perform such services; and

11 (2) the court has ordered one or both of the parties to
12 the proceeding to reimburse the Department for its
13 reasonable costs for providing such services in accordance
14 with Department rules, or has determined that neither
15 party is financially able to pay.

16 The Department shall provide written notification to the
17 court of the specific arrangements for supervised visitation
18 and projected monthly costs within 60 days of the court order.
19 The Department shall send to the court information related to
20 the costs incurred except in cases where the court has
21 determined the parties are financially unable to pay. The
22 court may order additional periodic reports as appropriate.

23 (u) In addition to other information that must be
24 provided, whenever the Department places a child with a
25 prospective adoptive parent or parents, in a licensed foster
26 home, group home, or child care institution, ~~or~~ in a relative

1 home, or in a certified relative caregiver home, the
2 Department shall provide to the caregiver, appropriate
3 facility staff, or prospective adoptive parent or parents ~~or~~
4 ~~other caretaker:~~

5 (1) available detailed information concerning the
6 child's educational and health history, copies of
7 immunization records (including insurance and medical card
8 information), a history of the child's previous
9 placements, if any, and reasons for placement changes
10 excluding any information that identifies or reveals the
11 location of any previous caregiver or adoptive parents
12 ~~caretaker;~~

13 (2) a copy of the child's portion of the client
14 service plan, including any visitation arrangement, and
15 all amendments or revisions to it as related to the child;
16 and

17 (3) information containing details of the child's
18 individualized educational plan when the child is
19 receiving special education services.

20 The caregiver, appropriate facility staff, or prospective
21 adoptive parent or parents, ~~caretaker~~ shall be informed of any
22 known social or behavioral information (including, but not
23 limited to, criminal background, fire setting, perpetuation of
24 sexual abuse, destructive behavior, and substance abuse)
25 necessary to care for and safeguard the children to be placed
26 or currently in the home or setting. The Department may

1 prepare a written summary of the information required by this
2 paragraph, which may be provided to the caregiver, appropriate
3 facility staff, or ~~foster or~~ prospective adoptive parent in
4 advance of a placement. The caregiver, appropriate facility
5 staff, ~~foster~~ or prospective adoptive parent may review the
6 supporting documents in the child's file in the presence of
7 casework staff. In the case of an emergency placement,
8 casework staff shall at least provide known information
9 verbally, if necessary, and must subsequently provide the
10 information in writing as required by this subsection.

11 The information described in this subsection shall be
12 provided in writing. In the case of emergency placements when
13 time does not allow prior review, preparation, and collection
14 of written information, the Department shall provide such
15 information as it becomes available. Within 10 business days
16 after placement, the Department shall obtain from the
17 caregiver, appropriate facility staff, or prospective adoptive
18 parent or parents ~~or other caretaker~~ a signed verification of
19 receipt of the information provided. Within 10 business days
20 after placement, the Department shall provide to the child's
21 guardian ad litem a copy of the information provided to the
22 caregiver, appropriate facility staff, or prospective adoptive
23 parent or parents ~~or other caretaker~~. The information provided
24 to the caregiver, appropriate facility staff, or prospective
25 adoptive parent or parents ~~or other caretaker~~ shall be
26 reviewed and approved regarding accuracy at the supervisory

1 level.

2 (u-5) Beginning July 1, 2025, certified relative caregiver
3 homes under Section 3.4 of the Child Care Act of 1969 shall be
4 eligible to receive foster care maintenance payments from the
5 Department in an amount no less than payments made to licensed
6 foster family homes. Beginning July 1, 2025, relative homes
7 providing care to a child placed by the Department that are not
8 a certified relative caregiver home under Section 3.4 of the
9 Child Care Act of 1969 or a licensed foster family home shall
10 be eligible to receive payments from the Department in an
11 amount no less 90% of the payments made to licensed foster
12 family homes and certified relative caregiver homes. Effective
13 ~~July 1, 1995, only foster care placements licensed as foster~~
14 ~~family homes pursuant to the Child Care Act of 1969 shall be~~
15 ~~eligible to receive foster care payments from the Department.~~
16 ~~Relative caregivers who, as of July 1, 1995, were approved~~
17 ~~pursuant to approved relative placement rules previously~~
18 ~~promulgated by the Department at 89 Ill. Adm. Code 335 and had~~
19 ~~submitted an application for licensure as a foster family home~~
20 ~~may continue to receive foster care payments only until the~~
21 ~~Department determines that they may be licensed as a foster~~
22 ~~family home or that their application for licensure is denied~~
23 ~~or until September 30, 1995, whichever occurs first.~~

24 (u-6) To assist relative and certified relative
25 caregivers, no later than July 1, 2025, the Department shall
26 adopt rules to implement a relative support program, as

1 follows:

2 (1) For relative and certified relative caregivers,
3 the Department is authorized to reimburse or prepay
4 reasonable expenditures to remedy home conditions
5 necessary to fulfill the home safety-related requirements
6 of relative caregiver homes.

7 (2) The Department may provide short-term emergency
8 funds to relative and certified relative caregiver homes
9 experiencing extreme hardships due to the difficulty and
10 stress associated with adding youth in care as new
11 household members.

12 (3) Consistent with federal law, the Department shall
13 include in any State Plan made in accordance with the
14 Adoption Assistance and Child Welfare Act of 1980, Titles
15 IV-E and XIX of the Social Security Act, and any other
16 applicable federal laws the provision of kinship navigator
17 program services. The Department shall apply for and
18 administer all relevant federal aid in accordance with
19 law. Federal funds acquired for the kinship navigator
20 program shall be used for the development, implementation,
21 and operation of kinship navigator program services. The
22 kinship navigator program services may provide
23 information, referral services, support, and assistance to
24 relative and certified relative caregivers of youth in
25 care to address their unique needs and challenges. Until
26 the Department is approved to receive federal funds for

1 these purposes, the Department shall publicly post on the
2 Department's website semi-annual updates regarding the
3 Department's progress in pursuing federal funding.
4 Whenever the Department publicly posts these updates on
5 its website, the Department shall notify the General
6 Assembly through the General Assembly's designee.

7 (u-7) To support finding permanency for children through
8 subsidized guardianship and adoption and to prevent disruption
9 in guardianship and adoptive placements, the Department shall
10 establish and maintain accessible subsidized guardianship and
11 adoption support services for all children under 18 years of
12 age placed in guardianship or adoption who, immediately
13 preceding the guardianship or adoption, were in the custody or
14 guardianship of the Department under Article II of the
15 Juvenile Court Act of 1987.

16 The Department shall establish and maintain a toll-free
17 number to respond to requests from the public about its
18 subsidized guardianship and adoption support services under
19 this subsection and shall staff the toll-free number so that
20 calls are answered on a timely basis, but in no event more than
21 one business day after the receipt of a request. These
22 requests from the public may be made anonymously. To meet this
23 obligation, the Department may utilize the same toll-free
24 number the Department operates to respond to post-adoption
25 requests under subsection (b-5) of Section 18.9 of the
26 Adoption Act. The Department shall publicize information about

1 the Department's subsidized guardianship support services and
2 toll-free number as follows:

3 (1) it shall post information on the Department's
4 website;

5 (2) it shall provide the information to every licensed
6 child welfare agency and any entity providing subsidized
7 guardianship support services in Illinois courts;

8 (3) it shall reference such information in the
9 materials the Department provides to caregivers pursuing
10 subsidized guardianship to inform them of their rights and
11 responsibilities under the Child Care Act of 1969 and this
12 Act;

13 (4) it shall provide the information, including the
14 Department's Post Adoption and Guardianship Services
15 booklet, to eligible caregivers as part of its
16 guardianship training and at the time they are presented
17 with the Permanency Commitment form;

18 (5) it shall include, in each annual notification
19 letter mailed to subsidized guardians, a short, 2-sided
20 flier or news bulletin in plain language that describes
21 access to post-guardianship services, how to access
22 services under the Family Support Program, formerly known
23 as the Individual Care Grant Program, the webpage address
24 to the Post Adoption and Guardianship Services booklet,
25 information on how to request that a copy of the booklet be
26 mailed; and

1 (6) it shall ensure that kinship navigator programs of
2 this State, when established, have this information to
3 include in materials the programs provide to caregivers.

4 No later than July 1, 2026, the Department shall provide a
5 mechanism for the public to make information requests by
6 electronic means.

7 The Department shall review and update annually all
8 information relating to its subsidized guardianship support
9 services, including its Post Adoption and Guardianship
10 Services booklet, to include updated information on Family
11 Support Program services eligibility and subsidized
12 guardianship support services that are available through the
13 medical assistance program established under Article V of the
14 Illinois Public Aid Code or any other State program for mental
15 health services. The Department and the Department of
16 Healthcare and Family Services shall coordinate their efforts
17 in the development of these resources.

18 Every licensed child welfare agency and any entity
19 providing kinship navigator programs funded by the Department
20 shall provide the Department's website address and link to the
21 Department's subsidized guardianship support services
22 information set forth in subsection (d), including the
23 Department's toll-free number, to every relative who is or
24 will be providing guardianship placement for a child placed by
25 the Department.

26 (v) The Department shall access criminal history record

1 information as defined in the Illinois Uniform Conviction
2 Information Act and information maintained in the adjudicatory
3 and dispositional record system as defined in Section 2605-355
4 of the Illinois State Police Law if the Department determines
5 the information is necessary to perform its duties under the
6 Abused and Neglected Child Reporting Act, the Child Care Act
7 of 1969, and the Children and Family Services Act. The
8 Department shall provide for interactive computerized
9 communication and processing equipment that permits direct
10 on-line communication with the Illinois State Police's central
11 criminal history data repository. The Department shall comply
12 with all certification requirements and provide certified
13 operators who have been trained by personnel from the Illinois
14 State Police. In addition, one Office of the Inspector General
15 investigator shall have training in the use of the criminal
16 history information access system and have access to the
17 terminal. The Department of Children and Family Services and
18 its employees shall abide by rules and regulations established
19 by the Illinois State Police relating to the access and
20 dissemination of this information.

21 (v-1) Prior to final approval for placement of a child
22 with a foster or adoptive parent, the Department shall conduct
23 a criminal records background check of the prospective foster
24 or adoptive parent, including fingerprint-based checks of
25 national crime information databases. Final approval for
26 placement shall not be granted if the record check reveals a

1 felony conviction for child abuse or neglect, for spousal
2 abuse, for a crime against children, or for a crime involving
3 violence, including rape, sexual assault, or homicide, but not
4 including other physical assault or battery, or if there is a
5 felony conviction for physical assault, battery, or a
6 drug-related offense committed within the past 5 years.

7 (v-2) Prior to final approval for placement of a child
8 with a foster or adoptive parent, the Department shall check
9 its child abuse and neglect registry for information
10 concerning prospective foster and adoptive parents, and any
11 adult living in the home. If any prospective foster or
12 adoptive parent or other adult living in the home has resided
13 in another state in the preceding 5 years, the Department
14 shall request a check of that other state's child abuse and
15 neglect registry.

16 (v-3) Prior to the final approval of final placement of a
17 related child in a certified relative caregiver home as
18 defined in Section 2.37 of the Child Care Act of 1969, the
19 Department shall ensure that the background screening meets
20 the standards required under subsection (c) of Section 3.4 of
21 the Child Care Act of 1969.

22 (v-4) Prior to final approval for placement of a child
23 with a relative, as defined in Section 4d of this Act, who is
24 not a licensed foster parent, has declined to seek approval to
25 be a certified relative caregiver, or was denied approval as a
26 certified relative caregiver, the Department shall:

1 (i) check the child abuse and neglect registry for
2 information concerning the prospective relative caregiver
3 and any other adult living in the home. If any prospective
4 relative caregiver or other adult living in the home has
5 resided in another state in the preceding 5 years, the
6 Department shall request a check of that other state's
7 child abuse and neglect registry; and

8 (ii) conduct a criminal records background check of
9 the prospective relative caregiver and all other adults
10 living in the home, including fingerprint-based checks of
11 national crime information databases. Final approval for
12 placement shall not be granted if the record check reveals
13 a felony conviction for child abuse or neglect, for
14 spousal abuse, for a crime against children, or for a
15 crime involving violence, including rape, sexual assault,
16 or homicide, but not including other physical assault or
17 battery, or if there is a felony conviction for physical
18 assault, battery, or a drug-related offense committed
19 within the past 5 years; provided however, that the
20 Department is empowered to grant a waiver as the
21 Department may provide by rule, and the Department
22 approves the request for the waiver based on a
23 comprehensive evaluation of the caregiver and household
24 members and the conditions relating to the safety of the
25 placement.

26 No later than July 1, 2025, the Department shall adopt

1 rules or revise existing rules to effectuate the changes made
2 to this subsection (v-4). The rules shall outline the
3 essential elements of each form used in the implementation and
4 enforcement of the provisions of this amendatory Act of the
5 103rd General Assembly.

6 (w) (Blank). ~~Within 120 days of August 20, 1995 (the~~
7 ~~effective date of Public Act 89-392), the Department shall~~
8 ~~prepare and submit to the Governor and the General Assembly, a~~
9 ~~written plan for the development of in-state licensed secure~~
10 ~~child care facilities that care for children who are in need of~~
11 ~~secure living arrangements for their health, safety, and~~
12 ~~well-being. For purposes of this subsection, secure care~~
13 ~~facility shall mean a facility that is designed and operated~~
14 ~~to ensure that all entrances and exits from the facility, a~~
15 ~~building or a distinct part of the building, are under the~~
16 ~~exclusive control of the staff of the facility, whether or not~~
17 ~~the child has the freedom of movement within the perimeter of~~
18 ~~the facility, building, or distinct part of the building. The~~
19 ~~plan shall include descriptions of the types of facilities~~
20 ~~that are needed in Illinois; the cost of developing these~~
21 ~~secure care facilities; the estimated number of placements;~~
22 ~~the potential cost savings resulting from the movement of~~
23 ~~children currently out of state who are projected to be~~
24 ~~returned to Illinois; the necessary geographic distribution of~~
25 ~~these facilities in Illinois; and a proposed timetable for~~
26 ~~development of such facilities.~~

1 (x) The Department shall conduct annual credit history
2 checks to determine the financial history of children placed
3 under its guardianship pursuant to the Juvenile Court Act of
4 1987. The Department shall conduct such credit checks starting
5 when a youth in care turns 12 years old and each year
6 thereafter for the duration of the guardianship as terminated
7 pursuant to the Juvenile Court Act of 1987. The Department
8 shall determine if financial exploitation of the child's
9 personal information has occurred. If financial exploitation
10 appears to have taken place or is presently ongoing, the
11 Department shall notify the proper law enforcement agency, the
12 proper State's Attorney, or the Attorney General.

13 (y) Beginning on July 22, 2010 (the effective date of
14 Public Act 96-1189), a child with a disability who receives
15 residential and educational services from the Department shall
16 be eligible to receive transition services in accordance with
17 Article 14 of the School Code from the age of 14.5 through age
18 21, inclusive, notwithstanding the child's residential
19 services arrangement. For purposes of this subsection, "child
20 with a disability" means a child with a disability as defined
21 by the federal Individuals with Disabilities Education
22 Improvement Act of 2004.

23 (z) The Department shall access criminal history record
24 information as defined as "background information" in this
25 subsection and criminal history record information as defined
26 in the Illinois Uniform Conviction Information Act for each

1 Department employee or Department applicant. Each Department
2 employee or Department applicant shall submit the employee's
3 or applicant's fingerprints to the Illinois State Police in
4 the form and manner prescribed by the Illinois State Police.
5 These fingerprints shall be checked against the fingerprint
6 records now and hereafter filed in the Illinois State Police
7 and the Federal Bureau of Investigation criminal history
8 records databases. The Illinois State Police shall charge a
9 fee for conducting the criminal history record check, which
10 shall be deposited into the State Police Services Fund and
11 shall not exceed the actual cost of the record check. The
12 Illinois State Police shall furnish, pursuant to positive
13 identification, all Illinois conviction information to the
14 Department of Children and Family Services.

15 For purposes of this subsection:

16 "Background information" means all of the following:

17 (i) Upon the request of the Department of Children and
18 Family Services, conviction information obtained from the
19 Illinois State Police as a result of a fingerprint-based
20 criminal history records check of the Illinois criminal
21 history records database and the Federal Bureau of
22 Investigation criminal history records database concerning
23 a Department employee or Department applicant.

24 (ii) Information obtained by the Department of
25 Children and Family Services after performing a check of
26 the Illinois State Police's Sex Offender Database, as

1 authorized by Section 120 of the Sex Offender Community
2 Notification Law, concerning a Department employee or
3 Department applicant.

4 (iii) Information obtained by the Department of
5 Children and Family Services after performing a check of
6 the Child Abuse and Neglect Tracking System (CANTS)
7 operated and maintained by the Department.

8 "Department employee" means a full-time or temporary
9 employee coded or certified within the State of Illinois
10 Personnel System.

11 "Department applicant" means an individual who has
12 conditional Department full-time or part-time work, a
13 contractor, an individual used to replace or supplement staff,
14 an academic intern, a volunteer in Department offices or on
15 Department contracts, a work-study student, an individual or
16 entity licensed by the Department, or an unlicensed service
17 provider who works as a condition of a contract or an agreement
18 and whose work may bring the unlicensed service provider into
19 contact with Department clients or client records.

20 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
21 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.
22 1-1-24; 103-546, eff. 8-11-23; 103-605, eff. 7-1-24.)

23 (20 ILCS 505/6a) (from Ch. 23, par. 5006a)

24 Sec. 6a. Case plan.

25 (a) With respect to each Department client for whom the

1 Department is providing placement service, the Department
2 shall develop a case plan designed to stabilize the family
3 situation and prevent placement of a child outside the home of
4 the family when the child can be cared for at home without
5 endangering the child's health or safety, reunify the family
6 if temporary placement is necessary when safe and appropriate,
7 or move the child toward an appropriate ~~the most~~ permanent
8 living arrangement and permanent legal status, consistent with
9 the child's best interest, using the factors set forth in
10 subsection (4.05) of Section 1-3 of the Juvenile Court Act of
11 1987. Such case plan shall provide for the utilization of
12 family preservation services as defined in Section 8.2 of the
13 Abused and Neglected Child Reporting Act. Such case plan shall
14 be reviewed and updated every 6 months. The Department shall
15 ensure that incarcerated parents are able to participate in
16 case plan reviews via teleconference or videoconference. Where
17 appropriate, the case plan shall include recommendations
18 concerning alcohol or drug abuse evaluation.

19 If the parent is incarcerated, the case plan must address
20 the tasks that must be completed by the parent and how the
21 parent will participate in the administrative case review and
22 permanency planning hearings and, wherever possible, must
23 include treatment that reflects the resources available at the
24 facility where the parent is confined. The case plan must
25 provide for visitation opportunities, unless visitation is not
26 in the best interests of the child.

1 (b) The Department may enter into written agreements with
2 child welfare agencies to establish and implement case plan
3 demonstration projects. The demonstration projects shall
4 require that service providers develop, implement, review and
5 update client case plans. The Department shall examine the
6 effectiveness of the demonstration projects in promoting the
7 family reunification or the permanent placement of each client
8 and shall report its findings to the General Assembly no later
9 than 90 days after the end of the fiscal year in which any such
10 demonstration project is implemented.

11 (Source: P.A. 99-836, eff. 1-1-17.)

12 (20 ILCS 505/7) (from Ch. 23, par. 5007)

13 Sec. 7. Placement of children; considerations.

14 (a) In placing any child under this Act, the Department
15 shall place the child, as far as possible, in the care and
16 custody of some individual holding the same religious belief
17 as the parents of the child, or with some child care facility
18 which is operated by persons of like religious faith as the
19 parents of such child.

20 (a-5) In placing a child under this Act, the Department
21 shall place the child with the child's sibling or siblings
22 under Section 7.4 of this Act unless the placement is not in
23 each child's best interest, or is otherwise not possible under
24 the Department's rules. If the child is not placed with a
25 sibling under the Department's rules, the Department shall

1 consider placements that are likely to develop, preserve,
2 nurture, and support sibling relationships, where doing so is
3 in each child's best interest.

4 (b) In placing a child under this Act, the Department
5 shall ~~may~~ place a child with a relative if the Department
6 determines that the relative will be able to adequately
7 provide for the child's safety and welfare based on the
8 factors set forth in the Department's rules governing such
9 ~~relative~~ placements, and that the placement is consistent with
10 the child's best interests, taking into consideration the
11 factors set out in subsection (4.05) of Section 1-3 of the
12 Juvenile Court Act of 1987.

13 When the Department first assumes custody of a child, in
14 placing that child under this Act, the Department shall make
15 reasonable efforts to identify, locate, and provide notice to
16 all adult grandparents and other adult relatives of the child
17 who are ready, willing, and able to care for the child. At a
18 minimum, these diligent efforts shall be renewed each time the
19 child requires a placement change and it is appropriate for
20 the child to be cared for in a home environment. The Department
21 must document its efforts to identify, locate, and provide
22 notice to such potential relative placements and maintain the
23 documentation in the child's case file. The Department shall
24 complete the following initial family finding and relative
25 engagement efforts:

26 (1) The Department shall conduct an investigation in

1 order to identify and locate all grandparents, parents of
2 a sibling of the child, if the parent has legal custody of
3 the sibling, adult siblings, other adult relatives of the
4 minor including any other adult relatives suggested by the
5 parents, and, if it is known or there is reason to know the
6 child is an Indian child, any extended family members, as
7 defined in Section 4 of the Indian Child Welfare Act of
8 1978 (25 U.S.C. 1903). The Department shall make diligent
9 efforts to investigate the names and locations of the
10 relatives, including, but not limited to, asking the child
11 in an age-appropriate manner and consistent with the
12 child's best interest about any parent, alleged parent,
13 and relatives important to the child, and obtaining
14 information regarding the location of the child's parents,
15 alleged parents, and adult relatives.

16 As used in this subsection (b), "family finding and
17 relative engagement" means conducting an investigation,
18 including, but not limited to, through a computer-based
19 search engine, to identify any person who would be
20 eligible to be a relative caregiver as defined in Section
21 4d of this Act and to connect a child, consistent with the
22 child's best interest, who may be disconnected from the
23 child's parents, with those relatives and kin in an effort
24 to provide family support or possible placement. If it is
25 known or there is reason to know that the child is an
26 Indian child, as defined in Section 4 of the Indian Child

1 Welfare Act of 1978 (25 U.S.C. 1903), "family finding and
2 relative engagement" also includes contacting the Indian
3 child's tribe to identify relatives and kin. No later than
4 July 1, 2025, the Department shall adopt rules setting
5 forth specific criteria as to family finding and relative
6 engagement efforts under this subsection (b) and under
7 Section 2-27.3 of the Juvenile Court Act of 1987,
8 including determining the manner in which efforts may or
9 may not be appropriate, consistent with the best interests
10 of the child.

11 (2) In accordance with Section 471(a)(29) of the
12 Social Security Act, the Department shall make diligent
13 efforts to provide all adult relatives who are located
14 with written notification and oral notification, in person
15 or by telephone, of all the following information:

16 (i) the minor has been removed from the custody of
17 the minor's parent or guardian; and

18 (ii) an explanation of the various options to
19 participate in the care and placement of the minor and
20 support for the minor's family, including any options
21 that may expire by failing to respond. The notice
22 shall provide information about providing care for the
23 minor while the family receives reunification services
24 with the goal of returning the child to the parent or
25 guardian, how to become a certified relative caregiver
26 home, and additional services and support that are

1 available in substitute care. The notice shall also
2 include information regarding, adoption and subsidized
3 guardianship assistance options, health care coverage
4 for youth in care under the medical assistance program
5 established under Article V of the Illinois Public Aid
6 Code, and other options for contact with the minor,
7 including, but not limited to, visitation. Upon
8 establishing the Department's kinship navigator
9 program, the notice shall also include information
10 regarding that benefit.

11 No later than July 1, 2025, the Department shall adopt or
12 amend existing rules to implement the requirements of this
13 subsection, including what constitutes "diligent efforts" and
14 when exceptions, consistent with federal law, are appropriate.

15 (b-5)(1) If the Department determines that a placement
16 with any identified relative is not in the child's best
17 interests or that the relative does not meet the requirements
18 to be a relative caregiver, as set forth in Department rules or
19 by statute, the Department must document the basis for that
20 decision, and maintain the documentation in the child's case
21 file, inform the identified relative of the relative's right
22 to reconsideration of the decision to deny placement with the
23 identified relative, provide the identified relative with a
24 description of the reconsideration process established in
25 accordance with subsection (o) of Section 5 of this Act, and
26 report this information to the court in accordance with the

1 requirements of Section 2-27.3 of the Juvenile Court Act of
2 1987.

3 If, pursuant to the Department's rules, any person files
4 an administrative appeal of the Department's decision not to
5 place a child with a relative, it is the Department's burden to
6 prove that the decision is consistent with the child's best
7 interests. The Department shall report information related to
8 these appeals pursuant to Section 46 of this Act.

9 When the Department determines that the child requires
10 placement in an environment, other than a home environment,
11 the Department shall continue to make reasonable efforts to
12 identify and locate relatives to serve as visitation resources
13 for the child and potential future placement resources, unless
14 excused by the court, as outlined in Section 2-27.3 of the
15 Juvenile Court Act of 1987. ~~except when the Department~~
16 ~~determines that those efforts would be futile or inconsistent~~
17 ~~with the child's best interests.~~

18 If the Department determines that efforts to identify and
19 locate relatives would be futile or inconsistent with the
20 child's best interests, the Department shall document the
21 basis of its determination and maintain the documentation in
22 the child's case file.

23 If the Department determines that an individual or a group
24 of relatives are inappropriate to serve as visitation
25 resources or possible placement resources, the Department
26 shall document the basis of its determination, ~~and~~ maintain

1 the documentation in the child's case file, inform the
2 identified relative of the relative's right to a
3 reconsideration of the decision to deny visitation with the
4 identified relative, provide the identified relative with a
5 description of the reconsideration process established in
6 accordance with subsection (o) of Section 5 of this Act, and
7 report this information to the court in accordance with the
8 requirements of Section 2-27.3 of the Juvenile Court Act of
9 1987.

10 When the Department determines that an individual or a
11 group of relatives are appropriate to serve as visitation
12 resources or possible future placement resources, the
13 Department shall document the basis of its determination,
14 maintain the documentation in the child's case file, create a
15 visitation or transition plan, or both, and incorporate the
16 visitation or transition plan, or both, into the child's case
17 plan. The Department shall report this information to the
18 court as part of the Department's family finding and relative
19 engagement efforts required under Section 2-27.3 of the
20 Juvenile Court Act of 1987. For the purpose of this
21 subsection, any determination as to the child's best interests
22 shall include consideration of the factors set out in
23 subsection (4.05) of Section 1-3 of the Juvenile Court Act of
24 1987.

25 (2) The Department may initially ~~not~~ place a child in a
26 foster family home as defined under Section 2.17 of the Child

1 Care Act of 1969 or a certified relative caregiver home as
2 defined under Section 4d of this Act. Initial placement may
3 also be made with a relative who is not yet a certified
4 relative caregiver if all of the following conditions are met:

5 (A) The prospective relative caregiver and all other
6 adults in the home must authorize and submit to a
7 background screening that includes the components set
8 forth in subsection (c) of Section 3.4 of the Child Care
9 Act of 1969. If the results of a check of the Law
10 Enforcement Agencies Data System (LEADS) identifies a
11 prior criminal conviction of (i) the prospective relative
12 caregiver for an offense not prohibited under subsection
13 (c) of Section 3.4 of the Child Care Act of 1969 or (ii)
14 any other adult in the home for a felony offense, the
15 Department shall thoroughly investigate and evaluate the
16 criminal history, including an assessment of the person's
17 character and the impact that the criminal history has on
18 the prospective relative caregiver's ability to parent the
19 child. The investigation must consider the type of crime,
20 the number of crimes, the nature of the offense, the age of
21 the person at the time of the crime, the length of time
22 that has elapsed since the last conviction, the
23 relationship of the crime to the ability to care for
24 children, the role that the person will have with the
25 child, and any evidence of rehabilitation. Initial
26 placement may not be made if the results of a check of the

1 Law Enforcement Agencies Data System (LEADS) identifies a
2 prior criminal conviction of the prospective relative
3 caregiver for an offense prohibited under subsection (c)
4 of Section 3.4 of the Child Care Act of 1969; however, a
5 waiver may be granted for placement of the child in
6 accordance with subsection (v-4) of Section 5.

7 (B) The home safety and needs assessment requirements
8 set forth in paragraph (1) of subsection (b) of Section
9 3.4 of the Child Care Act of 1969 are satisfied.

10 (C) The prospective relative caregiver is able to meet
11 the physical, emotional, medical, and educational needs of
12 the specific child or children being placed by the
13 Department.

14 No later than July 1, 2025, the Department shall adopt
15 rules or amend existing rules to implement the provisions of
16 this subsection (b-5). The rules shall outline the essential
17 elements of each form used in the implementation and
18 enforcement of the provisions of this amendatory Act of the
19 103rd General Assembly.

20 ~~with a relative, with the exception of certain circumstances~~
21 ~~which may be waived as defined by the Department in rules, if~~
22 ~~the results of a check of the Law Enforcement Agencies Data~~
23 ~~System (LEADS) identifies a prior criminal conviction of the~~
24 ~~relative or any adult member of the relative's household for~~
25 ~~any of the following offenses under the Criminal Code of 1961~~
26 ~~or the Criminal Code of 2012:~~

- 1 ~~(1) murder;~~
- 2 ~~(1.1) solicitation of murder;~~
- 3 ~~(1.2) solicitation of murder for hire;~~
- 4 ~~(1.3) intentional homicide of an unborn child;~~
- 5 ~~(1.4) voluntary manslaughter of an unborn child;~~
- 6 ~~(1.5) involuntary manslaughter;~~
- 7 ~~(1.6) reckless homicide;~~
- 8 ~~(1.7) concealment of a homicidal death;~~
- 9 ~~(1.8) involuntary manslaughter of an unborn child;~~
- 10 ~~(1.9) reckless homicide of an unborn child;~~
- 11 ~~(1.10) drug-induced homicide;~~
- 12 ~~(2) a sex offense under Article 11, except offenses~~
- 13 ~~described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,~~
- 14 ~~11-40, and 11-45;~~
- 15 ~~(3) kidnapping;~~
- 16 ~~(3.1) aggravated unlawful restraint;~~
- 17 ~~(3.2) forcible detention;~~
- 18 ~~(3.3) aiding and abetting child abduction;~~
- 19 ~~(4) aggravated kidnapping;~~
- 20 ~~(5) child abduction;~~
- 21 ~~(6) aggravated battery of a child as described in~~
- 22 ~~Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;~~
- 23 ~~(7) criminal sexual assault;~~
- 24 ~~(8) aggravated criminal sexual assault;~~
- 25 ~~(8.1) predatory criminal sexual assault of a child;~~
- 26 ~~(9) criminal sexual abuse;~~

1 ~~(10) aggravated sexual abuse;~~

2 ~~(11) heinous battery as described in Section 12-4.1 or~~
3 ~~subdivision (a) (2) of Section 12-3.05;~~

4 ~~(12) aggravated battery with a firearm as described in~~
5 ~~Section 12-4.2 or subdivision (c) (1), (c) (2), (c) (3), or~~
6 ~~(c) (4) of Section 12-3.05;~~

7 ~~(13) tampering with food, drugs, or cosmetics;~~

8 ~~(14) drug induced infliction of great bodily harm as~~
9 ~~described in Section 12-4.7 or subdivision (g) (1) of~~
10 ~~Section 12-3.05;~~

11 ~~(15) aggravated stalking;~~

12 ~~(16) home invasion;~~

13 ~~(17) vehicular invasion;~~

14 ~~(18) criminal transmission of HIV;~~

15 ~~(19) criminal abuse or neglect of an elderly person or~~
16 ~~person with a disability as described in Section 12-21 or~~
17 ~~subsection (b) of Section 12-4.4a;~~

18 ~~(20) child abandonment;~~

19 ~~(21) endangering the life or health of a child;~~

20 ~~(22) ritual mutilation;~~

21 ~~(23) ritualized abuse of a child;~~

22 ~~(24) an offense in any other state the elements of~~
23 ~~which are similar and bear a substantial relationship to~~
24 ~~any of the foregoing offenses.~~

25 No later than July 1, 2025, relative caregiver payments
26 shall be made to relative caregiver homes as provided under

1 Section 5 of this Act. ~~For the purpose of this subsection,~~
2 ~~"relative" shall include any person, 21 years of age or over,~~
3 ~~other than the parent, who (i) is currently related to the~~
4 ~~child in any of the following ways by blood or adoption:~~
5 ~~grandparent, sibling, great grandparent, parent's sibling,~~
6 ~~sibling's child, first cousin, second cousin, godparent, or~~
7 ~~grandparent's sibling; or (ii) is the spouse of such a~~
8 ~~relative; or (iii) is the child's step parent, or adult~~
9 ~~step sibling; or (iv) is a fictive kin; "relative" also~~
10 ~~includes a person related in any of the foregoing ways to a~~
11 ~~sibling of a child, even though the person is not related to~~
12 ~~the child, when the child and the child's sibling are placed~~
13 ~~together with that person. For children who have been in the~~
14 ~~guardianship of the Department, have been adopted, and are~~
15 ~~subsequently returned to the temporary custody or guardianship~~
16 ~~of the Department, a "relative" may also include any person~~
17 ~~who would have qualified as a relative under this paragraph~~
18 ~~prior to the adoption, but only if the Department determines,~~
19 ~~and documents, that it would be in the child's best interests~~
20 ~~to consider this person a relative, based upon the factors for~~
21 ~~determining best interests set forth in subsection (4.05) of~~
22 ~~Section 1-3 of the Juvenile Court Act of 1987.~~ A relative with
23 whom a child is placed pursuant to this subsection may, but is
24 not required to, apply for licensure as a foster family home
25 pursuant to the Child Care Act of 1969; provided, however,
26 that as of July 1, 1995, foster care payments shall be made

1 only to licensed foster family homes pursuant to the terms of
2 Section 5 of this Act.

3 ~~Notwithstanding any other provision under this subsection~~
4 ~~to the contrary, a fictive kin with whom a child is placed~~
5 ~~pursuant to this subsection shall apply for licensure as a~~
6 ~~foster family home pursuant to the Child Care Act of 1969~~
7 ~~within 6 months of the child's placement with the fictive kin.~~
8 ~~The Department shall not remove a child from the home of a~~
9 ~~fictive kin on the basis that the fictive kin fails to apply~~
10 ~~for licensure within 6 months of the child's placement with~~
11 ~~the fictive kin, or fails to meet the standard for licensure.~~
12 ~~All other requirements established under the rules and~~
13 ~~procedures of the Department concerning the placement of a~~
14 ~~child, for whom the Department is legally responsible, with a~~
15 ~~relative shall apply. By June 1, 2015, the Department shall~~
16 ~~promulgate rules establishing criteria and standards for~~
17 ~~placement, identification, and licensure of fictive kin.~~

18 ~~For purposes of this subsection, "fictive kin" means any~~
19 ~~individual, unrelated by birth or marriage, who:~~

20 ~~(i) is shown to have significant and close personal or~~
21 ~~emotional ties with the child or the child's family prior~~
22 ~~to the child's placement with the individual; or~~

23 ~~(ii) is the current foster parent of a child in the~~
24 ~~custody or guardianship of the Department pursuant to this~~
25 ~~Act and the Juvenile Court Act of 1987, if the child has~~
26 ~~been placed in the home for at least one year and has~~

1 ~~established a significant and family-like relationship~~
2 ~~with the foster parent, and the foster parent has been~~
3 ~~identified by the Department as the child's permanent~~
4 ~~connection, as defined by Department rule.~~

5 The provisions added to this subsection (b) by Public Act
6 98-846 shall become operative on and after June 1, 2015.

7 (c) In placing a child under this Act, the Department
8 shall ensure that the child's health, safety, and best
9 interests are met. In rejecting placement of a child with an
10 identified relative, the Department shall (i) ensure that the
11 child's health, safety, and best interests are met, (ii)
12 inform the identified relative of the relative's right to
13 reconsideration of the decision and provide the identified
14 relative with a description of the reconsideration process
15 established in accordance with subsection (o) of Section 5 of
16 this Act, (iii) report that the Department rejected the
17 relative placement to the court in accordance with the
18 requirements of Section 2-27.3 of the Juvenile Court Act of
19 1987, and (iv) report the reason for denial in accordance with
20 Section 46 of this Act. In evaluating the best interests of the
21 child, the Department shall take into consideration the
22 factors set forth in subsection (4.05) of Section 1-3 of the
23 Juvenile Court Act of 1987.

24 The Department shall consider the individual needs of the
25 child and the capacity of the prospective caregivers or
26 prospective ~~foster or~~ adoptive parents to meet the needs of

1 the child. When a child must be placed outside the child's home
2 and cannot be immediately returned to the child's parents or
3 guardian, a comprehensive, individualized assessment shall be
4 performed of that child at which time the needs of the child
5 shall be determined. Only if race, color, or national origin
6 is identified as a legitimate factor in advancing the child's
7 best interests shall it be considered. Race, color, or
8 national origin shall not be routinely considered in making a
9 placement decision. The Department shall make special efforts
10 for the diligent recruitment of potential foster and adoptive
11 families that reflect the ethnic and racial diversity of the
12 children for whom foster and adoptive homes are needed.
13 "Special efforts" shall include contacting and working with
14 community organizations and religious organizations and may
15 include contracting with those organizations, utilizing local
16 media and other local resources, and conducting outreach
17 activities.

18 (c-1) At the time of placement, the Department shall
19 consider concurrent planning, as described in subsection (1-1)
20 of Section 5, so that permanency may occur at the earliest
21 opportunity. Consideration should be given so that if
22 reunification fails or is delayed, the placement made is the
23 best available placement to provide permanency for the child.
24 To the extent that doing so is in the child's best interests as
25 set forth in subsection (4.05) of Section 1-3 of the Juvenile
26 Court Act of 1987, the Department should consider placements

1 that will permit the child to maintain a meaningful
2 relationship with the child's parents.

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

6 (e) The Department in placing children in relative
7 caregiver, certified relative caregiver, adoptive, or foster
8 care homes may not, in any policy or practice relating to the
9 placement of children for adoption or foster care,
10 discriminate against any child or prospective caregiver or
11 adoptive parent ~~adoptive or foster parent~~ on the basis of
12 race.

13 (Source: P.A. 103-22, eff. 8-8-23.)

14 (20 ILCS 505/7.3)

15 Sec. 7.3. Placement plan. The Department shall develop and
16 implement a written plan for placing children. The plan shall
17 include at least the following features:

18 (1) A plan for recruiting minority adoptive and foster
19 families. The plan shall include strategies for using
20 existing resources in minority communities, use of
21 minority outreach staff whenever possible, use of minority
22 foster homes for placements after birth and before
23 adoption, and other techniques as appropriate.

24 (2) A plan for training adoptive and foster families
25 of minority children.

1 (3) A plan for employing social workers in adoption
2 and foster care. The plan shall include staffing goals and
3 objectives.

4 (4) A plan for ensuring that adoption and foster care
5 workers attend training offered or approved by the
6 Department regarding the State's goal of encouraging
7 cultural diversity and the needs of special needs
8 children.

9 (5) A plan that includes policies and procedures for
10 determining for each child requiring placement outside of
11 the child's home, and who cannot be immediately returned
12 to the child's parents or guardian, the placement needs of
13 that child. In the rare instance when an individualized
14 assessment identifies, documents, and substantiates that
15 race, color, or national origin is a factor that needs to
16 be considered in advancing a particular child's best
17 interests, it shall be considered in making a placement.

18 (6) A plan for improving the certification of relative
19 homes as certified relative caregiver homes, including
20 establishing and expanding access to a kinship navigator
21 program once established pursuant to paragraph (3) of
22 subsection (u-6) of Section 5 of this Act, providing an
23 effective process for ensuring relatives are informed of
24 the benefits of relative caregiver home certification
25 under Section 3.4 of the Child Care Act of 1969, and
26 tailoring relative caregiver home certification standards

1 that are appropriately distinct from foster home licensure
2 standards.

3 Beginning July 1, 2026 and every 3 years thereafter, the
4 plans required under this Section shall be evaluated by the
5 Department and revised based on the findings of that
6 evaluation.

7 (Source: P.A. 103-22, eff. 8-8-23.)

8 (20 ILCS 505/46 new)

9 Sec. 46. Annual reports regarding relative and certified
10 relative caregiver placements. Beginning January 1, 2026, and
11 annually thereafter, the Department shall post on its website
12 data from the preceding State fiscal year regarding:

13 (1) the number of youth in care who were adopted
14 specifying the length of stay in out-of-home care and the
15 number of youth in care who exited to permanency through
16 guardianship specifying the length of stay in out-of-home
17 care and whether the guardianship was subsidized or
18 unsubsidized for each case;

19 (2) the number of youth with the permanency goal of
20 guardianship and the number of youth with the permanency
21 goal of adoption;

22 (3) the number of youth in care who moved from
23 non-relative care to a relative placement;

24 (4) the number of homes that successfully became a
25 certified relative caregiver home in accordance with

1 Section 3.4 of the Child Care Act of 1969; and

2 (5) the number of reconsideration reviews of the
3 Department's decisions not to place a child with a
4 relative commenced in accordance with subsection (o) of
5 Section 5 of this Act. For data related to each
6 reconsideration review, the Department shall indicate
7 whether the child resides in a licensed placement or in
8 the home of a relative at the time of the reconsideration
9 review, the reason for the Department's denial of the
10 placement with the relative, and the outcome associated
11 with each reconsideration review.

12 The Department shall include a description of the
13 methodology the Department used to collect the information for
14 paragraphs (1) through (5), indicate whether the Department
15 had any difficulties collecting the information, and indicate
16 whether there are concerns about the validity of the
17 information. If any of the data elements required to be
18 disclosed under this Section could reveal a youth's identity
19 if revealed in combination with all the identifying
20 information due to small sample size, the Department shall
21 exclude the data elements that could be used to identify the
22 youth so that the data can be included as part of a larger
23 sample and report that the data was excluded for this reason.

24 (20 ILCS 505/55 new)

25 Sec. 55. Performance audits. Three years after the

1 effective date of this amendatory Act of the 103rd General
2 Assembly, the Auditor General shall commence a performance
3 audit of the Department to determine whether the Department is
4 meeting the requirements established by this amendatory Act of
5 the 103rd General Assembly under Sections 4d, 5, 6a, 7, 7.3,
6 46, and 55 of this Act, Sections 2.05, 2.17, 2.36, 2.37, 2.38,
7 2.39, 2.40, 3.4, 4, 4.3, 7.3, and 7.4 of the Child Care Act of
8 1969, Sections 1-3, 1-5, 2-10, 2-13, 2-21, 2-22, 2-23, 2-27,
9 2-27.3, 2-28, 2-28.1, and 5-745 of the Juvenile Court Act of
10 1987, and Sections 4.1 and 15.1 of the Adoption Act. Within 2
11 years after the audit's release, the Auditor General shall
12 commence a follow-up performance audit to determine whether
13 the Department has implemented the recommendations contained
14 in the initial performance audit. Upon completion of each
15 audit, the Auditor General shall report its findings to the
16 General Assembly. The Auditor General's reports shall include
17 any issues or deficiencies and recommendations. The audits
18 required by this Section shall be in accordance with and
19 subject to the Illinois State Auditing Act.

20 Section 10. The Child Care Act of 1969 is amended by
21 changing Sections 2.05, 2.17, 4, 4.3, 5, 7.3, and 7.4 and by
22 adding Sections 2.36, 2.37, 2.38, 2.39, 2.40, and 3.4 as
23 follows:

24 (225 ILCS 10/2.05) (from Ch. 23, par. 2212.05)

1 Sec. 2.05. "Facility for child care" or "child care
2 facility" means any person, group of persons, agency,
3 association, organization, corporation, institution, center,
4 or group, whether established for gain or otherwise, who or
5 which receives or arranges for care or placement of one or more
6 children, unrelated to the operator of the facility, apart
7 from the parents, with or without the transfer of the right of
8 custody in any facility as defined in this Act, established
9 and maintained for the care of children. "Child care facility"
10 includes a relative, as defined in Section 2.36 ~~2.17~~ of this
11 Act, who is licensed as a foster family home under Section 4 of
12 this Act or provides a certified relative caregiver home, as
13 defined in Section 2.37 of this Act.

14 (Source: P.A. 98-804, eff. 1-1-15.)

15 (225 ILCS 10/2.17) (from Ch. 23, par. 2212.17)

16 (Text of Section before amendment by P.A. 103-721)

17 Sec. 2.17. "Foster family home" means the home of an
18 individual or family:

19 (1) that is licensed or approved by the state in which it
20 is situated as a foster family home that meets the standards
21 established for the licensing or approval; and

22 (2) in which a child in foster care has been placed in the
23 care of an individual who resides with the child and who has
24 been licensed or approved by the state to be a foster parent
25 and:

1 (A) who the Department of Children and Family Services
2 deems capable of adhering to the reasonable and prudent
3 parent standard;

4 (B) who provides 24-hour substitute care for children
5 placed away from their parents or other caretakers; and

6 (3) who provides the care for no more than 6 children,
7 except the Director of Children and Family Services, pursuant
8 to Department regulations, may waive the numerical limitation
9 of foster children who may be cared for in a foster family home
10 for any of the following reasons to allow: (i) a parenting
11 youth in foster care to remain with the child of the parenting
12 youth; (ii) siblings to remain together; (iii) a child with an
13 established meaningful relationship with the family to remain
14 with the family; or (iv) a family with special training or
15 skills to provide care to a child who has a severe disability.
16 The family's or relative's own children, under 18 years of
17 age, shall be included in determining the maximum number of
18 children served.

19 For purposes of this Section, a "relative" includes any
20 person, 21 years of age or over, other than the parent, who (i)
21 is currently related to the child in any of the following ways
22 by blood or adoption: grandparent, sibling, great-grandparent,
23 uncle, aunt, nephew, niece, first cousin, great-uncle, or
24 great-aunt; or (ii) is the spouse of such a relative; or (iii)
25 is a child's step-father, step-mother, or adult step-brother
26 or step-sister; or (iv) is a fictive kin; "relative" also

1 includes a person related in any of the foregoing ways to a
2 sibling of a child, even though the person is not related to
3 the child, when the child and its sibling are placed together
4 with that person. For purposes of placement of children
5 pursuant to Section 7 of the Children and Family Services Act
6 and for purposes of licensing requirements set forth in
7 Section 4 of this Act, for children under the custody or
8 guardianship of the Department pursuant to the Juvenile Court
9 Act of 1987, after a parent signs a consent, surrender, or
10 waiver or after a parent's rights are otherwise terminated,
11 and while the child remains in the custody or guardianship of
12 the Department, the child is considered to be related to those
13 to whom the child was related under this Section prior to the
14 signing of the consent, surrender, or waiver or the order of
15 termination of parental rights.

16 The term "foster family home" includes homes receiving
17 children from any State-operated institution for child care;
18 or from any agency established by a municipality or other
19 political subdivision of the State of Illinois authorized to
20 provide care for children outside their own homes. The term
21 "foster family home" does not include an "adoption-only home"
22 as defined in Section 2.23 of this Act. The types of foster
23 family homes are defined as follows:

24 (a) "Boarding home" means a foster family home which
25 receives payment for regular full-time care of a child or
26 children.

1 (b) "Free home" means a foster family home other than
2 an adoptive home which does not receive payments for the
3 care of a child or children.

4 (c) "Adoptive home" means a foster family home which
5 receives a child or children for the purpose of adopting
6 the child or children, but does not include an
7 adoption-only home.

8 (d) "Work-wage home" means a foster family home which
9 receives a child or children who pay part or all of their
10 board by rendering some services to the family not
11 prohibited by the Child Labor Law or by standards or
12 regulations of the Department prescribed under this Act.
13 The child or children may receive a wage in connection
14 with the services rendered the foster family.

15 (e) "Agency-supervised home" means a foster family
16 home under the direct and regular supervision of a
17 licensed child welfare agency, of the Department of
18 Children and Family Services, of a circuit court, or of
19 any other State agency which has authority to place
20 children in child care facilities, and which receives no
21 more than 8 children, unless of common parentage, who are
22 placed and are regularly supervised by one of the
23 specified agencies.

24 (f) "Independent home" means a foster family home,
25 other than an adoptive home, which receives no more than 4
26 children, unless of common parentage, directly from

1 parents, or other legally responsible persons, by
2 independent arrangement and which is not subject to direct
3 and regular supervision of a specified agency except as
4 such supervision pertains to licensing by the Department.

5 (g) "Host home" means an emergency foster family home
6 under the direction and regular supervision of a licensed
7 child welfare agency, contracted to provide short-term
8 crisis intervention services to youth served under the
9 Comprehensive Community-Based Youth Services program,
10 under the direction of the Department of Human Services.
11 The youth shall not be under the custody or guardianship
12 of the Department pursuant to the Juvenile Court Act of
13 1987.

14 (Source: P.A. 102-688, eff. 7-1-22; 103-564, eff. 11-17-23.)

15 (Text of Section after amendment by P.A. 103-721)

16 Sec. 2.17. "Foster family home" means the home of an
17 individual or family:

18 (1) that is licensed or approved by the state in which it
19 is situated as a foster family home that meets the standards
20 established for the licensing or approval; and

21 (2) in which a child in foster care has been placed in the
22 care of an individual who resides with the child and who has
23 been licensed or approved by the state to be a foster parent
24 and:

25 (A) who the Department of Children and Family Services

1 deems capable of adhering to the reasonable and prudent
2 parent standard;

3 (B) who provides 24-hour substitute care for children
4 placed away from their parents or other caretakers; and

5 (3) who provides the care for no more than 6 children,
6 except the Director of Children and Family Services, pursuant
7 to Department regulations, may waive the numerical limitation
8 of foster children who may be cared for in a foster family home
9 for any of the following reasons to allow: (i) a parenting
10 youth in foster care to remain with the child of the parenting
11 youth; (ii) siblings to remain together; (iii) a child with an
12 established meaningful relationship with the family to remain
13 with the family; or (iv) a family with special training or
14 skills to provide care to a child who has a severe disability.
15 The family's or relative's own children, under 18 years of
16 age, shall be included in determining the maximum number of
17 children served.

18 ~~For purposes of this Section, a "relative" includes any~~
19 ~~person, 21 years of age or over, other than the parent, who (i)~~
20 ~~is currently related to the child in any of the following ways~~
21 ~~by blood or adoption: grandparent, sibling, great-grandparent,~~
22 ~~uncle, aunt, nephew, niece, first cousin, great-uncle, or~~
23 ~~great-aunt; or (ii) is the spouse of such a relative; or (iii)~~
24 ~~is a child's step-father, step-mother, or adult step-brother~~
25 ~~or step-sister; or (iv) is a fictive kin; "relative" also~~
26 ~~includes a person related in any of the foregoing ways to a~~

1 ~~sibling of a child, even though the person is not related to~~
2 ~~the child, when the child and its sibling are placed together~~
3 ~~with that person. For purposes of placement of children~~
4 ~~pursuant to Section 7 of the Children and Family Services Act~~
5 ~~and for purposes of licensing requirements set forth in~~
6 ~~Section 4 of this Act, for children under the custody or~~
7 ~~guardianship of the Department pursuant to the Juvenile Court~~
8 ~~Act of 1987, after a parent signs a consent, surrender, or~~
9 ~~waiver or after a parent's rights are otherwise terminated,~~
10 ~~and while the child remains in the custody or guardianship of~~
11 ~~the Department, the child is considered to be related to those~~
12 ~~to whom the child was related under this Section prior to the~~
13 ~~signing of the consent, surrender, or waiver or the order of~~
14 ~~termination of parental rights.~~

15 The term "foster family home" includes homes receiving
16 children from any State-operated institution for child care;
17 or from any agency established by a municipality or other
18 political subdivision of the State of Illinois authorized to
19 provide care for children outside their own homes. The term
20 "foster family home" does not include an "adoption-only home"
21 as defined in Section 2.23 or a "certified relative caregiver
22 home" as defined in Section 2.37 of this Act. The types of
23 foster family homes are defined as follows:

24 (a) "Boarding home" means a foster family home which
25 receives payment for regular full-time care of a child or
26 children.

1 (b) "Free home" means a foster family home other than
2 an adoptive home which does not receive payments for the
3 care of a child or children.

4 (c) "Adoptive home" means a foster family home which
5 receives a child or children for the purpose of adopting
6 the child or children, but does not include an
7 adoption-only home.

8 (d) "Work-wage home" means a foster family home which
9 receives a child or children who pay part or all of their
10 board by rendering some services to the family not
11 prohibited by the Child Labor Law of 2024 or by standards
12 or regulations of the Department prescribed under this
13 Act. The child or children may receive a wage in
14 connection with the services rendered the foster family.

15 (e) "Agency-supervised home" means a foster family
16 home under the direct and regular supervision of a
17 licensed child welfare agency, of the Department of
18 Children and Family Services, of a circuit court, or of
19 any other State agency which has authority to place
20 children in child care facilities, and which receives no
21 more than 8 children, unless of common parentage, who are
22 placed and are regularly supervised by one of the
23 specified agencies.

24 (f) "Independent home" means a foster family home,
25 other than an adoptive home, which receives no more than 4
26 children, unless of common parentage, directly from

1 parents, or other legally responsible persons, by
2 independent arrangement and which is not subject to direct
3 and regular supervision of a specified agency except as
4 such supervision pertains to licensing by the Department.

5 (g) "Host home" means an emergency foster family home
6 under the direction and regular supervision of a licensed
7 child welfare agency, contracted to provide short-term
8 crisis intervention services to youth served under the
9 Comprehensive Community-Based Youth Services program,
10 under the direction of the Department of Human Services.
11 The youth shall not be under the custody or guardianship
12 of the Department pursuant to the Juvenile Court Act of
13 1987.

14 (Source: P.A. 102-688, eff. 7-1-22; 103-564, eff. 11-17-23;
15 103-721, eff. 1-1-25.)

16 (225 ILCS 10/2.36 new)

17 Sec. 2.36. Certified relative caregiver. "Certified
18 relative caregiver" means a person responsible for the care
19 and supervision of a child placed in a certified relative
20 caregiver home by the Department, other than the parent, who
21 is a relative. As used in this definition, "relative" means a
22 person who is: (i) related to a child by blood, marriage,
23 tribal custom, adoption, or to a child's sibling in any of the
24 foregoing ways, even though the person is not related to the
25 child, when the child and the child's sibling are placed

1 together with that person or (ii) fictive kin. For children
2 who have been in the guardianship of the Department following
3 the termination of their parents' parental rights, been
4 adopted or placed in subsidized or unsubsidized guardianship,
5 and are subsequently returned to the temporary custody or
6 guardianship of the Department, a "relative" shall include any
7 person who would have qualified as a relative under this
8 Section prior to the termination of the parents' parental
9 rights if the Department determines, and documents, or the
10 court finds that it would be in the child's best interests to
11 consider this person a relative, based upon the factors for
12 determining best interests set forth in subsection (4.05) of
13 Section 1-3 of the Juvenile Court Act of 1987.

14 (225 ILCS 10/2.37 new)

15 Sec. 2.37. Certified relative caregiver home. "Certified
16 relative caregiver home" means a placement resource meeting
17 the standards for a certified relative caregiver home under
18 Section 3.4 of this Act, which is eligible to receive payments
19 from the Department under State or federal law for room and
20 board for a child placed with a certified relative caregiver.
21 A certified relative caregiver home is sufficient to comply
22 with 45 CFR 1355.20.

23 (225 ILCS 10/2.38 new)

24 Sec. 2.38. Fictive kin. "Fictive kin" has the meaning

1 ascribed to the term in Section 4d of the Children and Family
2 Services Act.

3 (225 ILCS 10/2.39 new)

4 Sec. 2.39. Caregiver. "Caregiver" means a certified
5 relative caregiver, relative caregiver, or foster parent with
6 whom a youth in care is placed.

7 (225 ILCS 10/2.40 new)

8 Sec. 2.40. National consortium recommendations. "National
9 consortium recommendations" means the preferred standards of
10 national organizations with expertise in relative home care
11 developed to establish requirements or criteria for relative
12 homes that are no more or only minimally more restrictive than
13 necessary to comply with the requirements under Sections 471
14 and 474 of the Social Security Act, Public Law 115-123.
15 Consortium recommendations include criteria for assessing
16 relative homes for safety, sanitation, protection of civil
17 rights, use of the reasonable and prudent parenting standard,
18 and background screening for caregivers and other residents in
19 the caregiver home.

20 (225 ILCS 10/3.4 new)

21 Sec. 3.4. Standards for certified relative caregiver
22 homes.

23 (a) No later than July 1, 2025, the Department shall adopt

1 rules outlining the standards for certified relative caregiver
2 homes, which are reasonably in accordance with the national
3 consortium recommendations and federal law and rules, and
4 consistent with the requirements of this Act. The standards
5 for certified relative caregiver homes shall: (i) be different
6 from licensing standards used for non-relative foster family
7 homes under Section 4; (ii) align with the recommendation of
8 the U.S. Department of Health and Human Services'
9 Administration for Children and Families for implementation of
10 Section 471(a) (10), 471(a) (11), and 471(a) (20) and Section 474
11 of Title IV-E of the Social Security Act; (iii) be no more
12 restrictive than, and reasonably in accordance with, national
13 consortium recommendations; and (iv) address background
14 screening for caregivers and other household residents and
15 assessing home safety and caregiver capacity to meet the
16 identified child's needs.

17 A guiding premise for certified relative caregiver home
18 standards is that foster care maintenance payments for every
19 relative, starting upon placement, regardless of federal
20 reimbursement, are critical to ensure that the basic needs and
21 well-being of all children in relative care are being met. If
22 an agency places a child in the care of a relative, the
23 relative must immediately be provided with adequate support to
24 care for that child. The Department shall review foster care
25 maintenance payments to ensure that children receive the same
26 amount of foster care maintenance payments whether placed in a

1 certified relative caregiver home or a licensed foster family
2 home.

3 In developing rules, the Department shall solicit and
4 incorporate feedback from relative caregivers. No later than
5 60 days after the effective date of this amendatory Act of the
6 103rd General Assembly, the Department shall begin soliciting
7 input from relatives who are currently or have recently been
8 caregivers to youth in care to develop the rules and
9 procedures to implement the requirements of this Section. The
10 Department shall solicit this input in a manner convenient for
11 caregivers to participate, including without limitation,
12 in-person convenings at after hours and weekend venues,
13 locations that provide child care, and modalities that are
14 accessible and welcoming to new and experienced relative
15 caregivers from all regions of the State. The rules shall
16 outline the essential elements of each form used in the
17 implementation and enforcement of the provisions of this
18 amendatory Act of the 103rd General Assembly.

19 (b) In order to assess whether standards are met for a
20 certified relative caregiver home under this Section, the
21 Department or a licensed child welfare agency shall:

22 (1) complete the home safety and needs assessment and
23 identify and provide any necessary concrete goods or
24 safety modifications to assist the prospective certified
25 relative caregiver in meeting the needs of the specific
26 child or children being placed by the Department, in a

1 manner consistent with Department rule;

2 (2) assess the ability of the prospective certified
3 relative caregiver to care for the physical, emotional,
4 medical, and educational needs of the specific child or
5 children being placed by the Department using the protocol
6 and form provided through national consortium
7 recommendations; and

8 (3) using the standard background check form
9 established by rule, complete a background check for each
10 person seeking certified relative caregiver approval and
11 any other adults living in the home as required under this
12 Section.

13 (c) The Department or a licensed child welfare agency
14 shall conduct the following background screening investigation
15 for every prospective certified relative caregiver and adult
16 resident living in the home:

17 (1) a name-based State, local, or tribal criminal
18 background check, and as soon as reasonably possible,
19 initiate a fingerprint-based background check;

20 (2) a review of this State's Central Registry and
21 registries of any state in which an adult household member
22 has resided in the last 5 years, if applicable to
23 determine if the person has been determined to be a
24 perpetrator in an indicated report of child abuse or
25 neglect; and

26 (3) a review of the sex offender registry.

1 No home may be a certified relative caregiver home if any
2 prospective caregivers or adult residents in the home refuse
3 to authorize a background screening investigation as required
4 by this Section. Only information and standards that bear a
5 reasonable and rational relation to the caregiving capacity of
6 the certified relative caregiver and adult member of the
7 household and overall safety provided by residents of that
8 home shall be used by the Department or licensed child welfare
9 agency.

10 In approving a certified relative caregiver home in
11 accordance with this Section, if an adult has a criminal
12 record, the Department or licensed child welfare agency shall
13 thoroughly investigate and evaluate the criminal history of
14 the adult and, in so doing, include an assessment of the
15 adult's character and, in the case of the prospective
16 certified relative caregiver, the impact that the criminal
17 history has on the prospective certified relative caregiver's
18 ability to parent the child; the investigation should consider
19 the type of crime, the number of crimes, the nature of the
20 offense, the age of the person at the time of the crime, the
21 length of time that has elapsed since the last conviction, the
22 relationship of the crime to the ability to care for children,
23 the role that adult will have with the child, and any evidence
24 of rehabilitation. In accordance with federal law, a home
25 shall not be approved if the record of the prospective
26 certified relative caregiver's background screening reveals:

1 (i) a felony conviction for child abuse or neglect, spousal
2 abuse, crimes against a child, including child pornography, or
3 a crime of rape, sexual assault, or homicide; or (ii) a felony
4 conviction in the last 5 years for physical assault, battery,
5 or a drug-related offense.

6 If the Department is contemplating denying approval of a
7 certified relative caregiver home, the Department shall
8 provide a written notice in the prospective certified relative
9 caregiver's primary language to each prospective certified
10 relative caregiver before the Department takes final action to
11 deny approval of the home. This written notice shall include
12 the specific reason or reasons the Department is considering
13 denial, list actions prospective certified relative caregivers
14 can take, if any, to remedy such conditions and the timeframes
15 in which such actions would need to be completed, explain
16 reasonable supports that the Department can provide to assist
17 the prospective certified relative caregivers in taking
18 remedial actions and how the prospective certified relative
19 caregivers can request such assistance, and provide the
20 recourse prospective certified relative caregivers can seek to
21 resolve disputes about the Department's findings. The
22 Department shall provide prospective certified relative
23 caregivers reasonable opportunity pursuant to rulemaking to
24 cure any remediable deficiencies that the Department
25 identified before taking final action to deny approval of a
26 certified relative caregiver home.

1 If conditions have not been remedied after a reasonable
2 opportunity and assistance to cure identified deficiencies has
3 been provided, the Department shall provide a final written
4 notice explaining the reasons for denying the certified
5 relative caregiver home approval and the reconsideration
6 process to review the decision to deny certification. The
7 Department shall not prohibit a prospective certified relative
8 caregiver from being reconsidered for approval if the
9 prospective certified relative caregivers are able to
10 demonstrate a change in circumstances that improves deficient
11 conditions.

12 Documentation that a certified relative caregiver home
13 meets the required standards may be filed on behalf of such
14 homes by a licensed child welfare agency, by a State agency
15 authorized to place children in foster care, or by
16 out-of-state agencies approved by the Department to place
17 children in this State. For documentation on behalf of a home
18 in which specific children are placed by and remain under
19 supervision of the applicant agency, such agency shall
20 document that the certified relative caregiver home,
21 responsible for the care of related specific children therein,
22 was found to be in reasonable compliance with standards
23 prescribed by the Department for certified relative caregiver
24 homes under this Section. Certification is applicable to one
25 or more related children and documentation for certification
26 shall indicate the specific child or children who would be

1 eligible for placement in this certified relative caregiver
2 home.

3 Information concerning criminal convictions of prospective
4 certified relative caregivers and adult residents of a
5 prospective certified relative caregiver home investigated
6 under this Section, including the source of the information,
7 State conviction information provided by the Illinois State
8 Police, and any conclusions or recommendations derived from
9 the information, shall be offered to the prospective certified
10 relative caregivers and adult residents of a prospective
11 certified relative caregiver home, and provided, upon request,
12 to such persons prior to final action by the Department in the
13 certified relative caregiver home approval process.

14 Any information concerning criminal charges or the
15 disposition of such criminal charges obtained by the
16 Department shall be confidential and may not be transmitted
17 outside the Department, except as required or permitted by
18 State or federal law, and may not be transmitted to anyone
19 within the Department except as needed for the purpose of
20 evaluating standards for a certified relative caregiver home
21 or for evaluating the placement of a specific child in the
22 home. Information concerning a prospective certified relative
23 caregiver or an adult resident of a prospective certified
24 relative caregiver home obtained by the Department for the
25 purposes of this Section shall be confidential and exempt from
26 public inspection and copying as provided under Section 7 of

1 the Freedom of Information Act, and such information shall not
2 be transmitted outside the Department, except as required or
3 authorized by State or federal law, including applicable
4 provisions in the Abused and Neglected Child Reporting Act,
5 and shall not be transmitted to anyone within the Department
6 except as provided in the Abused and Neglected Child Reporting
7 Act, and shall not be transmitted to anyone within the
8 Department except as needed for the purposes of evaluating
9 homes. Any employee of the Department, the Illinois State
10 Police, or a licensed child welfare agency receiving
11 confidential information under this Section who gives or
12 causes to be given any confidential information concerning any
13 criminal convictions or child abuse or neglect reports
14 involving a prospective certified relative caregiver or an
15 adult resident of a prospective certified relative caregiver
16 home shall be guilty of a Class A misdemeanor unless release of
17 such information is authorized by this Section or Section 11.1
18 of the Abused and Neglected Child Reporting Act.

19 The Department shall permit, but shall not require, a
20 prospective certified relative caregiver who does not yet have
21 eligible children placed by the Department in the relative's
22 home to commence the process to become a certified relative
23 caregiver home for a particular identified child under this
24 Section before a child is placed by the Department if the
25 prospective certified relative caregiver prefers to begin this
26 process in advance of the identified child being placed. No

1 later than July 1, 2025, the Department shall adopt rules
2 delineating the process for re-assessing a certified relative
3 caregiver home if the identified child is not placed in that
4 home within 6 months of the home becoming certified.

5 (d) The Department shall ensure that prospective certified
6 relative caregivers are provided with assistance in completing
7 the steps required for approval as a certified relative
8 caregiver home, including, but not limited to, the following
9 types of assistance:

10 (1) completing forms together with the relative or for
11 the relative, if possible;

12 (2) obtaining court records or dispositions related to
13 background checks;

14 (3) accessing translation services;

15 (4) using mobile fingerprinting devices in the home,
16 and if mobile devices are unavailable, providing
17 assistance scheduling appointments that are accessible and
18 available at times that fit the household members'
19 schedules, providing transportation and child care to
20 allow the household members to complete fingerprinting
21 appointments, and contracting with community-based
22 fingerprinting locations that offer evening and weekend
23 appointments;

24 (5) reimbursement or advance payment for the
25 prospective certified relative caregiver to help with
26 reasonable home maintenance to resolve critical safety

1 issues in accordance with Department rulemaking; and

2 (6) purchasing required safety or comfort items such
3 as a car seat or mattress.

4 (e) Orientation provided to certified relative caregivers
5 shall include information regarding:

6 (1) caregivers' right to be heard in juvenile court
7 proceedings;

8 (2) the availability of the advocacy hotline and
9 Office of the Inspector General that caregivers may use to
10 report incidents of misconduct or violation of rules by
11 Department employees, service providers, or contractors;

12 (3) the Department's expectations for caregiving
13 obligations including, but not limited to, specific
14 requirements of court orders, critical incident
15 notifications and timeframes, supervision for the child's
16 age and needs, out-of-state travel, and consent
17 procedures;

18 (4) assistance available to the certified relative
19 caregivers, including child care, respite care,
20 transportation assistance, case management, training and
21 support groups, kinship navigator services, financial
22 assistance, and after hours and weekend 24 hours, 7 days a
23 week emergency supports, and how to access such
24 assistance;

25 (5) reasonable and prudent parenting standards; and

26 (6) permanency options.

1 Orientation shall be provided in a setting and modality
2 convenient for the residents of the certified relative
3 caregiver home, which shall include the option for one-on-one
4 sessions at the residence, after business hours, and in the
5 primary language of the caregivers. Training opportunities
6 shall be offered to the residents of the certified relative
7 caregiver home, but shall not be a requirement that delays the
8 certified relative caregiver home approval process from being
9 completed.

10 The Department or licensed child welfare agency may
11 provide support groups and development opportunities for
12 certified relative caregivers, and take other steps to support
13 permanency, such as offering voluntary training, or concurrent
14 assessments of multiple prospective certified relative
15 caregivers to determine which may be best suited to provide
16 long-term permanency for a particular child. However, these
17 support groups and development opportunities shall not be
18 requirements for prospective certified relative caregiver
19 homes or delay immediate placement and support to a relative
20 who satisfies the standards set forth in this Section.

21 (f) All child welfare agencies serving relative and
22 certified relative caregiver homes shall be required by the
23 Department to have complaint policies and procedures that
24 shall be provided in writing to prospective and current
25 certified relative caregivers and residents of prospective and
26 current certified relative caregiver homes, at the earliest

1 time possible. The complaint procedure shall allow residents
2 of prospective and current certified relative caregiver homes
3 to submit complaints 7 days a week and complaints shall be
4 reviewed by the Department within 30 days of receipt. These
5 complaint procedures must be filed with the Department within
6 6 months after the effective date of this amendatory of the
7 103rd General Assembly.

8 No later than July 1, 2025, the Department shall revise
9 any rules and procedures pertaining to eligibility of
10 certified relative caregivers to qualify for State and federal
11 subsidies and services under the guardianship and adoption
12 assistance program and remove any requirements that exceed the
13 federal requirements for participation in these programs or
14 supports to ensure that certified relative caregiver homes are
15 deemed eligible for permanency options, such as adoption or
16 subsidized guardianship, if the child is unable to safely
17 return to the child's parents. The rules shall outline the
18 essential elements of each form used in the implementation and
19 enforcement of the provisions of this amendatory Act of the
20 103rd General Assembly.

21 The Department shall submit any necessary State plan
22 amendments necessary to comply with this Section and to ensure
23 Title IV-E reimbursement eligibility under Section
24 671(a)(20)(A-B) of the Social Security Act can be achieved
25 expediently. The Department shall differentiate expenditures
26 related to certified relative caregivers from licensed care

1 placements to provide clarity in expenditures of State and
2 federal monies for certified relative caregiver supports.

3 (225 ILCS 10/4)

4 (Text of Section before amendment by P.A. 103-594 and
5 103-770)

6 Sec. 4. License requirement; application; notice.

7 (a) Any person, group of persons or corporation who or
8 which receives children or arranges for care or placement of
9 one or more children unrelated to the operator must apply for a
10 license to operate one of the types of facilities defined in
11 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any
12 relative, as defined in Section 2.17 of this Act, who receives
13 a child or children for placement by the Department on a
14 full-time basis may apply for a license to operate a foster
15 family home as defined in Section 2.17 of this Act.

16 (a-5) Any agency, person, group of persons, association,
17 organization, corporation, institution, center, or group
18 providing adoption services must be licensed by the Department
19 as a child welfare agency as defined in Section 2.08 of this
20 Act. "Providing adoption services" as used in this Act,
21 includes facilitating or engaging in adoption services.

22 (b) Application for a license to operate a child care
23 facility must be made to the Department in the manner and on
24 forms prescribed by it. An application to operate a foster
25 family home shall include, at a minimum: a completed written

1 form; written authorization by the applicant and all adult
2 members of the applicant's household to conduct a criminal
3 background investigation; medical evidence in the form of a
4 medical report, on forms prescribed by the Department, that
5 the applicant and all members of the household are free from
6 communicable diseases or physical and mental conditions that
7 affect their ability to provide care for the child or
8 children; the names and addresses of at least 3 persons not
9 related to the applicant who can attest to the applicant's
10 moral character; the name and address of at least one relative
11 who can attest to the applicant's capability to care for the
12 child or children; and fingerprints submitted by the applicant
13 and all adult members of the applicant's household.

14 (b-5) Prior to submitting an application for a foster
15 family home license, a quality of care concerns applicant as
16 defined in Section 2.22a of this Act must submit a preliminary
17 application to the Department in the manner and on forms
18 prescribed by it. The Department shall explain to the quality
19 of care concerns applicant the grounds for requiring a
20 preliminary application. The preliminary application shall
21 include a list of (i) all children placed in the home by the
22 Department who were removed by the Department for reasons
23 other than returning to a parent and the circumstances under
24 which they were removed and (ii) all children placed by the
25 Department who were subsequently adopted by or placed in the
26 private guardianship of the quality of care concerns applicant

1 who are currently under 18 and who no longer reside in the home
2 and the reasons why they no longer reside in the home. The
3 preliminary application shall also include, if the quality of
4 care concerns applicant chooses to submit, (1) a response to
5 the quality of care concerns, including any reason the
6 concerns are invalid, have been addressed or ameliorated, or
7 no longer apply and (2) affirmative documentation
8 demonstrating that the quality of care concerns applicant's
9 home does not pose a risk to children and that the family will
10 be able to meet the physical and emotional needs of children.
11 The Department shall verify the information in the preliminary
12 application and review (i) information regarding any prior
13 licensing complaints, (ii) information regarding any prior
14 child abuse or neglect investigations, (iii) information
15 regarding any involuntary foster home holds placed on the home
16 by the Department, and (iv) information regarding all child
17 exit interviews, as provided in Section 5.26 of the Children
18 and Family Services Act, regarding the home. Foster home
19 applicants with quality of care concerns are presumed
20 unsuitable for future licensure.

21 Notwithstanding the provisions of this subsection (b-5),
22 the Department may make an exception and issue a foster family
23 license to a quality of care concerns applicant if the
24 Department is satisfied that the foster family home does not
25 pose a risk to children and that the foster family will be able
26 to meet the physical and emotional needs of children. In

1 making this determination, the Department must obtain and
2 carefully review all relevant documents and shall obtain
3 consultation from its Clinical Division as appropriate and as
4 prescribed by Department rule and procedure. The Department
5 has the authority to deny a preliminary application based on
6 the record of quality of care concerns of the foster family
7 home. In the alternative, the Department may (i) approve the
8 preliminary application, (ii) approve the preliminary
9 application subject to obtaining additional information or
10 assessments, or (iii) approve the preliminary application for
11 purposes of placing a particular child or children only in the
12 foster family home. If the Department approves a preliminary
13 application, the foster family shall submit an application for
14 licensure as described in subsection (b) of this Section. The
15 Department shall notify the quality of care concerns applicant
16 of its decision and the basis for its decision in writing.

17 (c) The Department shall notify the public when a child
18 care institution, maternity center, or group home licensed by
19 the Department undergoes a change in (i) the range of care or
20 services offered at the facility, (ii) the age or type of
21 children served, or (iii) the area within the facility used by
22 children. The Department shall notify the public of the change
23 in a newspaper of general circulation in the county or
24 municipality in which the applicant's facility is or is
25 proposed to be located.

26 (d) If, upon examination of the facility and investigation

1 of persons responsible for care of children and, in the case of
2 a foster home, taking into account information obtained for
3 purposes of evaluating a preliminary application, if
4 applicable, the Department is satisfied that the facility and
5 responsible persons reasonably meet standards prescribed for
6 the type of facility for which application is made, it shall
7 issue a license in proper form, designating on that license
8 the type of child care facility and, except for a child welfare
9 agency, the number of children to be served at any one time.

10 (e) The Department shall not issue or renew the license of
11 any child welfare agency providing adoption services, unless
12 the agency (i) is officially recognized by the United States
13 Internal Revenue Service as a tax-exempt organization
14 described in Section 501(c)(3) of the Internal Revenue Code of
15 1986 (or any successor provision of federal tax law) and (ii)
16 is in compliance with all of the standards necessary to
17 maintain its status as an organization described in Section
18 501(c)(3) of the Internal Revenue Code of 1986 (or any
19 successor provision of federal tax law). The Department shall
20 grant a grace period of 24 months from the effective date of
21 this amendatory Act of the 94th General Assembly for existing
22 child welfare agencies providing adoption services to obtain
23 501(c)(3) status. The Department shall permit an existing
24 child welfare agency that converts from its current structure
25 in order to be recognized as a 501(c)(3) organization as
26 required by this Section to either retain its current license

1 or transfer its current license to a newly formed entity, if
2 the creation of a new entity is required in order to comply
3 with this Section, provided that the child welfare agency
4 demonstrates that it continues to meet all other licensing
5 requirements and that the principal officers and directors and
6 programs of the converted child welfare agency or newly
7 organized child welfare agency are substantially the same as
8 the original. The Department shall have the sole discretion to
9 grant a one year extension to any agency unable to obtain
10 501(c)(3) status within the timeframe specified in this
11 subsection (e), provided that such agency has filed an
12 application for 501(c)(3) status with the Internal Revenue
13 Service within the 2-year timeframe specified in this
14 subsection (e).

15 (Source: P.A. 101-63, eff. 7-12-19; 102-763, eff. 1-1-23.)

16 (Text of Section after amendment by P.A. 103-770 but
17 before 103-594)

18 Sec. 4. License requirement; application; notice.

19 (a) Any person, group of persons or corporation who or
20 which receives children or arranges for care or placement of
21 one or more children unrelated to the operator must apply for a
22 license to operate one of the types of facilities defined in
23 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any
24 relative, as defined in Section 2.38 ~~2.17~~ of this Act, who
25 receives a child or children for placement by the Department

1 on a full-time basis may apply for a license to operate a
2 foster family home as defined in Section 2.17 of this Act or
3 may apply to be a certified relative caregiver home as defined
4 in Section 2.37 of this Act.

5 (a-5) Any agency, person, group of persons, association,
6 organization, corporation, institution, center, or group
7 providing adoption services must be licensed by the Department
8 as a child welfare agency as defined in Section 2.08 of this
9 Act. "Providing adoption services", as used in this Act,
10 includes facilitating or engaging in adoption services.

11 (b) Application for a license to operate a child care
12 facility must be made to the Department in the manner and on
13 forms prescribed by it. An application to operate a foster
14 family home shall include, at a minimum: a completed written
15 form; written authorization by the applicant and all adult
16 members of the applicant's household to conduct a criminal
17 background investigation; medical evidence in the form of a
18 medical report, on forms prescribed by the Department, that
19 the applicant and all members of the household are free from
20 communicable diseases or physical and mental conditions that
21 affect their ability to provide care for the child or
22 children; the names and addresses of at least 3 persons not
23 related to the applicant who can attest to the applicant's
24 moral character; the name and address of at least one relative
25 who can attest to the applicant's capability to care for the
26 child or children; and fingerprints submitted by the applicant

1 and all adult members of the applicant's household.

2 (b-5) Prior to submitting an application for a foster
3 family home license, a quality of care concerns applicant as
4 defined in Section 2.22a of this Act must submit a preliminary
5 application to the Department in the manner and on forms
6 prescribed by it. The Department shall explain to the quality
7 of care concerns applicant the grounds for requiring a
8 preliminary application. The preliminary application shall
9 include a list of (i) all children placed in the home by the
10 Department who were removed by the Department for reasons
11 other than returning to a parent and the circumstances under
12 which they were removed and (ii) all children placed by the
13 Department who were subsequently adopted by or placed in the
14 private guardianship of the quality of care concerns applicant
15 who are currently under 18 and who no longer reside in the home
16 and the reasons why they no longer reside in the home. The
17 preliminary application shall also include, if the quality of
18 care concerns applicant chooses to submit, (1) a response to
19 the quality of care concerns, including any reason the
20 concerns are invalid, have been addressed or ameliorated, or
21 no longer apply and (2) affirmative documentation
22 demonstrating that the quality of care concerns applicant's
23 home does not pose a risk to children and that the family will
24 be able to meet the physical and emotional needs of children.
25 The Department shall verify the information in the preliminary
26 application and review (i) information regarding any prior

1 licensing complaints, (ii) information regarding any prior
2 child abuse or neglect investigations, (iii) information
3 regarding any involuntary foster home holds placed on the home
4 by the Department, and (iv) information regarding all child
5 exit interviews, as provided in Section 5.26 of the Children
6 and Family Services Act, regarding the home. Foster home
7 applicants with quality of care concerns are presumed
8 unsuitable for future licensure.

9 Notwithstanding the provisions of this subsection (b-5),
10 the Department may make an exception and issue a foster family
11 license to a quality of care concerns applicant if the
12 Department is satisfied that the foster family home does not
13 pose a risk to children and that the foster family will be able
14 to meet the physical and emotional needs of children. In
15 making this determination, the Department must obtain and
16 carefully review all relevant documents and shall obtain
17 consultation from its Clinical Division as appropriate and as
18 prescribed by Department rule and procedure. The Department
19 has the authority to deny a preliminary application based on
20 the record of quality of care concerns of the foster family
21 home. In the alternative, the Department may (i) approve the
22 preliminary application, (ii) approve the preliminary
23 application subject to obtaining additional information or
24 assessments, or (iii) approve the preliminary application for
25 purposes of placing a particular child or children only in the
26 foster family home. If the Department approves a preliminary

1 application, the foster family shall submit an application for
2 licensure as described in subsection (b) of this Section. The
3 Department shall notify the quality of care concerns applicant
4 of its decision and the basis for its decision in writing.

5 (c) The Department shall notify the public when a child
6 care institution, maternity center, or group home licensed by
7 the Department undergoes a change in (i) the range of care or
8 services offered at the facility or (ii) the type of children
9 served. The Department shall notify the public of the change
10 in a newspaper of general circulation in the county or
11 municipality in which the applicant's facility is or is
12 proposed to be located.

13 (c-5) When a child care institution, maternity center, or
14 a group home licensed by the Department undergoes a change in
15 (i) the age of children served or (ii) the area within the
16 facility used by children, the Department shall post
17 information regarding proposed changes on its website as
18 required by rule.

19 (d) If, upon examination of the facility and investigation
20 of persons responsible for care of children and, in the case of
21 a foster home, taking into account information obtained for
22 purposes of evaluating a preliminary application, if
23 applicable, the Department is satisfied that the facility and
24 responsible persons reasonably meet standards prescribed for
25 the type of facility for which application is made, it shall
26 issue a license in proper form, designating on that license

1 the type of child care facility and, except for a child welfare
2 agency, the number of children to be served at any one time.

3 (e) The Department shall not issue or renew the license of
4 any child welfare agency providing adoption services, unless
5 the agency (i) is officially recognized by the United States
6 Internal Revenue Service as a tax-exempt organization
7 described in Section 501(c)(3) of the Internal Revenue Code of
8 1986 (or any successor provision of federal tax law) and (ii)
9 is in compliance with all of the standards necessary to
10 maintain its status as an organization described in Section
11 501(c)(3) of the Internal Revenue Code of 1986 (or any
12 successor provision of federal tax law). The Department shall
13 grant a grace period of 24 months from August 15, 2005 (the
14 effective date of Public Act 94-586) ~~this amendatory Act of~~
15 ~~the 94th General Assembly~~ for existing child welfare agencies
16 providing adoption services to obtain 501(c)(3) status. The
17 Department shall permit an existing child welfare agency that
18 converts from its current structure in order to be recognized
19 as a 501(c)(3) organization as required by this Section to
20 either retain its current license or transfer its current
21 license to a newly formed entity, if the creation of a new
22 entity is required in order to comply with this Section,
23 provided that the child welfare agency demonstrates that it
24 continues to meet all other licensing requirements and that
25 the principal officers and directors and programs of the
26 converted child welfare agency or newly organized child

1 welfare agency are substantially the same as the original. The
2 Department shall have the sole discretion to grant a one-year
3 ~~one-year~~ extension to any agency unable to obtain 501(c)(3)
4 status within the timeframe specified in this subsection (e),
5 provided that such agency has filed an application for
6 501(c)(3) status with the Internal Revenue Service within the
7 2-year timeframe specified in this subsection (e).

8 (f) The Department shall adopt rules to implement the
9 changes to this Section made by Public Act 103-770 ~~this~~
10 ~~amendatory Act of the 103rd General Assembly~~ no later than
11 January 1, 2025.

12 (Source: P.A. 102-763, eff. 1-1-23; 103-770, eff. 1-1-25;
13 revised 8-20-24.)

14 (Text of Section after amendment by P.A. 103-594)

15 Sec. 4. License requirement; application; notice;
16 Department of Children and Family Services.

17 (a) Any person, group of persons or corporation who or
18 which receives children or arranges for care or placement of
19 one or more children unrelated to the operator must apply for a
20 license to operate one of the types of facilities defined in
21 Sections 2.05 through 2.19 (other than a day care center or day
22 care home) and in Section 2.22 of this Act. Any relative, as
23 defined in Section 2.38 ~~2.17~~ of this Act, who receives a child
24 or children for placement by the Department on a full-time
25 basis may apply for a license to operate a foster family home

1 as defined in Section 2.17 of this Act or may apply to be a
2 certified relative caregiver home as defined in Section 2.37
3 of this Act.

4 (a-5) Any agency, person, group of persons, association,
5 organization, corporation, institution, center, or group
6 providing adoption services must be licensed by the Department
7 as a child welfare agency as defined in Section 2.08 of this
8 Act. "Providing adoption services", as used in this Act,
9 includes facilitating or engaging in adoption services.

10 (b) Application for a license to operate a child care
11 facility (other than a day care center, day care home, or group
12 day care home) must be made to the Department in the manner and
13 on forms prescribed by it. An application to operate a foster
14 family home shall include, at a minimum: a completed written
15 form; written authorization by the applicant and all adult
16 members of the applicant's household to conduct a criminal
17 background investigation; medical evidence in the form of a
18 medical report, on forms prescribed by the Department, that
19 the applicant and all members of the household are free from
20 communicable diseases or physical and mental conditions that
21 affect their ability to provide care for the child or
22 children; the names and addresses of at least 3 persons not
23 related to the applicant who can attest to the applicant's
24 moral character; the name and address of at least one relative
25 who can attest to the applicant's capability to care for the
26 child or children; and fingerprints submitted by the applicant

1 and all adult members of the applicant's household.

2 (b-5) Prior to submitting an application for a foster
3 family home license, a quality of care concerns applicant as
4 defined in Section 2.22a of this Act must submit a preliminary
5 application to the Department in the manner and on forms
6 prescribed by it. The Department shall explain to the quality
7 of care concerns applicant the grounds for requiring a
8 preliminary application. The preliminary application shall
9 include a list of (i) all children placed in the home by the
10 Department who were removed by the Department for reasons
11 other than returning to a parent and the circumstances under
12 which they were removed and (ii) all children placed by the
13 Department who were subsequently adopted by or placed in the
14 private guardianship of the quality of care concerns applicant
15 who are currently under 18 and who no longer reside in the home
16 and the reasons why they no longer reside in the home. The
17 preliminary application shall also include, if the quality of
18 care concerns applicant chooses to submit, (1) a response to
19 the quality of care concerns, including any reason the
20 concerns are invalid, have been addressed or ameliorated, or
21 no longer apply and (2) affirmative documentation
22 demonstrating that the quality of care concerns applicant's
23 home does not pose a risk to children and that the family will
24 be able to meet the physical and emotional needs of children.
25 The Department shall verify the information in the preliminary
26 application and review (i) information regarding any prior

1 licensing complaints, (ii) information regarding any prior
2 child abuse or neglect investigations, (iii) information
3 regarding any involuntary foster home holds placed on the home
4 by the Department, and (iv) information regarding all child
5 exit interviews, as provided in Section 5.26 of the Children
6 and Family Services Act, regarding the home. Foster home
7 applicants with quality of care concerns are presumed
8 unsuitable for future licensure.

9 Notwithstanding the provisions of this subsection (b-5),
10 the Department may make an exception and issue a foster family
11 license to a quality of care concerns applicant if the
12 Department is satisfied that the foster family home does not
13 pose a risk to children and that the foster family will be able
14 to meet the physical and emotional needs of children. In
15 making this determination, the Department must obtain and
16 carefully review all relevant documents and shall obtain
17 consultation from its Clinical Division as appropriate and as
18 prescribed by Department rule and procedure. The Department
19 has the authority to deny a preliminary application based on
20 the record of quality of care concerns of the foster family
21 home. In the alternative, the Department may (i) approve the
22 preliminary application, (ii) approve the preliminary
23 application subject to obtaining additional information or
24 assessments, or (iii) approve the preliminary application for
25 purposes of placing a particular child or children only in the
26 foster family home. If the Department approves a preliminary

1 application, the foster family shall submit an application for
2 licensure as described in subsection (b) of this Section. The
3 Department shall notify the quality of care concerns applicant
4 of its decision and the basis for its decision in writing.

5 (c) The Department shall notify the public when a child
6 care institution, maternity center, or group home licensed by
7 the Department undergoes a change in (i) the range of care or
8 services offered at the facility or (ii) the type of children
9 served. The Department shall notify the public of the change
10 in a newspaper of general circulation in the county or
11 municipality in which the applicant's facility is or is
12 proposed to be located.

13 (c-5) When a child care institution, maternity center, or
14 a group home licensed by the Department undergoes a change in
15 (i) the age of children served or (ii) the area within the
16 facility used by children, the Department shall post
17 information regarding proposed changes on its website as
18 required by rule.

19 (d) If, upon examination of the facility and investigation
20 of persons responsible for care of children and, in the case of
21 a foster home, taking into account information obtained for
22 purposes of evaluating a preliminary application, if
23 applicable, the Department is satisfied that the facility and
24 responsible persons reasonably meet standards prescribed for
25 the type of facility for which application is made, it shall
26 issue a license in proper form, designating on that license

1 the type of child care facility and, except for a child welfare
2 agency, the number of children to be served at any one time.

3 (e) The Department shall not issue or renew the license of
4 any child welfare agency providing adoption services, unless
5 the agency (i) is officially recognized by the United States
6 Internal Revenue Service as a tax-exempt organization
7 described in Section 501(c)(3) of the Internal Revenue Code of
8 1986 (or any successor provision of federal tax law) and (ii)
9 is in compliance with all of the standards necessary to
10 maintain its status as an organization described in Section
11 501(c)(3) of the Internal Revenue Code of 1986 (or any
12 successor provision of federal tax law). The Department shall
13 grant a grace period of 24 months from August 15, 2005 (the
14 effective date of Public Act 94-586) ~~this amendatory Act of~~
15 ~~the 94th General Assembly~~ for existing child welfare agencies
16 providing adoption services to obtain 501(c)(3) status. The
17 Department shall permit an existing child welfare agency that
18 converts from its current structure in order to be recognized
19 as a 501(c)(3) organization as required by this Section to
20 either retain its current license or transfer its current
21 license to a newly formed entity, if the creation of a new
22 entity is required in order to comply with this Section,
23 provided that the child welfare agency demonstrates that it
24 continues to meet all other licensing requirements and that
25 the principal officers and directors and programs of the
26 converted child welfare agency or newly organized child

1 welfare agency are substantially the same as the original. The
2 Department shall have the sole discretion to grant a one-year
3 ~~one-year~~ extension to any agency unable to obtain 501(c)(3)
4 status within the timeframe specified in this subsection (e),
5 provided that such agency has filed an application for
6 501(c)(3) status with the Internal Revenue Service within the
7 2-year timeframe specified in this subsection (e).

8 (f) The Department shall adopt rules to implement the
9 changes to this Section made by Public Act 103-770 ~~this~~
10 ~~amendatory Act of the 103rd General Assembly~~ no later than
11 January 1, 2025.

12 (Source: P.A. 102-763, eff. 1-1-23; 103-594, eff. 7-1-26;
13 103-770, eff. 1-1-25; revised 8-20-24.)

14 (225 ILCS 10/4.3) (from Ch. 23, par. 2214.3)

15 (Text of Section before amendment by P.A. 103-594)

16 Sec. 4.3. Child Abuse and Neglect Reports. All child care
17 facility license applicants and all current and prospective
18 employees of a child care facility who have any possible
19 contact with children in the course of their duties, as a
20 condition of such licensure or employment, shall authorize in
21 writing on a form prescribed by the Department an
22 investigation of the Central Register, as defined in the
23 Abused and Neglected Child Reporting Act, to ascertain if such
24 applicant or employee has been determined to be a perpetrator
25 in an indicated report of child abuse or neglect.

1 All child care facilities as a condition of licensure
2 pursuant to this Act shall maintain such information which
3 demonstrates that all current employees and other applicants
4 for employment who have any possible contact with children in
5 the course of their duties have authorized an investigation of
6 the Central Register as hereinabove required. Only those
7 current or prospective employees who will have no possible
8 contact with children as part of their present or prospective
9 employment may be excluded from provisions requiring
10 authorization of an investigation.

11 Such information concerning a license applicant, employee
12 or prospective employee obtained by the Department shall be
13 confidential and exempt from public inspection and copying as
14 provided under Section 7 of The Freedom of Information Act,
15 and such information shall not be transmitted outside the
16 Department, except as provided in the Abused and Neglected
17 Child Reporting Act, and shall not be transmitted to anyone
18 within the Department except as provided in the Abused and
19 Neglected Child Reporting Act, and shall not be transmitted to
20 anyone within the Department except as needed for the purposes
21 of evaluation of an application for licensure or for
22 consideration by a child care facility of an employee. Any
23 employee of the Department of Children and Family Services
24 under this Section who gives or causes to be given any
25 confidential information concerning any child abuse or neglect
26 reports about a child care facility applicant, child care

1 facility employee, shall be guilty of a Class A misdemeanor,
2 unless release of such information is authorized by Section
3 11.1 of the Abused and Neglected Child Reporting Act.

4 Additionally, any licensee who is informed by the
5 Department of Children and Family Services, pursuant to
6 Section 7.4 of the Abused and Neglected Child Reporting Act,
7 approved June 26, 1975, as amended, that a formal
8 investigation has commenced relating to an employee of the
9 child care facility or any other person in frequent contact
10 with children at the facility, shall take reasonable action
11 necessary to insure that the employee or other person is
12 restricted during the pendency of the investigation from
13 contact with children whose care has been entrusted to the
14 facility.

15 When a foster family home is the subject of an indicated
16 report under the Abused and Neglected Child Reporting Act, the
17 Department of Children and Family Services must immediately
18 conduct a re-examination of the foster family home to evaluate
19 whether it continues to meet the minimum standards for
20 licensure. The re-examination is separate and apart from the
21 formal investigation of the report. The Department must
22 establish a schedule for re-examination of the foster family
23 home mentioned in the report at least once a year.

24 When a certified relative caregiver home is the subject of
25 an indicated report under the Abused and Neglected Child
26 Reporting Act, the Department shall immediately conduct a

1 re-examination of the certified relative caregiver home to
2 evaluate whether the home remains an appropriate placement or
3 the certified relative caregiver home continues to meet the
4 minimum standards for certification required under Section 3.4
5 of this Act. The re-examination is separate and apart from the
6 formal investigation of the report and shall be completed in
7 the timeframes established by rule.

8 (Source: P.A. 91-557, eff. 1-1-00.)

9 (Text of Section after amendment by P.A. 103-594)

10 Sec. 4.3. Child Abuse and Neglect Reports. All child care
11 facility license applicants (other than a day care center, day
12 care home, or group day care home) and all current and
13 prospective employees of a child care facility (other than a
14 day care center, day care home, or group day care home) who
15 have any possible contact with children in the course of their
16 duties, as a condition of such licensure or employment, shall
17 authorize in writing on a form prescribed by the Department an
18 investigation of the Central Register, as defined in the
19 Abused and Neglected Child Reporting Act, to ascertain if such
20 applicant or employee has been determined to be a perpetrator
21 in an indicated report of child abuse or neglect.

22 All child care facilities (other than a day care center,
23 day care home, or group day care home) as a condition of
24 licensure pursuant to this Act shall maintain such information
25 which demonstrates that all current employees and other

1 applicants for employment who have any possible contact with
2 children in the course of their duties have authorized an
3 investigation of the Central Register as hereinabove required.
4 Only those current or prospective employees who will have no
5 possible contact with children as part of their present or
6 prospective employment may be excluded from provisions
7 requiring authorization of an investigation.

8 Such information concerning a license applicant, employee
9 or prospective employee obtained by the Department shall be
10 confidential and exempt from public inspection and copying as
11 provided under Section 7 of The Freedom of Information Act,
12 and such information shall not be transmitted outside the
13 Department, except as provided in the Abused and Neglected
14 Child Reporting Act, and shall not be transmitted to anyone
15 within the Department except as provided in the Abused and
16 Neglected Child Reporting Act, and shall not be transmitted to
17 anyone within the Department except as needed for the purposes
18 of evaluation of an application for licensure or for
19 consideration by a child care facility of an employee. Any
20 employee of the Department of Children and Family Services
21 under this Section who gives or causes to be given any
22 confidential information concerning any child abuse or neglect
23 reports about a child care facility applicant, child care
24 facility employee, shall be guilty of a Class A misdemeanor,
25 unless release of such information is authorized by Section
26 11.1 of the Abused and Neglected Child Reporting Act.

1 Additionally, any licensee who is informed by the
2 Department of Children and Family Services, pursuant to
3 Section 7.4 of the Abused and Neglected Child Reporting Act,
4 approved June 26, 1975, as amended, that a formal
5 investigation has commenced relating to an employee of the
6 child care facility or any other person in frequent contact
7 with children at the facility, shall take reasonable action
8 necessary to insure that the employee or other person is
9 restricted during the pendency of the investigation from
10 contact with children whose care has been entrusted to the
11 facility.

12 When a foster family home is the subject of an indicated
13 report under the Abused and Neglected Child Reporting Act, the
14 Department of Children and Family Services must immediately
15 conduct a re-examination of the foster family home to evaluate
16 whether it continues to meet the minimum standards for
17 licensure. The re-examination is separate and apart from the
18 formal investigation of the report. The Department must
19 establish a schedule for re-examination of the foster family
20 home mentioned in the report at least once a year.

21 When a certified relative caregiver home is the subject of
22 an indicated report under the Abused and Neglected Child
23 Reporting Act, the Department shall immediately conduct a
24 re-examination of the certified relative caregiver home to
25 evaluate whether the home remains an appropriate placement or
26 the certified relative caregiver home continues to meet the

1 minimum standards for certification required under Section 3.4
2 of this Act. The re-examination is separate and apart from the
3 formal investigation of the report and shall be completed in
4 the timeframes established by rule.

5 (Source: P.A. 103-594, eff. 7-1-26.)

6 (225 ILCS 10/5) (from Ch. 23, par. 2215)

7 (Text of Section before amendment by P.A. 103-594)

8 Sec. 5. (a) In respect to child care institutions,
9 maternity centers, child welfare agencies, day care centers,
10 day care agencies and group homes, the Department, upon
11 receiving application filed in proper order, shall examine the
12 facilities and persons responsible for care of children
13 therein.

14 (b) In respect to foster family and day care homes,
15 applications may be filed on behalf of such homes by a licensed
16 child welfare agency, by a State agency authorized to place
17 children in foster care or by out-of-State agencies approved
18 by the Department to place children in this State. In respect
19 to day care homes, applications may be filed on behalf of such
20 homes by a licensed day care agency or licensed child welfare
21 agency. In applying for license in behalf of a home in which
22 children are placed by and remain under supervision of the
23 applicant agency, such agency shall certify that the home and
24 persons responsible for care of unrelated children therein, or
25 the home and relatives, as defined in Section 2.36 ~~2.17~~ of this

1 Act, responsible for the care of related children therein,
2 were found to be in reasonable compliance with standards
3 prescribed by the Department for the type of care indicated.

4 (c) The Department shall not allow any person to examine
5 facilities under a provision of this Act who has not passed an
6 examination demonstrating that such person is familiar with
7 this Act and with the appropriate standards and regulations of
8 the Department.

9 (d) With the exception of day care centers, day care
10 homes, and group day care homes, licenses shall be issued in
11 such form and manner as prescribed by the Department and are
12 valid for 4 years from the date issued, unless revoked by the
13 Department or voluntarily surrendered by the licensee.
14 Licenses issued for day care centers, day care homes, and
15 group day care homes shall be valid for 3 years from the date
16 issued, unless revoked by the Department or voluntarily
17 surrendered by the licensee. When a licensee has made timely
18 and sufficient application for the renewal of a license or a
19 new license with reference to any activity of a continuing
20 nature, the existing license shall continue in full force and
21 effect for up to 30 days until the final agency decision on the
22 application has been made. The Department may further extend
23 the period in which such decision must be made in individual
24 cases for up to 30 days, but such extensions shall be only upon
25 good cause shown.

26 (e) The Department may issue one 6-month permit to a newly

1 established facility for child care to allow that facility
2 reasonable time to become eligible for a full license. If the
3 facility for child care is a foster family home, or day care
4 home the Department may issue one 2-month permit only.

5 (f) The Department may issue an emergency permit to a
6 child care facility taking in children as a result of the
7 temporary closure for more than 2 weeks of a licensed child
8 care facility due to a natural disaster. An emergency permit
9 under this subsection shall be issued to a facility only if the
10 persons providing child care services at the facility were
11 employees of the temporarily closed day care center at the
12 time it was closed. No investigation of an employee of a child
13 care facility receiving an emergency permit under this
14 subsection shall be required if that employee has previously
15 been investigated at another child care facility. No emergency
16 permit issued under this subsection shall be valid for more
17 than 90 days after the date of issuance.

18 (g) During the hours of operation of any licensed child
19 care facility, authorized representatives of the Department
20 may without notice visit the facility for the purpose of
21 determining its continuing compliance with this Act or
22 regulations adopted pursuant thereto.

23 (h) Day care centers, day care homes, and group day care
24 homes shall be monitored at least annually by a licensing
25 representative from the Department or the agency that
26 recommended licensure.

1 (Source: P.A. 98-804, eff. 1-1-15.)

2 (Text of Section after amendment by P.A. 103-594)

3 Sec. 5. (a) This Section does not apply to any day care
4 center, day care home, or group day care home.

5 In respect to child care institutions, maternity centers,
6 child welfare agencies, and group homes, the Department, upon
7 receiving application filed in proper order, shall examine the
8 facilities and persons responsible for care of children
9 therein.

10 (b) In respect to foster family homes, applications may be
11 filed on behalf of such homes by a licensed child welfare
12 agency, by a State agency authorized to place children in
13 foster care or by out-of-State agencies approved by the
14 Department to place children in this State. In applying for
15 license in behalf of a home in which children are placed by and
16 remain under supervision of the applicant agency, such agency
17 shall certify that the home and persons responsible for care
18 of unrelated children therein, or the home and relatives, as
19 defined in Section 2.36 ~~2.17~~ of this Act, responsible for the
20 care of related children therein, were found to be in
21 reasonable compliance with standards prescribed by the
22 Department for the type of care indicated.

23 (c) The Department shall not allow any person to examine
24 facilities under a provision of this Act who has not passed an
25 examination demonstrating that such person is familiar with

1 this Act and with the appropriate standards and regulations of
2 the Department.

3 (d) Licenses shall be issued in such form and manner as
4 prescribed by the Department and are valid for 4 years from the
5 date issued, unless revoked by the Department or voluntarily
6 surrendered by the licensee. When a licensee has made timely
7 and sufficient application for the renewal of a license or a
8 new license with reference to any activity of a continuing
9 nature, the existing license shall continue in full force and
10 effect for up to 30 days until the final agency decision on the
11 application has been made. The Department may further extend
12 the period in which such decision must be made in individual
13 cases for up to 30 days, but such extensions shall be only upon
14 good cause shown.

15 (e) The Department may issue one 6-month permit to a newly
16 established facility for child care to allow that facility
17 reasonable time to become eligible for a full license. If the
18 facility for child care is a foster family home, the
19 Department may issue one 2-month permit only.

20 (f) The Department may issue an emergency permit to a
21 child care facility taking in children as a result of the
22 temporary closure for more than 2 weeks of a licensed child
23 care facility due to a natural disaster. An emergency permit
24 under this subsection shall be issued to a facility only if the
25 persons providing child care services at the facility were
26 employees of the temporarily closed facility at the time it

1 was closed. No investigation of an employee of a child care
2 facility receiving an emergency permit under this subsection
3 shall be required if that employee has previously been
4 investigated at another child care facility. No emergency
5 permit issued under this subsection shall be valid for more
6 than 90 days after the date of issuance.

7 (g) During the hours of operation of any licensed child
8 care facility, authorized representatives of the Department
9 may without notice visit the facility for the purpose of
10 determining its continuing compliance with this Act or
11 regulations adopted pursuant thereto.

12 (h) (Blank).

13 (Source: P.A. 103-594, eff. 7-1-26.)

14 (225 ILCS 10/7.3)

15 Sec. 7.3. Children placed by private child welfare agency.

16 (a) Before placing a child who is a youth in care in a
17 foster family home, a private child welfare agency must
18 ascertain (i) whether any other children who are youth in care
19 have been placed in that home and (ii) whether every such child
20 who has been placed in that home continues to reside in that
21 home, unless the child has been transferred to another
22 placement or is no longer a youth in care. The agency must keep
23 a record of every other child welfare agency that has placed
24 such a child in that foster family home; the record must
25 include the name and telephone number of a contact person at

1 each such agency.

2 (b) At least once every 30 days, a private child welfare
3 agency that places youth in care in certified relative
4 caregiver or foster family homes must make a site visit to
5 every such home where it has placed a youth in care. The
6 purpose of the site visit is to verify that the child continues
7 to reside in that home and to verify the child's safety and
8 well-being. The agency must document the verification in its
9 records. If a private child welfare agency fails to comply
10 with the requirements of this subsection, the Department must
11 suspend all payments to the agency until the agency complies.

12 (c) The Department must periodically (but no less often
13 than once every 6 months) review the child placement records
14 of each private child welfare agency that places youth in
15 care.

16 (d) If a child placed in a foster family home is missing,
17 the foster parent must promptly report that fact to the
18 Department or to the child welfare agency that placed the
19 child in the home. If the foster parent fails to make such a
20 report, the Department shall put the home on hold for the
21 placement of other children and initiate corrective action
22 that may include revocation of the foster parent's license to
23 operate the foster family home. A foster parent who knowingly
24 and willfully fails to report a missing foster child under
25 this subsection is guilty of a Class A misdemeanor.

26 (e) If a private child welfare agency determines that a

1 youth in care whom it has placed in a certified relative
2 caregiver or foster family home no longer resides in that
3 home, the agency must promptly report that fact to the
4 Department. If the agency fails to make such a report, the
5 Department shall put the agency on hold for the placement of
6 other children and initiate corrective action that may include
7 revocation of the agency's license.

8 (f) When a child is missing from a certified relative
9 caregiver or foster home, the Department or private agency in
10 charge of case management shall report regularly to the
11 certified relative caregiver or foster parent concerning
12 efforts to locate the missing child.

13 (g) The Department must strive to account for the status
14 and whereabouts of every one of its youth in care who it
15 determines is not residing in the authorized placement in
16 which the youth was placed.

17 (Source: P.A. 103-22, eff. 8-8-23.)

18 (225 ILCS 10/7.4)

19 Sec. 7.4. Disclosures.

20 (a) Every licensed child welfare agency providing adoption
21 services shall provide to all prospective clients and to the
22 public written disclosures with respect to its adoption
23 services, policies, and practices, including general
24 eligibility criteria, fees, and the mutual rights and
25 responsibilities of clients, including birth parents and

1 adoptive parents. The written disclosure shall be posted on
2 any website maintained by the child welfare agency that
3 relates to adoption services. The Department shall adopt rules
4 relating to the contents of the written disclosures. Eligible
5 agencies may be deemed compliant with this subsection (a).

6 (b) Every licensed child welfare agency providing adoption
7 services shall provide to all applicants, prior to
8 application, a written schedule of estimated fees, expenses,
9 and refund policies. Every child welfare agency providing
10 adoption services shall have a written policy that shall be
11 part of its standard adoption contract and state that it will
12 not charge additional fees and expenses beyond those disclosed
13 in the adoption contract unless additional fees are reasonably
14 required by the circumstances and are disclosed to the
15 adoptive parents or parent before they are incurred. The
16 Department shall adopt rules relating to the contents of the
17 written schedule and policy. Eligible agencies may be deemed
18 compliant with this subsection (b).

19 (c) Every licensed child welfare agency providing adoption
20 services must make full and fair disclosure to its clients,
21 including birth parents and adoptive parents, of all
22 circumstances material to the placement of a child for
23 adoption. The Department shall adopt rules necessary for the
24 implementation and regulation of the requirements of this
25 subsection (c).

26 (c-5) Whenever a licensed child welfare agency places a

1 child in a certified relative caregiver or licensed foster
2 family home or an adoption-only home, the agency shall provide
3 the following to the caregiver ~~caretaker~~ or prospective
4 adoptive parent:

5 (1) Available detailed information concerning the
6 child's educational and health history, copies of
7 immunization records (including insurance and medical card
8 information), a history of the child's previous
9 placements, if any, and reasons for placement changes,
10 excluding any information that identifies or reveals the
11 location of any previous caretaker.

12 (2) A copy of the child's portion of the client
13 service plan, including any visitation arrangement, and
14 all amendments or revisions to it as related to the child.

15 (3) Information containing details of the child's
16 individualized educational plan when the child is
17 receiving special education services.

18 (4) Any known social or behavioral information
19 (including, but not limited to, criminal background, fire
20 setting, perpetration of sexual abuse, destructive
21 behavior, and substance abuse) necessary to care for and
22 safeguard the child.

23 The agency may prepare a written summary of the
24 information required by this subsection, which may be provided
25 to the certified relative caregiver or foster or prospective
26 adoptive parent in advance of a placement. The certified

1 relative caregiver or foster or prospective adoptive parent
2 may review the supporting documents in the child's file in the
3 presence of casework staff. In the case of an emergency
4 placement, casework staff shall at least provide information
5 verbally, if necessary, and must subsequently provide the
6 information in writing as required by this subsection. In the
7 case of emergency placements when time does not allow prior
8 review, preparation, and collection of written information,
9 the agency shall provide such information as it becomes
10 available.

11 The Department shall adopt rules necessary for the
12 implementation and regulation of the requirements of this
13 subsection (c-5).

14 (d) Every licensed child welfare agency providing adoption
15 services shall meet minimum standards set forth by the
16 Department concerning the taking or acknowledging of a consent
17 prior to taking or acknowledging a consent from a prospective
18 birth parent. The Department shall adopt rules concerning the
19 minimum standards required by agencies under this Section.

20 (Source: P.A. 103-22, eff. 8-8-23.)

21 Section 15. The Juvenile Court Act of 1987 is amended by
22 changing Sections 1-3, 1-5, 2-10, 2-13, 2-21, 2-22, 2-23,
23 2-27, 2-28, 2-28.1, and 5-745 and by adding Section 2-27.3 as
24 follows:

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

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

5 (1) "Adjudicatory hearing" means a hearing to determine
6 whether the allegations of a petition under Section 2-13,
7 3-15, or 4-12 that a minor under 18 years of age is abused,
8 neglected, or dependent, or requires authoritative
9 intervention, or addicted, respectively, are supported by a
10 preponderance of the evidence or whether the allegations of a
11 petition under Section 5-520 that a minor is delinquent are
12 proved beyond a reasonable 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
20 to 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, including
15 the child's wishes regarding available permanency options
16 and the child's wishes regarding maintaining connections
17 with parents, siblings, and other relatives;
- 18 (f) the child's community ties, including church,
19 school, and friends;
- 20 (g) the child's need for permanence which includes the
21 child's need for stability and continuity of relationships
22 with parent figures, and ~~and~~ with siblings, and other
23 relatives;
- 24 (h) the uniqueness of every family and child;
- 25 (i) the risks attendant to entering and being in
26 substitute care; and

1 (j) the preferences of the persons available to care
2 for the child, including willingness to provide permanency
3 to the child, either through subsidized guardianship or
4 through adoption.

5 (4.08) "Caregiver" includes a foster parent. Beginning
6 July 1, 2025, "caregiver" includes a foster parent as defined
7 in Section 2.17 of the Child Care Act of 1969, certified
8 relative caregiver, as defined in Section 2.36 of the Child
9 Care Act of 1969, and relative caregiver as defined in Section
10 4d of the Children and Family Services Act.

11 (4.1) "Chronic truant" shall have the definition ascribed
12 to it in Section 26-2a of the School Code.

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

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

19 (6.5) "Dissemination" or "disseminate" means to publish,
20 produce, print, manufacture, distribute, sell, lease, exhibit,
21 broadcast, display, transmit, or otherwise share information
22 in any format so as to make the information accessible to
23 others.

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

1 (7.03) "Expunge" means to physically destroy the records
2 and to obliterate the minor's name from any official index,
3 public record, or electronic database.

4 (7.05) "Foster parent" includes a relative caregiver
5 selected by the Department of Children and Family Services to
6 provide care for the minor.

7 (8) "Guardianship of the person" of a minor means the duty
8 and authority to act in the best interests of the minor,
9 subject to residual parental rights and responsibilities, to
10 make important decisions in matters having a permanent effect
11 on the life and development of the minor and to be concerned
12 with the minor's general welfare. It includes but is not
13 necessarily limited to:

14 (a) the authority to consent to marriage, to
15 enlistment in the armed forces of the United States, or to
16 a major medical, psychiatric, and surgical treatment; to
17 represent the minor in legal actions; and to make other
18 decisions of substantial legal significance concerning the
19 minor;

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

23 (c) the rights and responsibilities of legal custody
24 except where legal custody has been vested in another
25 person or agency; and

26 (d) the power to consent to the adoption of the minor,

1 but only if expressly conferred on the guardian in
2 accordance with Section 2-29, 3-30, or 4-27.

3 (8.1) "Juvenile court record" includes, but is not limited
4 to:

5 (a) all documents filed in or maintained by the
6 juvenile court pertaining to a specific incident,
7 proceeding, or individual;

8 (b) all documents relating to a specific incident,
9 proceeding, or individual made available to or maintained
10 by probation officers;

11 (c) all documents, video or audio tapes, photographs,
12 and exhibits admitted into evidence at juvenile court
13 hearings; or

14 (d) all documents, transcripts, records, reports, or
15 other evidence prepared by, maintained by, or released by
16 any municipal, county, or State agency or department, in
17 any format, if indicating involvement with the juvenile
18 court relating to a specific incident, proceeding, or
19 individual.

20 (8.2) "Juvenile law enforcement record" includes records
21 of arrest, station adjustments, fingerprints, probation
22 adjustments, the issuance of a notice to appear, or any other
23 records or documents maintained by any law enforcement agency
24 relating to a minor suspected of committing an offense, and
25 records maintained by a law enforcement agency that identifies
26 a juvenile as a suspect in committing an offense, but does not

1 include records identifying a juvenile as a victim, witness,
2 or missing juvenile and any records created, maintained, or
3 used for purposes of referral to programs relating to
4 diversion as defined in subsection (6) of Section 5-105.

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

13 (9.1) "Mentally capable adult relative" means a person 21
14 years of age or older who is not suffering from a mental
15 illness that prevents the person from providing the care
16 necessary to safeguard the physical safety and welfare of a
17 minor who is left in that person's care by the parent or
18 parents or other person responsible for the minor's welfare.

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

21 (11) "Parent" means a father or mother of a child and
22 includes any adoptive parent. It also includes a person (i)
23 whose parentage is presumed or has been established under the
24 law of this or another jurisdiction or (ii) who has registered
25 with the Putative Father Registry in accordance with Section
26 12.1 of the Adoption Act and whose paternity has not been ruled

1 out under the law of this or another jurisdiction. It does not
2 include a parent whose rights in respect to the minor have been
3 terminated in any manner provided by law. It does not include a
4 person who has been or could be determined to be a parent under
5 the Illinois Parentage Act of 1984 or the Illinois Parentage
6 Act of 2015, or similar parentage law in any other state, if
7 that person has been convicted of or pled nolo contendere to a
8 crime that resulted in the conception of the child under
9 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
10 12-14.1, subsection (a) or (b) (but not subsection (c)) of
11 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
12 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
13 Criminal Code of 1961 or the Criminal Code of 2012, or similar
14 statute in another jurisdiction unless upon motion of any
15 party, other than the offender, to the juvenile court
16 proceedings the court finds it is in the child's best interest
17 to deem the offender a parent for purposes of the juvenile
18 court proceedings.

19 (11.1) "Permanency goal" means a goal set by the court as
20 defined in subsection (2.3) ~~subdivision (2)~~ of Section 2-28.

21 (11.2) "Permanency hearing" means a hearing to set the
22 permanency goal and to review and determine (i) the
23 appropriateness of the services contained in the plan and
24 whether those services have been provided, (ii) whether
25 reasonable efforts have been made by all the parties to the
26 service plan to achieve the goal, and (iii) whether the plan

1 and goal have been achieved.

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

5 (12.1) "Physically capable adult relative" means a person
6 21 years of age or older who does not have a severe physical
7 disability or medical condition, or is not suffering from
8 alcoholism or drug addiction, that prevents the person from
9 providing the care necessary to safeguard the physical safety
10 and welfare of a minor who is left in that person's care by the
11 parent or parents or other person responsible for the minor's
12 welfare.

13 (12.2) "Post Permanency Sibling Contact Agreement" has the
14 meaning ascribed to the term in Section 7.4 of the Children and
15 Family Services Act.

16 (12.3) "Residential treatment center" means a licensed
17 setting that provides 24-hour care to children in a group home
18 or institution, including a facility licensed as a child care
19 institution under Section 2.06 of the Child Care Act of 1969, a
20 licensed group home under Section 2.16 of the Child Care Act of
21 1969, a qualified residential treatment program under Section
22 2.35 of the Child Care Act of 1969, a secure child care
23 facility as defined in paragraph (18) of this Section, or any
24 similar facility in another state. "Residential treatment
25 center" does not include a relative foster home or a licensed
26 foster family home.

1 (13) "Residual parental rights and responsibilities" means
2 those rights and responsibilities remaining with the parent
3 after the transfer of legal custody or guardianship of the
4 person, including, but not necessarily limited to, the right
5 to reasonable visitation (which may be limited by the court in
6 the best interests of the minor as provided in subsection
7 (8)(b) of this Section), the right to consent to adoption, the
8 right to determine the minor's religious affiliation, and the
9 responsibility for the minor's support.

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

13 (14.05) "Shelter placement" means a temporary or emergency
14 placement for a minor, including an emergency foster home
15 placement.

16 (14.1) "Sibling Contact Support Plan" has the meaning
17 ascribed to the term in Section 7.4 of the Children and Family
18 Services Act.

19 (14.2) "Significant event report" means a written document
20 describing an occurrence or event beyond the customary
21 operations, routines, or relationships in the Department of
22 Children of Family Services, a child care facility, or other
23 entity that is licensed or regulated by the Department of
24 Children of Family Services or that provides services for the
25 Department of Children of Family Services under a grant,
26 contract, or purchase of service agreement; involving children

1 or youth, employees, foster parents, or relative caregivers;
2 allegations of abuse or neglect or any other incident raising
3 a concern about the well-being of a minor under the
4 jurisdiction of the court under Article II of the Juvenile
5 Court Act of 1987; incidents involving damage to property,
6 allegations of criminal activity, misconduct, or other
7 occurrences affecting the operations of the Department of
8 Children of Family Services or a child care facility; any
9 incident that could have media impact; and unusual incidents
10 as defined by Department of Children and Family Services rule.

11 (15) "Station adjustment" means the informal handling of
12 an 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
15 the 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
18 officer who has completed a Basic Recruit Training Course, has
19 been assigned to the position of juvenile police officer by
20 the officer's chief law enforcement officer and has completed
21 the 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 Illinois 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. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;
14 103-564, eff. 11-17-23.)

15 (705 ILCS 405/1-5) (from Ch. 37, par. 801-5)

16 Sec. 1-5. Rights of parties to proceedings.

17 (1) Except as provided in this Section and paragraph (2)
18 of Sections 2-22, 3-23, 4-20, 5-610 or 5-705, the minor who is
19 the subject of the proceeding and the minor's parents,
20 guardian, legal custodian or responsible relative who are
21 parties respondent have the right to be present, to be heard,
22 to present evidence material to the proceedings, to
23 cross-examine witnesses, to examine pertinent court files and
24 records and also, although proceedings under this Act are not
25 intended to be adversary in character, the right to be

1 represented by counsel. At the request of any party
2 financially unable to employ counsel, with the exception of a
3 foster parent permitted to intervene under this Section, the
4 court shall appoint the Public Defender or such other counsel
5 as the case may require. Counsel appointed for the minor and
6 any indigent party shall appear at all stages of the trial
7 court proceeding, and such appointment shall continue through
8 the permanency hearings and termination of parental rights
9 proceedings subject to withdrawal, vacating of appointment, or
10 substitution pursuant to Supreme Court Rules or the Code of
11 Civil Procedure. Following the dispositional hearing, the
12 court may require appointed counsel, other than counsel for
13 the minor or counsel for the guardian ad litem, to withdraw the
14 counsel's appearance upon failure of the party for whom
15 counsel was appointed under this Section to attend any
16 subsequent proceedings.

17 No hearing on any petition or motion filed under this Act
18 may be commenced unless the minor who is the subject of the
19 proceeding is represented by counsel. Notwithstanding the
20 preceding sentence, if a guardian ad litem has been appointed
21 for the minor under Section 2-17 of this Act and the guardian
22 ad litem is a licensed attorney at law of this State, or in the
23 event that a court appointed special advocate has been
24 appointed as guardian ad litem and counsel has been appointed
25 to represent the court appointed special advocate, the court
26 may not require the appointment of counsel to represent the

1 minor unless the court finds that the minor's interests are in
2 conflict with what the guardian ad litem determines to be in
3 the best interest of the minor. Each adult respondent shall be
4 furnished a written "Notice of Rights" at or before the first
5 hearing at which the adult respondent appears.

6 (1.5) The Department shall maintain a system of response
7 to inquiry made by parents or putative parents as to whether
8 their child is under the custody or guardianship of the
9 Department; and if so, the Department shall direct the parents
10 or putative parents to the appropriate court of jurisdiction,
11 including where inquiry may be made of the clerk of the court
12 regarding the case number and the next scheduled court date of
13 the minor's case. Effective notice and the means of accessing
14 information shall be given to the public on a continuing basis
15 by the Department.

16 (2) (a) Though not appointed guardian or legal custodian or
17 otherwise made a party to the proceeding, any current or
18 previously appointed ~~foster parent or relative~~ caregiver, or
19 representative of an agency or association interested in the
20 minor has the right to be heard by the court, but does not
21 thereby become a party to the proceeding.

22 In addition to the foregoing right to be heard by the
23 court, any current ~~foster parent or relative~~ caregiver of a
24 minor and the agency designated by the court or the Department
25 of Children and Family Services as custodian of the minor who
26 is alleged to be or has been adjudicated an abused or neglected

1 minor under Section 2-3 or a dependent minor under Section 2-4
2 of this Act has the right to and shall be given adequate notice
3 at all stages of any hearing or proceeding under this Act.

4 Any ~~foster parent or relative~~ caregiver who is denied the
5 right to be heard under this Section may bring a mandamus
6 action under Article XIV of the Code of Civil Procedure
7 against the court or any public agency to enforce that right.
8 The mandamus action may be brought immediately upon the denial
9 of those rights but in no event later than 30 days after the
10 caregiver ~~foster parent~~ has been denied the right to be heard.

11 (b) If after an adjudication that a minor is abused or
12 neglected as provided under Section 2-21 of this Act and a
13 motion has been made to restore the minor to any parent,
14 guardian, or legal custodian found by the court to have caused
15 the neglect or to have inflicted the abuse on the minor, a
16 caregiver ~~foster parent~~ may file a motion to intervene in the
17 proceeding for the sole purpose of requesting that the minor
18 be placed with the caregiver ~~foster parent~~, provided that the
19 caregiver ~~foster parent~~ (i) is the current caregiver ~~foster~~
20 ~~parent~~ of the minor or (ii) has previously been a caregiver
21 ~~foster parent~~ for the minor for one year or more, has a foster
22 care license or is eligible for a license or is not required to
23 have a license, and is not the subject of any findings of abuse
24 or neglect of any child. The juvenile court may only enter
25 orders placing a minor with a specific caregiver ~~foster parent~~
26 under this subsection (2) (b) and nothing in this Section shall

1 be construed to confer any jurisdiction or authority on the
2 juvenile court to issue any other orders requiring the
3 appointed guardian or custodian of a minor to place the minor
4 in a designated caregiver's ~~foster~~ home or facility. This
5 Section is not intended to encompass any matters that are
6 within the scope or determinable under the administrative and
7 appeal process established by rules of the Department of
8 Children and Family Services under Section 5(o) of the
9 Children and Family Services Act. Nothing in this Section
10 shall relieve the court of its responsibility, under Section
11 2-14(a) of this Act to act in a just and speedy manner to
12 reunify families where it is the best interests of the minor
13 and the child can be cared for at home without endangering the
14 child's health or safety and, if reunification is not in the
15 best interests of the minor, to find another permanent home
16 for the minor. Nothing in this Section, or in any order issued
17 by the court with respect to the placement of a minor with a
18 caregiver ~~foster parent~~, shall impair the ability of the
19 Department of Children and Family Services, or anyone else
20 authorized under Section 5 of the Abused and Neglected Child
21 Reporting Act, to remove a minor from the home of a caregiver
22 ~~foster parent~~ if the Department of Children and Family
23 Services or the person removing the minor has reason to
24 believe that the circumstances or conditions of the minor are
25 such that continuing in the residence or care of the caregiver
26 ~~foster parent~~ will jeopardize the child's health and safety or

1 present an imminent risk of harm to that minor's life.

2 (c) If a caregiver ~~foster parent~~ has had the minor who is
3 the subject of the proceeding under Article II in the
4 caregiver's ~~foster parent's~~ home for more than one year on or
5 after July 3, 1994 and if the minor's placement is being
6 terminated from that caregiver's ~~foster parent's~~ home, that
7 caregiver ~~foster parent~~ shall have standing and intervenor
8 status except in those circumstances where the Department of
9 Children and Family Services or anyone else authorized under
10 Section 5 of the Abused and Neglected Child Reporting Act has
11 removed the minor from the caregiver ~~foster parent~~ because of
12 a reasonable belief that the circumstances or conditions of
13 the minor are such that continuing in the residence or care of
14 the caregiver ~~foster parent~~ will jeopardize the child's health
15 or safety or presents an imminent risk of harm to the minor's
16 life.

17 (d) The court may grant standing to any caregiver ~~foster~~
18 ~~parent~~ if the court finds that it is in the best interest of
19 the child for the caregiver ~~foster parent~~ to have standing and
20 intervenor status.

21 (3) Parties respondent are entitled to notice in
22 compliance with Sections 2-15 and 2-16, 3-17 and 3-18, 4-14
23 and 4-15 or 5-525 and 5-530, as appropriate. At the first
24 appearance before the court by the minor, the minor's parents,
25 guardian, custodian or responsible relative, the court shall
26 explain the nature of the proceedings and inform the parties

1 of their rights under the first 2 paragraphs of this Section.

2 If the child is alleged to be abused, neglected or
3 dependent, the court shall admonish the parents that if the
4 court declares the child to be a ward of the court and awards
5 custody or guardianship to the Department of Children and
6 Family Services, the parents must cooperate with the
7 Department of Children and Family Services, comply with the
8 terms of the service plans, and correct the conditions that
9 require the child to be in care, or risk termination of their
10 parental rights.

11 Upon an adjudication of wardship of the court under
12 Sections 2-22, 3-23, 4-20 or 5-705, the court shall inform the
13 parties of their right to appeal therefrom as well as from any
14 other final judgment of the court.

15 When the court finds that a child is an abused, neglected,
16 or dependent minor under Section 2-21, the court shall
17 admonish the parents that the parents must cooperate with the
18 Department of Children and Family Services, comply with the
19 terms of the service plans, and correct the conditions that
20 require the child to be in care, or risk termination of their
21 parental rights.

22 When the court declares a child to be a ward of the court
23 and awards guardianship to the Department of Children and
24 Family Services under Section 2-22, the court shall admonish
25 the parents, guardian, custodian, or responsible relative that
26 the parents must cooperate with the Department of Children and

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

4 (4) No sanction may be applied against the minor who is the
5 subject of the proceedings by reason of the minor's refusal or
6 failure to testify in the course of any hearing held prior to
7 final adjudication under Section 2-22, 3-23, 4-20 or 5-705.

8 (5) In the discretion of the court, the minor may be
9 excluded from any part or parts of a dispositional hearing
10 and, with the consent of the parent or parents, guardian,
11 counsel or a guardian ad litem, from any part or parts of an
12 adjudicatory hearing.

13 (6) The general public except for the news media and the
14 crime victim, as defined in Section 3 of the Rights of Crime
15 Victims and Witnesses Act, shall be excluded from any hearing
16 and, except for the persons specified in this Section only
17 persons, including representatives of agencies and
18 associations, who in the opinion of the court have a direct
19 interest in the case or in the work of the court shall be
20 admitted to the hearing. However, the court may, for the
21 minor's safety and protection and for good cause shown,
22 prohibit any person or agency present in court from further
23 disclosing the minor's identity. Nothing in this subsection

24 (6) prevents the court from allowing other juveniles to be
25 present or to participate in a court session being held under
26 the Juvenile Drug Court Treatment Act.

1 (7) A party shall not be entitled to exercise the right to
2 a substitution of a judge without cause under subdivision
3 (a) (2) of Section 2-1001 of the Code of Civil Procedure in a
4 proceeding under this Act if the judge is currently assigned
5 to a proceeding involving the alleged abuse, neglect, or
6 dependency of the minor's sibling or half sibling and that
7 judge has made a substantive ruling in the proceeding
8 involving the minor's sibling or half sibling.

9 (Source: P.A. 103-22, eff. 8-8-23.)

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

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

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

19 (2) If the court finds that there is probable cause to
20 believe that the minor is abused, neglected, or dependent, the
21 court shall state in writing the factual basis supporting its
22 finding and the minor, the minor's parent, guardian, or
23 custodian, and other persons able to give relevant testimony
24 shall be examined before the court. The Department of Children
25 and Family Services shall give testimony concerning indicated

1 reports of abuse and neglect, of which they are aware through
2 the central registry, involving the minor's parent, guardian,
3 or custodian. After such testimony, the court may, consistent
4 with the health, safety, and best interests of the minor,
5 enter an order that the minor shall be released upon the
6 request of parent, guardian, or custodian if the parent,
7 guardian, or custodian appears to take custody. If it is
8 determined that a parent's, guardian's, or custodian's
9 compliance with critical services mitigates the necessity for
10 removal of the minor from the minor's home, the court may enter
11 an Order of Protection setting forth reasonable conditions of
12 behavior that a parent, guardian, or custodian must observe
13 for a specified period of time, not to exceed 12 months,
14 without a violation; provided, however, that the 12-month
15 period shall begin anew after any violation. "Custodian"
16 includes the Department of Children and Family Services, if it
17 has been given custody of the child, or any other agency of the
18 State which has been given custody or wardship of the child. If
19 it is consistent with the health, safety, and best interests
20 of the minor, the court may also prescribe shelter care and
21 order that the minor be kept in a suitable place designated by
22 the court or in a shelter care facility designated by the
23 Department of Children and Family Services or a licensed child
24 welfare agency; however, on and after January 1, 2015 (the
25 effective date of Public Act 98-803) and before January 1,
26 2017, a minor charged with a criminal offense under the

1 Criminal Code of 1961 or the Criminal Code of 2012 or
2 adjudicated delinquent shall not be placed in the custody of
3 or committed to the Department of Children and Family Services
4 by any court, except a minor less than 16 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; and
8 on and after January 1, 2017, a minor charged with a criminal
9 offense under the Criminal Code of 1961 or the Criminal Code of
10 2012 or adjudicated delinquent shall not be placed in the
11 custody of or committed to the Department of Children and
12 Family Services by any court, except a minor less than 15 years
13 of age and committed to the Department of Children and Family
14 Services under Section 5-710 of this Act or a minor for whom an
15 independent basis of abuse, neglect, or dependency exists. An
16 independent basis exists when the allegations or adjudication
17 of abuse, neglect, or dependency do not arise from the same
18 facts, incident, or circumstances which give rise to a charge
19 or adjudication of delinquency.

20 In placing the minor, the Department or other agency
21 shall, to the extent compatible with the court's order, comply
22 with Section 7 of the Children and Family Services Act. In
23 determining the health, safety, and best interests of the
24 minor to prescribe shelter care, the court must find that it is
25 a matter of immediate and urgent necessity for the safety, and
26 protection of the minor or of the person or property of another

1 that the minor be placed in a shelter care facility or that the
2 minor is likely to flee the jurisdiction of the court, and must
3 further find that reasonable efforts have been made or that,
4 consistent with the health, safety and best interests of the
5 minor, no efforts reasonably can be made to prevent or
6 eliminate the necessity of removal of the minor from the
7 minor's home. The court shall require documentation from the
8 Department of Children and Family Services as to the
9 reasonable efforts that were made to prevent or eliminate the
10 necessity of removal of the minor from the minor's home or the
11 reasons why no efforts reasonably could be made to prevent or
12 eliminate the necessity of removal. When a minor is placed in
13 the home of a relative, the Department of Children and Family
14 Services shall complete a preliminary background review of the
15 members of the minor's custodian's household in accordance
16 with Section 3.4 or 4.3 of the Child Care Act of 1969 within 90
17 days of that placement. If the minor is not placed in the home
18 of a relative, the court shall require evidence from the
19 Department as to the efforts that were made to place the minor
20 in the home of a relative or the reasons why no efforts
21 reasonably could be made to place the minor in the home of a
22 relative, consistent with the best interests of the minor. If
23 the minor is ordered placed in a shelter care facility of the
24 Department of Children and Family Services or a licensed child
25 welfare agency, the court shall, upon request of the
26 appropriate Department or other agency, appoint the Department

1 of Children and Family Services Guardianship Administrator or
2 other appropriate agency executive temporary custodian of the
3 minor and the court may enter such other orders related to the
4 temporary custody as it deems fit and proper, including the
5 provision of services to the minor or the minor's family to
6 ameliorate the causes contributing to the finding of probable
7 cause or to the finding of the existence of immediate and
8 urgent necessity.

9 Where the Department of Children and Family Services
10 Guardianship Administrator is appointed as the executive
11 temporary custodian, the Department of Children and Family
12 Services shall file with the court and serve on the parties a
13 parent-child visiting plan, within 10 days, excluding weekends
14 and holidays, after the appointment. The parent-child visiting
15 plan shall set out the time and place of visits, the frequency
16 of visits, the length of visits, who shall be present at the
17 visits, and where appropriate, the minor's opportunities to
18 have telephone and mail communication with the parents.

19 Where the Department of Children and Family Services
20 Guardianship Administrator is appointed as the executive
21 temporary custodian, and when the child has siblings in care,
22 the Department of Children and Family Services shall file with
23 the court and serve on the parties a sibling placement and
24 contact plan within 10 days, excluding weekends and holidays,
25 after the appointment. The sibling placement and contact plan
26 shall set forth whether the siblings are placed together, and

1 if they are not placed together, what, if any, efforts are
2 being made to place them together. If the Department has
3 determined that it is not in a child's best interest to be
4 placed with a sibling, the Department shall document in the
5 sibling placement and contact plan the basis for its
6 determination. For siblings placed separately, the sibling
7 placement and contact plan shall set the time and place for
8 visits, the frequency of the visits, the length of visits, who
9 shall be present for the visits, and where appropriate, the
10 child's opportunities to have contact with their siblings in
11 addition to in person contact. If the Department determines it
12 is not in the best interest of a sibling to have contact with a
13 sibling, the Department shall document in the sibling
14 placement and contact plan the basis for its determination.
15 The sibling placement and contact plan shall specify a date
16 for development of the Sibling Contact Support Plan, under
17 subsection (f) of Section 7.4 of the Children and Family
18 Services Act, and shall remain in effect until the Sibling
19 Contact Support Plan is developed.

20 For good cause, the court may waive the requirement to
21 file the parent-child visiting plan or the sibling placement
22 and contact plan, or extend the time for filing either plan.
23 Any party may, by motion, request the court to review the
24 parent-child visiting plan to determine whether it is
25 reasonably calculated to expeditiously facilitate the
26 achievement of the permanency goal. A party may, by motion,

1 request the court to review the parent-child visiting plan or
2 the sibling placement and contact plan to determine whether it
3 is consistent with the minor's best interest. The court may
4 refer the parties to mediation where available. The frequency,
5 duration, and locations of visitation shall be measured by the
6 needs of the child and family, and not by the convenience of
7 Department personnel. Child development principles shall be
8 considered by the court in its analysis of how frequent
9 visitation should be, how long it should last, where it should
10 take place, and who should be present. If upon motion of the
11 party to review either plan and after receiving evidence, the
12 court determines that the parent-child visiting plan is not
13 reasonably calculated to expeditiously facilitate the
14 achievement of the permanency goal or that the restrictions
15 placed on parent-child contact or sibling placement or contact
16 are contrary to the child's best interests, the court shall
17 put in writing the factual basis supporting the determination
18 and enter specific findings based on the evidence. The court
19 shall enter an order for the Department to implement changes
20 to the parent-child visiting plan or sibling placement or
21 contact plan, consistent with the court's findings. At any
22 stage of proceeding, any party may by motion request the court
23 to enter any orders necessary to implement the parent-child
24 visiting plan, sibling placement or contact plan, or
25 subsequently developed Sibling Contact Support Plan. Nothing
26 under this subsection (2) shall restrict the court from

1 granting discretionary authority to the Department to increase
2 opportunities for additional parent-child contacts or sibling
3 contacts, without further court orders. Nothing in this
4 subsection (2) shall restrict the Department from immediately
5 restricting or terminating parent-child contact or sibling
6 contacts, without either amending the parent-child visiting
7 plan or the sibling contact plan or obtaining a court order,
8 where the Department or its assigns reasonably believe there
9 is an immediate need to protect the child's health, safety,
10 and welfare. Such restrictions or terminations must be based
11 on available facts to the Department and its assigns when
12 viewed in light of the surrounding circumstances and shall
13 only occur on an individual case-by-case basis. The Department
14 shall file with the court and serve on the parties any
15 amendments to the plan within 10 days, excluding weekends and
16 holidays, of the change of the visitation.

17 Acceptance of services shall not be considered an
18 admission of any allegation in a petition made pursuant to
19 this Act, nor may a referral of services be considered as
20 evidence in any proceeding pursuant to this Act, except where
21 the issue is whether the Department has made reasonable
22 efforts to reunite the family. In making its findings that it
23 is consistent with the health, safety, and best interests of
24 the minor to prescribe shelter care, the court shall state in
25 writing (i) the factual basis supporting its findings
26 concerning the immediate and urgent necessity for the

1 protection of the minor or of the person or property of another
2 and (ii) the factual basis supporting its findings that
3 reasonable efforts were made to prevent or eliminate the
4 removal of the minor from the minor's home or that no efforts
5 reasonably could be made to prevent or eliminate the removal
6 of the minor from the minor's home. The parents, guardian,
7 custodian, temporary custodian, and minor shall each be
8 furnished a copy of such written findings. The temporary
9 custodian shall maintain a copy of the court order and written
10 findings in the case record for the child. The order together
11 with the court's findings of fact in support thereof shall be
12 entered of record in the court.

13 Once the court finds that it is a matter of immediate and
14 urgent necessity for the protection of the minor that the
15 minor be placed in a shelter care facility, the minor shall not
16 be returned to the parent, custodian, or guardian until the
17 court finds that such placement is no longer necessary for the
18 protection of the minor.

19 If the child is placed in the temporary custody of the
20 Department of Children and Family Services for the minor's
21 protection, the court shall admonish the parents, guardian,
22 custodian, or responsible relative that the parents must
23 cooperate with the Department of Children and Family Services,
24 comply with the terms of the service plans, and correct the
25 conditions which require the child to be in care, or risk
26 termination of their parental rights. The court shall ensure,

1 by inquiring in open court of each parent, guardian,
2 custodian, or responsible relative, that the parent, guardian,
3 custodian, or responsible relative has had the opportunity to
4 provide the Department with all known names, addresses, and
5 telephone numbers of each of the minor's living adult
6 relatives, including, but not limited to, grandparents,
7 siblings of the minor's parents, and siblings. The court shall
8 advise the parents, guardian, custodian, or responsible
9 relative to inform the Department if additional information
10 regarding the minor's adult relatives becomes available.

11 (2.5) When the court places the minor in the temporary
12 custody of the Department, the court shall inquire of the
13 Department's initial family finding and relative engagement
14 efforts, as described in Section 7 of the Children and Family
15 Services Act, and the Department shall complete any remaining
16 family finding and relative engagement efforts required under
17 Section 7 of the Children and Family Services Act within 30
18 days of the minor being taken into temporary custody. The
19 Department shall complete new family finding and relative
20 engagement efforts in accordance with Section 7 of the
21 Children and Family Services Act for relatives of the minor
22 within 30 days of an unknown parent's identity being
23 determined or a parent whose whereabouts were unknown being
24 located.

25 (3) If prior to the shelter care hearing for a minor
26 described in Sections 2-3, 2-4, 3-3, and 4-3 the moving party

1 is unable to serve notice on the party respondent, the shelter
2 care hearing may proceed ex parte. A shelter care order from an
3 ex parte hearing shall be endorsed with the date and hour of
4 issuance and shall be filed with the clerk's office and
5 entered of record. The order shall expire after 10 days from
6 the time it is issued unless before its expiration it is
7 renewed, at a hearing upon appearance of the party respondent,
8 or upon an affidavit of the moving party as to all diligent
9 efforts to notify the party respondent by notice as herein
10 prescribed. The notice prescribed shall be in writing and
11 shall be personally delivered to the minor or the minor's
12 attorney and to the last known address of the other person or
13 persons entitled to notice. The notice shall also state the
14 nature of the allegations, the nature of the order sought by
15 the State, including whether temporary custody is sought, and
16 the consequences of failure to appear and shall contain a
17 notice that the parties will not be entitled to further
18 written notices or publication notices of proceedings in this
19 case, including the filing of an amended petition or a motion
20 to terminate parental rights, except as required by Supreme
21 Court Rule 11; and shall explain the right of the parties and
22 the procedures to vacate or modify a shelter care order as
23 provided in this Section. The notice for a shelter care
24 hearing shall be substantially as follows:

25 NOTICE TO PARENTS AND CHILDREN

26 OF SHELTER CARE HEARING

1 On at, before the Honorable
 2 , (address:), the State
 3 of Illinois will present evidence (1) that (name of child
 4 or children) are abused,
 5 neglected, or dependent for the following reasons:
 6 and (2)
 7 whether there is "immediate and urgent necessity" to
 8 remove the child or children from the responsible
 9 relative.

10 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN
 11 PLACEMENT of the child or children in foster care until a
 12 trial can be held. A trial may not be held for up to 90
 13 days. You will not be entitled to further notices of
 14 proceedings in this case, including the filing of an
 15 amended petition or a motion to terminate parental rights.

16 At the shelter care hearing, parents have the
 17 following rights:

- 18 1. To ask the court to appoint a lawyer if they
- 19 cannot afford one.
- 20 2. To ask the court to continue the hearing to
- 21 allow them time to prepare.
- 22 3. To present evidence concerning:
 - 23 a. Whether or not the child or children were
 - 24 abused, neglected or dependent.
 - 25 b. Whether or not there is "immediate and
 - 26 urgent necessity" to remove the child from home

1 (including: their ability to care for the child,
2 conditions in the home, alternative means of
3 protecting the child other than removal).

4 c. The best interests of the child.

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

6 The Notice for rehearings shall be substantially as
7 follows:

8 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS
9 TO REHEARING ON TEMPORARY CUSTODY

10 If you were not present at and did not have adequate
11 notice of the Shelter Care Hearing at which temporary
12 custody of was awarded to
13, you have the right to request a full
14 rehearing on whether the State should have temporary
15 custody of To request this rehearing,
16 you must file with the Clerk of the Juvenile Court
17 (address):, in person or by
18 mailing a statement (affidavit) setting forth the
19 following:

20 1. That you were not present at the shelter care
21 hearing.

22 2. That you did not get adequate notice
23 (explaining how the notice was inadequate).

24 3. Your signature.

25 4. Signature must be notarized.

1 The rehearing should be scheduled within 48 hours of
2 your filing this affidavit.

3 At the rehearing, your rights are the same as at the
4 initial shelter care hearing. The enclosed notice explains
5 those rights.

6 At the Shelter Care Hearing, children have the
7 following rights:

8 1. To have a guardian ad litem appointed.

9 2. To be declared competent as a witness and to
10 present testimony concerning:

11 a. Whether they are abused, neglected or
12 dependent.

13 b. Whether there is "immediate and urgent
14 necessity" to be removed from home.

15 c. Their best interests.

16 3. To cross examine witnesses for other parties.

17 4. To obtain an explanation of any proceedings and
18 orders of the court.

19 (4) If the parent, guardian, legal custodian, responsible
20 relative, minor age 8 or over, or counsel of the minor did not
21 have actual notice of or was not present at the shelter care
22 hearing, the parent, guardian, legal custodian, responsible
23 relative, minor age 8 or over, or counsel of the minor may file
24 an affidavit setting forth these facts, and the clerk shall
25 set the matter for rehearing not later than 48 hours,
26 excluding Sundays and legal holidays, after the filing of the

1 affidavit. At the rehearing, the court shall proceed in the
2 same manner as upon the original hearing.

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

8 (6) No minor under 16 years of age may be confined in a
9 jail or place ordinarily used for the confinement of prisoners
10 in a police station. Minors under 18 years of age must be kept
11 separate from confined adults and may not at any time be kept
12 in the same cell, room, or yard with adults confined pursuant
13 to the criminal law.

14 (7) If the minor is not brought before a judicial officer
15 within the time period as specified in Section 2-9, the minor
16 must immediately be released from custody.

17 (8) If neither the parent, guardian, or custodian appears
18 within 24 hours to take custody of a minor released upon
19 request pursuant to subsection (2) of this Section, then the
20 clerk of the court shall set the matter for rehearing not later
21 than 7 days after the original order and shall issue a summons
22 directed to the parent, guardian, or custodian to appear. At
23 the same time the probation department shall prepare a report
24 on the minor. If a parent, guardian, or custodian does not
25 appear at such rehearing, the judge may enter an order
26 prescribing that the minor be kept in a suitable place

1 designated by the Department of Children and Family Services
2 or a licensed child welfare agency.

3 (9) Notwithstanding any other provision of this Section
4 any interested party, including the State, the temporary
5 custodian, an agency providing services to the minor or family
6 under a service plan pursuant to Section 8.2 of the Abused and
7 Neglected Child Reporting Act, foster parent, or any of their
8 representatives, on notice to all parties entitled to notice,
9 may file a motion that it is in the best interests of the minor
10 to modify or vacate a temporary custody order on any of the
11 following grounds:

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

14 (b) There is a material change in the circumstances of
15 the natural family from which the minor was removed and
16 the child can be cared for at home without endangering the
17 child's health or safety; or

18 (c) A person not a party to the alleged abuse, neglect
19 or dependency, including a parent, relative, or legal
20 guardian, is capable of assuming temporary custody of the
21 minor; or

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

1 In ruling on the motion, the court shall determine whether
2 it is consistent with the health, safety, and best interests
3 of the minor to modify or vacate a temporary custody order. If
4 the minor is being restored to the custody of a parent, legal
5 custodian, or guardian who lives outside of Illinois, and an
6 Interstate Compact has been requested and refused, the court
7 may order the Department of Children and Family Services to
8 arrange for an assessment of the minor's proposed living
9 arrangement and for ongoing monitoring of the health, safety,
10 and best interest of the minor and compliance with any order of
11 protective supervision entered in accordance with Section 2-20
12 or 2-25.

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

19 (10) When the court finds or has found that there is
20 probable cause to believe a minor is an abused minor as
21 described in subsection (2) of Section 2-3 and that there is an
22 immediate and urgent necessity for the abused minor to be
23 placed in shelter care, immediate and urgent necessity shall
24 be presumed for any other minor residing in the same household
25 as the abused minor provided:

26 (a) Such other minor is the subject of an abuse or

1 neglect petition pending before the court; and

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

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

8 (11) The changes made to this Section by Public Act 98-61
9 apply to a minor who has been arrested or taken into custody on
10 or after January 1, 2014 (the effective date of Public Act
11 98-61).

12 (12) After the court has placed a minor in the care of a
13 temporary custodian pursuant to this Section, any party may
14 file a motion requesting the court to grant the temporary
15 custodian the authority to serve as a surrogate decision maker
16 for the minor under the Health Care Surrogate Act for purposes
17 of making decisions pursuant to paragraph (1) of subsection
18 (b) of Section 20 of the Health Care Surrogate Act. The court
19 may grant the motion if it determines by clear and convincing
20 evidence that it is in the best interests of the minor to grant
21 the temporary custodian such authority. In making its
22 determination, the court shall weigh the following factors in
23 addition to considering the best interests factors listed in
24 subsection (4.05) of Section 1-3 of this Act:

25 (a) the efforts to identify and locate the respondents
26 and adult family members of the minor and the results of

1 those efforts;

2 (b) the efforts to engage the respondents and adult
3 family members of the minor in decision making on behalf
4 of the minor;

5 (c) the length of time the efforts in paragraphs (a)
6 and (b) have been ongoing;

7 (d) the relationship between the respondents and adult
8 family members and the minor;

9 (e) medical testimony regarding the extent to which
10 the minor is suffering and the impact of a delay in
11 decision-making on the minor; and

12 (f) any other factor the court deems relevant.

13 If the Department of Children and Family Services is the
14 temporary custodian of the minor, in addition to the
15 requirements of paragraph (1) of subsection (b) of Section 20
16 of the Health Care Surrogate Act, the Department shall follow
17 its rules and procedures in exercising authority granted under
18 this subsection.

19 (Source: P.A. 102-489, eff. 8-20-21; 102-502, eff. 1-1-22;
20 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-605, eff.
21 7-1-24.)

22 (705 ILCS 405/2-13) (from Ch. 37, par. 802-13)
23 Sec. 2-13. Petition.

24 (1) Any adult person, any agency or association by its
25 representative may file, or the court on its own motion,

1 consistent with the health, safety and best interests of the
2 minor may direct the filing through the State's Attorney of a
3 petition in respect of a minor under this Act. The petition and
4 all subsequent court documents shall be entitled "In the
5 interest of, a minor".

6 (2) The petition shall be verified but the statements may
7 be made upon information and belief. It shall allege that the
8 minor is abused, neglected, or dependent, with citations to
9 the appropriate provisions of this Act, and set forth (a)
10 facts sufficient to bring the minor under Section 2-3 or 2-4
11 and to inform respondents of the cause of action, including,
12 but not limited to, a plain and concise statement of the
13 factual allegations that form the basis for the filing of the
14 petition; (b) the name, age and residence of the minor; (c) the
15 names and residences of the minor's parents; (d) the name and
16 residence of the minor's legal guardian or the person or
17 persons having custody or control of the minor, or of the
18 nearest known relative if no parent or guardian can be found;
19 and (e) if the minor upon whose behalf the petition is brought
20 is sheltered in custody, the date on which such temporary
21 custody was ordered by the court or the date set for a
22 temporary custody hearing. If any of the facts herein required
23 are not known by the petitioner, the petition shall so state.

24 (3) The petition must allege that it is in the best
25 interests of the minor and of the public that the minor be
26 adjudged a ward of the court and may pray generally for relief

1 available under this Act. The petition need not specify any
2 proposed disposition following adjudication of wardship. The
3 petition may request that the minor remain in the custody of
4 the parent, guardian, or custodian under an Order of
5 Protection.

6 (4) If termination of parental rights and appointment of a
7 guardian of the person with power to consent to adoption of the
8 minor under Section 2-29 is sought, the petition shall so
9 state. If the petition includes this request, the prayer for
10 relief shall clearly and obviously state that the parents
11 could permanently lose their rights as a parent at this
12 hearing.

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

18 (4.5) (a) Unless good cause exists that filing a petition
19 to terminate parental rights is contrary to the child's best
20 interests, with respect to any minors committed to its care
21 pursuant to this Act, the Department of Children and Family
22 Services shall request the State's Attorney to file a petition
23 or motion for termination of parental rights and appointment
24 of guardian of the person with power to consent to adoption of
25 the minor under Section 2-29 if:

26 (i) a minor has been in foster care, as described in

1 subsection (b), for 15 months of the most recent 22
2 months; or

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

6 (iii) the parent is criminally convicted of:

7 (A) first degree murder or second degree murder of
8 any child;

9 (B) attempt or conspiracy to commit first degree
10 murder or second degree murder of any child;

11 (C) solicitation to commit murder of any child,
12 solicitation to commit murder for hire of any child,
13 or solicitation to commit second degree murder of any
14 child;

15 (D) aggravated battery, aggravated battery of a
16 child, or felony domestic battery, any of which has
17 resulted in serious injury to the minor or a sibling of
18 the minor;

19 (E) predatory criminal sexual assault of a child;

20 (E-5) aggravated criminal sexual assault;

21 (E-10) criminal sexual abuse in violation of
22 subsection (a) of Section 11-1.50 of the Criminal Code
23 of 1961 or the Criminal Code of 2012;

24 (E-15) sexual exploitation of a child;

25 (E-20) permitting sexual abuse of a child;

26 (E-25) criminal sexual assault; or

1 (F) an offense in any other state the elements of
2 which are similar and bear a substantial relationship
3 to any of the foregoing offenses.

4 (a-1) For purposes of this subsection (4.5), good cause
5 exists in the following circumstances:

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

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

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

13 (iv) the parent is incarcerated, or the parent's prior
14 incarceration is a significant factor in why the child has
15 been in foster care for 15 months out of any 22-month
16 period, the parent maintains a meaningful role in the
17 child's life, and the Department has not documented
18 another reason why it would otherwise be appropriate to
19 file a petition to terminate parental rights pursuant to
20 this Section and the Adoption Act. The assessment of
21 whether an incarcerated parent maintains a meaningful role
22 in the child's life may include consideration of the
23 following:

24 (A) the child's best interest;

25 (B) the parent's expressions or acts of
26 manifesting concern for the child, such as letters,

1 telephone calls, visits, and other forms of
2 communication with the child and the impact of the
3 communication on the child;

4 (C) the parent's efforts to communicate with and
5 work with the Department for the purpose of complying
6 with the service plan and repairing, maintaining, or
7 building the parent-child relationship; or

8 (D) limitations in the parent's access to family
9 support programs, therapeutic services, visiting
10 opportunities, telephone and mail services, and
11 meaningful participation in court proceedings, or -

12 (v) the Department has not yet met with the child's
13 caregiver to discuss the permanency goals of guardianship
14 and adoption.

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

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

20 (2) 60 days after the date on which the child is
21 removed from the child's parent, guardian, or legal
22 custodian.

23 (c) (Blank).

24 (d) (Blank).

25 (5) The court shall liberally allow the petitioner to
26 amend the petition to set forth a cause of action or to add,

1 amend, or supplement factual allegations that form the basis
2 for a cause of action up until 14 days before the adjudicatory
3 hearing. The petitioner may amend the petition after that date
4 and prior to the adjudicatory hearing if the court grants
5 leave to amend upon a showing of good cause. The court may
6 allow amendment of the petition to conform with the evidence
7 at any time prior to ruling. In all cases in which the court
8 has granted leave to amend based on new evidence or new
9 allegations, the court shall permit the respondent an adequate
10 opportunity to prepare a defense to the amended petition.

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

16 (Source: P.A. 103-22, eff. 8-8-23.)

17 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)

18 Sec. 2-21. Findings and adjudication.

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

1 any manner and fails to appear.

2 No further service of process as defined in Sections 2-15
3 and 2-16 is required in any subsequent proceeding for a parent
4 who was properly served in any manner, except as required by
5 Supreme Court Rule 11.

6 The caseworker shall testify about the diligent search
7 conducted for the parent.

8 After hearing the evidence the court shall determine
9 whether or not the minor is abused, neglected, or dependent.
10 If it finds that the minor is not such a person, the court
11 shall order the petition dismissed and the minor discharged.
12 The court's determination of whether the minor is abused,
13 neglected, or dependent shall be stated in writing with the
14 factual basis supporting that determination.

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

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

1 care, or risk termination of parental rights.

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

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

1 or criminality, personal habits, and any other information
2 that may be helpful to the court. The dispositional hearing
3 may be continued once for a period not to exceed 30 days if the
4 court finds that such continuance is necessary to complete the
5 dispositional report.

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

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

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

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

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

25 (iii) the court finds, on the basis of clear and
26 convincing evidence admitted at the adjudicatory hearing

1 that the parent is an unfit person under subdivision D of
2 Section 1 of the Adoption Act; and

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

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

7 (A-1) the petitioner has demonstrated that the
8 Department has discussed the permanency options of
9 guardianship and adoption with the caregiver and the
10 Department has informed the court of the caregiver's
11 wishes as to the permanency goal;

12 (A-5) reasonable efforts under subsection (1-1) of
13 Section 5 of the Children and Family Services Act are
14 inappropriate or such efforts were made and were
15 unsuccessful; and

16 (B) termination of parental rights and appointment
17 of a guardian with power to consent to adoption is in
18 the best interest of the child pursuant to Section
19 2-29.

20 (Source: P.A. 102-538, eff. 8-20-21.)

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

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

23 (1) At the dispositional hearing, the court shall
24 determine whether it is in the best interests of the minor and
25 the public that the minor be made a ward of the court, and, if

1 the minor is to be made a ward of the court, the court shall
2 determine the proper disposition best serving the health,
3 safety and interests of the minor and the public. The court
4 also shall consider the Department's diligent efforts in
5 family finding and relative engagement for the minor required
6 under Section 2-27.3 beginning July 1, 2025, the permanency
7 goal set for the minor, the nature of the service plan for the
8 minor and the services delivered and to be delivered under the
9 plan. All evidence helpful in determining these questions,
10 including oral and written reports, may be admitted and may be
11 relied upon to the extent of its probative value, even though
12 not competent for the purposes of the adjudicatory hearing.

13 (2) Once all parties respondent have been served in
14 compliance with Sections 2-15 and 2-16, no further service or
15 notice must be given to a party prior to proceeding to a
16 dispositional hearing. Before making an order of disposition
17 the court shall advise the State's Attorney, the parents,
18 guardian, custodian or responsible relative or their counsel
19 of the factual contents and the conclusions of the reports
20 prepared for the use of the court and considered by it, and
21 afford fair opportunity, if requested, to controvert them. The
22 court may order, however, that the documents containing such
23 reports need not be submitted to inspection, or that sources
24 of confidential information need not be disclosed except to
25 the attorneys for the parties. Factual contents, conclusions,
26 documents and sources disclosed by the court under this

1 paragraph shall not be further disclosed without the express
2 approval of the court pursuant to an in camera hearing.

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

7 (4) On its own motion or that of the State's Attorney, a
8 parent, guardian, custodian, responsible relative or counsel,
9 the court may adjourn the hearing for a reasonable period to
10 receive reports or other evidence, if the adjournment is
11 consistent with the health, safety and best interests of the
12 minor, but in no event shall continuances be granted so that
13 the dispositional hearing occurs more than 6 months after the
14 initial removal of a minor from the minor's home. In
15 scheduling investigations and hearings, the court shall give
16 priority to proceedings in which a minor has been removed from
17 the minor's home before an order of disposition has been made.

18 (5) Unless already set by the court, at the conclusion of
19 the dispositional hearing, the court shall set the date for
20 the first permanency hearing, to be conducted under
21 subsections (2), (2.3), and (2.4) ~~subsection (2)~~ of Section
22 2-28, which shall be held: (a) within 12 months from the date
23 temporary custody was taken, (b) if the parental rights of
24 both parents have been terminated in accordance with the
25 procedure described in subsection (5) of Section 2-21, within
26 30 days of the termination of parental rights and appointment

1 of a guardian with power to consent to adoption, or (c) in
2 accordance with subsection (2) of Section 2-13.1.

3 (6) When the court declares a child to be a ward of the
4 court and awards guardianship to the Department of Children
5 and Family Services: 7

6 (a) the court shall admonish the parents, guardian,
7 custodian or responsible relative that the parents must
8 cooperate with the Department of Children and Family
9 Services, comply with the terms of the service plans, and
10 correct the conditions which require the child to be in
11 care, or risk termination of their parental rights; and

12 (b) the court shall inquire of the parties of any
13 intent to proceed with termination of parental rights of a
14 parent:

15 (A) whose identity still remains unknown;

16 (B) whose whereabouts remain unknown; or

17 (C) who was found in default at the adjudicatory
18 hearing and has not obtained an order setting aside
19 the default in accordance with Section 2-1301 of the
20 Code of Civil Procedure.

21 (Source: P.A. 103-22, eff. 8-8-23.)

22 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

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

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

1 (a) A minor found to be neglected or abused under
2 Section 2-3 or dependent under Section 2-4 may be (1)
3 continued in the custody of the minor's parents, guardian
4 or legal custodian; (2) placed in accordance with Section
5 2-27; (3) restored to the custody of the parent, parents,
6 guardian, or legal custodian, provided the court shall
7 order the parent, parents, guardian, or legal custodian to
8 cooperate with the Department of Children and Family
9 Services and comply with the terms of an after-care plan
10 or risk the loss of custody of the child and the possible
11 termination of their parental rights; or (4) ordered
12 partially or completely emancipated in accordance with the
13 provisions of the Emancipation of Minors Act.

14 If the minor is being restored to the custody of a
15 parent, legal custodian, or guardian who lives outside of
16 Illinois, and an Interstate Compact has been requested and
17 refused, the court may order the Department of Children
18 and Family Services to arrange for an assessment of the
19 minor's proposed living arrangement and for ongoing
20 monitoring of the health, safety, and best interest of the
21 minor and compliance with any order of protective
22 supervision entered in accordance with Section 2-24.

23 However, in any case in which a minor is found by the
24 court to be neglected or abused under Section 2-3 of this
25 Act, custody of the minor shall not be restored to any
26 parent, guardian or legal custodian whose acts or

1 omissions or both have been identified, pursuant to
2 subsection (1) of Section 2-21, as forming the basis for
3 the court's finding of abuse or neglect, until such time
4 as a hearing is held on the issue of the best interests of
5 the minor and the fitness of such parent, guardian or
6 legal custodian to care for the minor without endangering
7 the minor's health or safety, and the court enters an
8 order that such parent, guardian or legal custodian is fit
9 to care for the minor.

10 (b) A minor found to be dependent under Section 2-4
11 may be (1) placed in accordance with Section 2-27 or (2)
12 ordered partially or completely emancipated in accordance
13 with the provisions of the Emancipation of Minors Act.

14 However, in any case in which a minor is found by the
15 court to be dependent under Section 2-4 of this Act,
16 custody of the minor shall not be restored to any parent,
17 guardian or legal custodian whose acts or omissions or
18 both have been identified, pursuant to subsection (1) of
19 Section 2-21, as forming the basis for the court's finding
20 of dependency, until such time as a hearing is held on the
21 issue of the fitness of such parent, guardian or legal
22 custodian to care for the minor without endangering the
23 minor's health or safety, and the court enters an order
24 that such parent, guardian or legal custodian is fit to
25 care for the minor.

26 (b-1) A minor between the ages of 18 and 21 may be

1 placed pursuant to Section 2-27 of this Act if (1) the
2 court has granted a supplemental petition to reinstate
3 wardship of the minor pursuant to subsection (2) of
4 Section 2-33, (2) the court has adjudicated the minor a
5 ward of the court, permitted the minor to return home
6 under an order of protection, and subsequently made a
7 finding that it is in the minor's best interest to vacate
8 the order of protection and commit the minor to the
9 Department of Children and Family Services for care and
10 service, or (3) the court returned the minor to the
11 custody of the respondent under Section 2-4b of this Act
12 without terminating the proceedings under Section 2-31 of
13 this Act, and subsequently made a finding that it is in the
14 minor's best interest to commit the minor to the
15 Department of Children and Family Services for care and
16 services.

17 (c) When the court awards guardianship to the
18 Department of Children and Family Services, the court
19 shall order: (i) the parents to cooperate with the
20 Department of Children and Family Services, comply with
21 the terms of the service plans, and correct the conditions
22 that require the child to be in care, or risk termination
23 of their parental rights; and (ii) the Department to make
24 diligent efforts in family finding and relative engagement
25 to establish lifelong connections for the minor,
26 consistent with the best interest of the minor, as

1 required under Section 2-27.3.

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

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

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

1 placements, specific services, or specific service providers
2 to be included in the plan. If, after receiving evidence, the
3 court determines that the services contained in the plan are
4 not reasonably calculated to facilitate achievement of the
5 permanency goal, the court shall put in writing the factual
6 basis supporting the determination and enter specific findings
7 based on the evidence. The court also shall enter an order for
8 the Department to develop and implement a new service plan or
9 to implement changes to the current service plan consistent
10 with the court's findings. The new service plan shall be filed
11 with the court and served on all parties within 45 days after
12 the date of the order. The court shall continue the matter
13 until the new service plan is filed. Except as authorized by
14 subsection (3.5) of this Section or authorized by law, the
15 court is not empowered under this Section to order specific
16 placements, specific services, or specific service providers
17 to be included in the service plan.

18 (3.5) If, after reviewing the evidence, including evidence
19 from the Department, the court determines that the minor's
20 current or planned placement is not necessary or appropriate
21 to facilitate achievement of the permanency goal, the court
22 shall put in writing the factual basis supporting its
23 determination and enter specific findings based on the
24 evidence. If the court finds that the minor's current or
25 planned placement is not necessary or appropriate, the court
26 may enter an order directing the Department to implement a

1 recommendation by the minor's treating clinician or a
2 clinician contracted by the Department to evaluate the minor
3 or a recommendation made by the Department. If the Department
4 places a minor in a placement under an order entered under this
5 subsection (3.5), the Department has the authority to remove
6 the minor from that placement when a change in circumstances
7 necessitates the removal to protect the minor's health,
8 safety, and best interest. If the Department determines
9 removal is necessary, the Department shall notify the parties
10 of the planned placement change in writing no later than 10
11 days prior to the implementation of its determination unless
12 remaining in the placement poses an imminent risk of harm to
13 the minor, in which case the Department shall notify the
14 parties of the placement change in writing immediately
15 following the implementation of its decision. The Department
16 shall notify others of the decision to change the minor's
17 placement as required by Department rule.

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

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

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

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

17 (Source: P.A. 102-489, eff. 8-20-21; 103-22, eff. 8-8-23.)

18 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

19 Sec. 2-27. Placement; legal custody or guardianship.

20 (1) If the court determines and puts in writing the
21 factual basis supporting the determination of whether the
22 parents, guardian, or legal custodian of a minor adjudged a
23 ward of the court are unfit or are unable, for some reason
24 other than financial circumstances alone, to care for,
25 protect, train or discipline the minor or are unwilling to do

1 so, and that the health, safety, and best interest of the minor
2 will be jeopardized if the minor remains in the custody of the
3 minor's parents, guardian or custodian, the court may at this
4 hearing and at any later point:

5 (a) place the minor in the custody of a suitable
6 relative or other person as legal custodian or guardian;

7 (a-5) with the approval of the Department of Children
8 and Family Services, place the minor in the subsidized
9 guardianship of a suitable relative or other person as
10 legal guardian; "subsidized guardianship" has the meaning
11 ascribed to that term in Section 4d of the Children and
12 Family Services Act ~~means a private guardianship~~
13 ~~arrangement for children for whom the permanency goals of~~
14 ~~return home and adoption have been ruled out and who meet~~
15 ~~the qualifications for subsidized guardianship as defined~~
16 ~~by the Department of Children and Family Services in~~
17 ~~administrative rules;~~

18 (b) place the minor under the guardianship of a
19 probation officer;

20 (c) commit the minor to an agency for care or
21 placement, except an institution under the authority of
22 the Department of Corrections or of the Department of
23 Children and Family Services;

24 (d) on and after the effective date of this amendatory
25 Act of the 98th General Assembly and before January 1,
26 2017, commit the minor to the Department of Children and

1 Family Services for care and service; however, a minor
2 charged with a criminal offense under the Criminal Code of
3 1961 or the Criminal Code of 2012 or adjudicated
4 delinquent shall not be placed in the custody of or
5 committed to the Department of Children and Family
6 Services by any court, except (i) a minor less than 16
7 years of age and committed to the Department of Children
8 and Family Services under Section 5-710 of this Act, (ii)
9 a minor under the age of 18 for whom an independent basis
10 of abuse, neglect, or dependency exists, or (iii) a minor
11 for whom the court has granted a supplemental petition to
12 reinstate wardship pursuant to subsection (2) of Section
13 2-33 of this Act. On and after January 1, 2017, commit the
14 minor to the Department of Children and Family Services
15 for care and service; however, a minor charged with a
16 criminal offense under the Criminal Code of 1961 or the
17 Criminal Code of 2012 or adjudicated delinquent shall not
18 be placed in the custody of or committed to the Department
19 of Children and Family Services by any court, except (i) a
20 minor less than 15 years of age and committed to the
21 Department of Children and Family Services under Section
22 5-710 of this Act, (ii) a minor under the age of 18 for
23 whom an independent basis of abuse, neglect, or dependency
24 exists, or (iii) a minor for whom the court has granted a
25 supplemental petition to reinstate wardship pursuant to
26 subsection (2) of Section 2-33 of this Act. An independent

1 basis exists when the allegations or adjudication of
2 abuse, neglect, or dependency do not arise from the same
3 facts, incident, or circumstances which give rise to a
4 charge or adjudication of delinquency. The Department
5 shall be given due notice of the pendency of the action and
6 the Guardianship Administrator of the Department of
7 Children and Family Services shall be appointed guardian
8 of the person of the minor. Whenever the Department seeks
9 to discharge a minor from its care and service, the
10 Guardianship Administrator shall petition the court for an
11 order terminating guardianship. The Guardianship
12 Administrator may designate one or more other officers of
13 the Department, appointed as Department officers by
14 administrative order of the Department Director,
15 authorized to affix the signature of the Guardianship
16 Administrator to documents affecting the guardian-ward
17 relationship of children for whom the Guardianship
18 Administrator has been appointed guardian at such times as
19 the Guardianship Administrator is unable to perform the
20 duties of the Guardianship Administrator office. The
21 signature authorization shall include but not be limited
22 to matters of consent of marriage, enlistment in the armed
23 forces, legal proceedings, adoption, major medical and
24 surgical treatment and application for driver's license.
25 Signature authorizations made pursuant to the provisions
26 of this paragraph shall be filed with the Secretary of

1 State and the Secretary of State shall provide upon
2 payment of the customary fee, certified copies of the
3 authorization to any court or individual who requests a
4 copy.

5 (1.5) In making a determination under this Section, the
6 court shall also consider whether, based on health, safety,
7 and the best interests of the minor,

8 (a) appropriate services aimed at family preservation
9 and family reunification have been unsuccessful in
10 rectifying the conditions that have led to a finding of
11 unfitness or inability to care for, protect, train, or
12 discipline the minor, or

13 (b) no family preservation or family reunification
14 services would be appropriate,
15 and if the petition or amended petition contained an
16 allegation that the parent is an unfit person as defined in
17 subdivision (D) of Section 1 of the Adoption Act, and the order
18 of adjudication recites that parental unfitness was
19 established by clear and convincing evidence, the court shall,
20 when appropriate and in the best interest of the minor, enter
21 an order terminating parental rights and appointing a guardian
22 with power to consent to adoption in accordance with Section
23 2-29.

24 When making a placement, the court, wherever possible,
25 shall require the Department of Children and Family Services
26 to select a person holding the same religious belief as that of

1 the minor or a private agency controlled by persons of like
2 religious faith of the minor and shall require the Department
3 to otherwise comply with Section 7 of the Children and Family
4 Services Act in placing the child. In addition, whenever
5 alternative plans for placement are available, the court shall
6 ascertain and consider, to the extent appropriate in the
7 particular case, the views and preferences of the minor.

8 (2) When a minor is placed with a suitable relative or
9 other person pursuant to item (a) of subsection (1), the court
10 shall appoint the suitable relative or other person the legal
11 custodian or guardian of the person of the minor. When a minor
12 is committed to any agency, the court shall appoint the proper
13 officer or representative thereof as legal custodian or
14 guardian of the person of the minor. Legal custodians and
15 guardians of the person of the minor have the respective
16 rights and duties set forth in subsection (9) of Section 1-3
17 except as otherwise provided by order of court; but no
18 guardian of the person may consent to adoption of the minor
19 unless that authority is conferred upon the guardian in
20 accordance with Section 2-29. An agency whose representative
21 is appointed guardian of the person or legal custodian of the
22 minor may place the minor in any child care facility, but the
23 facility must be licensed under the Child Care Act of 1969 or
24 have been approved by the Department of Children and Family
25 Services as meeting the standards established for such
26 licensing. No agency may place a minor adjudicated under

1 Sections 2-3 or 2-4 in a child care facility unless the
2 placement is in compliance with the rules and regulations for
3 placement under this Section promulgated by the Department of
4 Children and Family Services under Section 5 of the Children
5 and Family Services Act. Like authority and restrictions shall
6 be conferred by the court upon any probation officer who has
7 been appointed guardian of the person of a minor.

8 (3) No placement by any probation officer or agency whose
9 representative is appointed guardian of the person or legal
10 custodian of a minor may be made in any out of State child care
11 facility unless it complies with the Interstate Compact on the
12 Placement of Children. Placement with a parent, however, is
13 not subject to that Interstate Compact.

14 (4) The clerk of the court shall issue to the legal
15 custodian or guardian of the person a certified copy of the
16 order of court, as proof of the legal custodian's or
17 guardian's authority. No other process is necessary as
18 authority for the keeping of the minor.

19 (5) Custody or guardianship granted under this Section
20 continues until the court otherwise directs, but not after the
21 minor reaches the age of 19 years except as set forth in
22 Section 2-31, or if the minor was previously committed to the
23 Department of Children and Family Services for care and
24 service and the court has granted a supplemental petition to
25 reinstate wardship pursuant to subsection (2) of Section 2-33.

26 (6) (Blank).

1 (Source: P.A. 103-22, eff. 8-8-23.)

2 (705 ILCS 405/2-27.3 new)

3 Sec. 2-27.3. Ongoing family finding and relative
4 engagement.

5 (a) (1) The Department shall make ongoing diligent efforts,
6 to the fullest extent consistent with the minor's best
7 interest, to engage in ongoing family finding and relative
8 engagement for the purposes of:

9 (A) establishing and supporting lifelong connections
10 for the minor by building a network of sustainable and
11 supportive relationships that allow the minor to
12 experience a sense of belonging through enduring,
13 life-long relationships with family, extended family, and
14 other caring adults; and

15 (B) for minors who are not in a placement likely to
16 achieve permanency, identifying relatives who may be
17 willing and able to care for the minor and provide
18 permanency for the minor.

19 Efforts to identify, locate, and engage relatives to
20 assist in supporting and establishing lifelong connections for
21 the minor are required, consistent with the best interests of
22 the minor, even if the minor is placed with a relative,
23 recognizing it may be in the minor's best interest to maintain
24 connections with different relatives, and a relative's
25 capacity to provide connection and support, may change over

1 time.

2 (2) The Department shall provide a report to the court, as
3 part of the reporting requirement under Section 2-10.1, not
4 later than 45 days after a minor is placed in the Department's
5 custody, and with each case plan submitted to the court
6 thereafter, describing the Department's efforts, to identify,
7 locate, and engage relatives in a manner consistent with the
8 minor's best interest. The initial and subsequent reports
9 shall include:

10 (A) a list of contacts made and the outcome of each
11 contact;

12 (B) for minors requiring placement in a home
13 environment or a home likely to achieve permanency, the
14 report shall specify which identified relatives have been
15 evaluated as placement options, including assessment as a
16 certified relative caregiver home under Section 3.4 of the
17 Child Care Act of 1969, and the diligent efforts the
18 Department is undertaking to remove barriers to placement,
19 if applicable, with one or more relatives or certified
20 relative caregivers. If the Department determines
21 placement with an identified relative willing to serve as
22 a caregiver for the minor is not in the minor's best
23 interest, the Department shall include its rationale in
24 the report; and

25 (C) consistent with the minor's best interest, the
26 manner in which the relative or person may be engaged with

1 the minor. Engagement may include, but is not limited to,
2 in person visitation, virtual visitation, telephone
3 contact, supervising visits between the minor and a parent
4 or sibling, assisting with transportation, providing
5 respite care and providing placement. If the Department
6 determines an identified relative's engagement with the
7 minor is not in the minor's best interest, the Department
8 shall include its rationale in the report.

9 (3) Ongoing family finding and relative engagement efforts
10 shall continue until excused in whole or in part by the court.
11 The court may order that further efforts to locate and engage
12 relatives are futile based on efforts already made, or that
13 efforts to identify, locate, or engage a specified person or
14 persons is not in the minor's best interests. If a court finds
15 that family finding and relative engagement efforts should
16 cease, the court shall enter an order in writing. An order
17 entered under this Section shall include specific factual
18 findings supporting the court's decision. The Department may
19 resume family finding and relative engagement efforts after an
20 order excusing such efforts has been entered, if the court
21 determines resuming such efforts are in the minor's best
22 interest.

23 (4) Within 30 days of (i) an unknown parent's identity
24 being determined or (ii) a parent's whereabouts becoming known
25 for the first time, the Department shall complete family
26 finding and relative engagement efforts in accordance with

1 paragraph (2.5) of Section 2-10.

2 (b) Nothing in this Section shall be construed to create a
3 legally enforceable right on behalf of any relative or person
4 to placement, visitation, or engagement with the minor.

5 (705 ILCS 405/2-28)

6 Sec. 2-28. Court review.

7 (1) The court may require any legal custodian or guardian
8 of the person appointed under this Act to report periodically
9 to the court or may cite the legal custodian or guardian into
10 court and require the legal custodian, guardian, or the legal
11 custodian's or guardian's agency to make a full and accurate
12 report of the doings of the legal custodian, guardian, or
13 agency on behalf of the minor. The custodian or guardian,
14 within 10 days after such citation, or earlier if the court
15 determines it to be necessary to protect the health, safety,
16 or welfare of the minor, shall make the report, either in
17 writing verified by affidavit or orally under oath in open
18 court, or otherwise as the court directs. Upon the hearing of
19 the report the court may remove the custodian or guardian and
20 appoint another in the custodian's or guardian's stead or
21 restore the minor to the custody of the minor's parents or
22 former guardian or custodian. However, custody of the minor
23 shall not be restored to any parent, guardian, or legal
24 custodian in any case in which the minor is found to be
25 neglected or abused under Section 2-3 or dependent under

1 Section 2-4 of this Act, unless the minor can be cared for at
2 home without endangering the minor's health or safety and it
3 is in the best interests of the minor, and if such neglect,
4 abuse, or dependency is found by the court under paragraph (1)
5 of Section 2-21 of this Act to have come about due to the acts
6 or omissions or both of such parent, guardian, or legal
7 custodian, until such time as an investigation is made as
8 provided in paragraph (5) and a hearing is held on the issue of
9 the fitness of such parent, guardian, or legal custodian to
10 care for the minor and the court enters an order that such
11 parent, guardian, or legal custodian is fit to care for the
12 minor.

13 (1.5) The public agency that is the custodian or guardian
14 of the minor shall file a written report with the court no
15 later than 15 days after a minor in the agency's care remains:

16 (1) in a shelter placement beyond 30 days;

17 (2) in a psychiatric hospital past the time when the
18 minor is clinically ready for discharge or beyond medical
19 necessity for the minor's health; or

20 (3) in a detention center or Department of Juvenile
21 Justice facility solely because the public agency cannot
22 find an appropriate placement for the minor.

23 The report shall explain the steps the agency is taking to
24 ensure the minor is placed appropriately, how the minor's
25 needs are being met in the minor's shelter placement, and if a
26 future placement has been identified by the Department, why

1 the anticipated placement is appropriate for the needs of the
2 minor and the anticipated placement date.

3 (1.6) Within 30 days after placing a child in its care in a
4 qualified residential treatment program, as defined by the
5 federal Social Security Act, the Department of Children and
6 Family Services shall prepare a written report for filing with
7 the court and send copies of the report to all parties. Within
8 20 days of the filing of the report, or as soon thereafter as
9 the court's schedule allows but not more than 60 days from the
10 date of placement, the court shall hold a hearing to consider
11 the Department's report and determine whether placement of the
12 child in a qualified residential treatment program provides
13 the most effective and appropriate level of care for the child
14 in the least restrictive environment and if the placement is
15 consistent with the short-term and long-term goals for the
16 child, as specified in the permanency plan for the child. The
17 court shall approve or disapprove the placement. If
18 applicable, the requirements of Sections 2-27.1 and 2-27.2
19 must also be met. The Department's written report and the
20 court's written determination shall be included in and made
21 part of the case plan for the child. If the child remains
22 placed in a qualified residential treatment program, the
23 Department shall submit evidence at each status and permanency
24 hearing:

25 (A) ~~(1)~~ demonstrating that on-going assessment of the
26 strengths and needs of the child continues to support the

1 determination that the child's needs cannot be met through
2 placement in a foster family home, that the placement
3 provides the most effective and appropriate level of care
4 for the child in the least restrictive, appropriate
5 environment, and that the placement is consistent with the
6 short-term and long-term permanency goal for the child, as
7 specified in the permanency plan for the child;

8 (B) ~~(2)~~ documenting the specific treatment or service
9 needs that should be met for the child in the placement and
10 the length of time the child is expected to need the
11 treatment or services; ~~and~~

12 (C) ~~(3)~~ the efforts made by the agency to prepare the
13 child to return home or to be placed with a fit and willing
14 relative, a legal guardian, or an adoptive parent, or in a
15 foster family home; and ~~and~~

16 (D) beginning July 1, 2025, documenting the
17 Department's efforts regarding ongoing family finding and
18 relative engagement required under Section 2-27.3.

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
4 of 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
10 determines that the plan and goal have been achieved. Once the
11 plan and goal have been achieved, if the minor remains in
12 substitute care, the case shall be reviewed at least every 6
13 months thereafter, subject to the provisions of this Section,
14 unless the minor is placed in the guardianship of a suitable
15 relative or other person and the court determines that further
16 monitoring by the court does not further the health, safety,
17 or best interest of the child and that this is a stable
18 permanent placement. The permanency hearings must occur within
19 the time frames set forth in this subsection and may not be
20 delayed in anticipation of a report from any source or due to
21 the agency's failure to timely file its written report (this
22 written report means the one required under the next paragraph
23 and does not mean the service plan also referred to in that
24 paragraph).

25 The public agency that is the custodian or guardian of the
26 minor, or another agency responsible for the minor's care,

1 shall ensure that all parties to the permanency hearings are
2 provided a copy of the most recent service plan prepared
3 within the prior 6 months at least 14 days in advance of the
4 hearing. If not contained in the agency's service plan, the
5 agency shall also include a report setting forth the
6 following:

7 (A) ~~(i)~~ any special physical, psychological,
8 educational, medical, emotional, or other needs of the
9 minor or the minor's family that are relevant to a
10 permanency or placement determination, and ~~(ii)~~ for any
11 minor age 16 or over, a written description of the
12 programs and services that will enable the minor to
13 prepare for independent living;

14 (B) beginning July 1, 2025, a written description of
15 ongoing family finding and relative engagement efforts in
16 accordance with the requirements under Section 2-27.3 the
17 agency has undertaken since the most recent report to the
18 court to plan for the emotional and legal permanency of
19 the minor; ~~If not contained in the agency's service plan,~~
20 ~~the agency's report shall~~

21 (C) whether ~~specify if~~ a minor is placed in a licensed
22 child care facility under a corrective plan by the
23 Department due to concerns impacting the minor's safety
24 and well-being. The report shall explain the steps the
25 Department is taking to ensure the safety and well-being
26 of the minor and that the minor's needs are met in the

1 facility; ~~The agency's written report must~~

2 (D) detail regarding what progress or lack of progress
3 the parent has made in correcting the conditions requiring
4 the child to be in care; whether the child can be returned
5 home without jeopardizing the child's health, safety, and
6 welfare, ~~and, if not,~~ what permanency goal is recommended
7 to be in the best interests of the child, and the reasons
8 for the recommendation. If a permanency goal under
9 paragraph (A), (B), or (B-1) of subsection (2.3) have been
10 deemed inappropriate and not in the minor's best interest,
11 the report must include the following information: why the
12 ~~other permanency goals are not appropriate.~~

13 (i) confirmation that the caseworker has discussed
14 the permanency options and subsidies available for
15 guardianship and adoption with the minor's caregivers,
16 the minor's parents, as appropriate, and has discussed
17 the available permanency options with the minor in an
18 age-appropriate manner;

19 (ii) confirmation that the caseworker has
20 discussed with the minor's caregivers, the minor's
21 parents, as appropriate, and the minor as
22 age-appropriate, the distinctions between guardianship
23 and adoption, including, but not limited to, that
24 guardianship does not require termination of the
25 parent's rights or the consent of the parent;

26 (iii) a description of the stated preferences and

1 concerns, if any, the minor, the parent as
2 appropriate, and the caregiver expressed relating to
3 the options of guardianship and adoption, and the
4 reasons for the preferences;

5 (iv) if the minor is not currently in a placement
6 that will provide permanency, identification of all
7 persons presently willing and able to provide
8 permanency to the minor through either guardianship or
9 adoption, and beginning July 1, 2025, if none are
10 available, a description of the efforts made in
11 accordance with Section 2-27.3; and

12 (v) state the recommended permanency goal, why
13 that goal is recommended, and why the other potential
14 goals were not recommended.

15 The caseworker must appear and testify at the permanency
16 hearing. If a permanency hearing has not previously been
17 scheduled by the court, the moving party shall move for the
18 setting of a permanency hearing and the entry of an order
19 within the time frames set forth in this subsection.

20 (2.3) At the permanency hearing, the court shall determine
21 the permanency goal ~~future status~~ of the child. The court
22 shall set one of the following permanency goals:

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

25 (B) The minor will be in short-term care with a
26 continued goal to return home within a period not to

1 exceed one year, where the progress of the parent or
2 parents is substantial giving particular consideration to
3 the age and individual needs of the minor.

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

15 If the court has determined that goals (A), (B), and
16 (B-1) are not appropriate and not in the minor's best
17 interest, the court may select one of the following goals:
18 (C), (D), (E), (F), or (G) for the minor as appropriate and
19 based on the best interests of the minor. The court shall
20 determine the appropriate goal for the minor based on best
21 interest factors and any considerations outlined in that
22 goal.

23 (C) The guardianship of the minor shall be transferred
24 to an individual or couple on a permanent basis. Prior to
25 changing the goal to guardianship, the court shall
26 consider the following:

1 (i) whether the agency has discussed adoption and
2 guardianship with the caregiver and what preference,
3 if any, the caregiver has as to the permanency goal;

4 (ii) whether the agency has discussed adoption and
5 guardianship with the minor, as age-appropriate, and
6 what preference, if any, the minor has as to the
7 permanency goal;

8 (iii) whether the minor is of sufficient age to
9 remember the minor's parents and if the child values
10 this familial identity;

11 (iv) whether the minor is placed with a relative,
12 and beginning July 1, 2025, whether the minor is
13 placed in a relative home as defined in Section 4d of
14 the Children and Family Services Act or in a certified
15 relative caregiver home as defined in Section 2.36 of
16 the Child Care Act of 1969; and

17 (v) whether the parent or parents have been
18 informed about guardianship and adoption, and, if
19 appropriate, what preferences, if any, the parent or
20 parents have as to the permanency goal.

21 (D) The minor will be in substitute care pending court
22 determination on termination of parental rights. Prior to
23 changing the goal to substitute care pending court
24 determination on termination of parental rights, the court
25 shall consider the following:

26 (i) whether the agency has discussed adoption and

1 guardianship with the caregiver and what preference,
2 if any, the caregiver has as to the permanency goal;

3 (ii) whether the agency has discussed adoption and
4 guardianship with the minor, as age-appropriate, and
5 what preference, if any, the minor has as to the
6 permanency goal;

7 (iii) whether the minor is of sufficient age to
8 remember the minor's parents and if the child values
9 this familial identity;

10 (iv) whether the minor is placed with a relative,
11 and beginning July 1, 2025, whether the minor is
12 placed in a relative home as defined in Section 4d of
13 the Children and Family Services Act, in a certified
14 relative caregiver home as defined in Section 2.36 of
15 the Child Care Act of 1969;

16 (v) whether the minor is already placed in a
17 pre-adoptive home, and if not, whether such a home has
18 been identified; and

19 (vi) whether the parent or parents have been
20 informed about guardianship and adoption, and, if
21 appropriate, what preferences, if any, the parent or
22 parents have as to the permanency goal.

23 (E) ~~(D)~~ Adoption, provided that parental rights have
24 been terminated or relinquished.

25 ~~(E) The guardianship of the minor will be transferred~~
26 ~~to an individual or couple on a permanent basis provided~~

1 ~~that goals (A) through (D) have been deemed inappropriate~~
2 ~~and not in the child's best interests. The court shall~~
3 ~~confirm that the Department has discussed adoption, if~~
4 ~~appropriate, and guardianship with the caregiver prior to~~
5 ~~changing a goal to guardianship.~~

6 (F) Provided that permanency goals (A) through (E)
7 have been deemed inappropriate and not in the minor's best
8 interests, the ~~The~~ minor over age 15 will be in substitute
9 care pending independence. In selecting this permanency
10 goal, the Department of Children and Family Services may
11 provide services to enable reunification and to strengthen
12 the minor's connections with family, fictive kin, and
13 other responsible adults, provided the services are in the
14 minor's best interest. The services shall be documented in
15 the service plan.

16 (G) The minor will be in substitute care because the
17 minor cannot be provided for in a home environment due to
18 developmental disabilities or mental illness or because
19 the minor is a danger to self or others, provided that
20 goals (A) through (E) ~~(D)~~ have been deemed inappropriate
21 and not in the child's best interests.

22 In selecting any permanency goal, the court shall indicate
23 in writing the reasons the goal was selected and why the
24 preceding goals were deemed inappropriate and not in the
25 child's best interest. Where the court has selected a
26 permanency goal other than (A), (B), or (B-1), the Department

1 of Children and Family Services shall not provide further
2 reunification services, except as provided in paragraph (F) of
3 this subsection (2.3) ~~(2)~~, but shall provide services
4 consistent with the goal selected.

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

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

10 (2) The court has deemed all other permanency
11 goals inappropriate based on the child's best
12 interest;

13 (3) The court has found compelling reasons, based
14 on written documentation reviewed by the court, to
15 place the minor in continuing foster care. Compelling
16 reasons include:

17 (a) the child does not wish to be adopted or to
18 be placed in the guardianship of the minor's
19 relative, certified relative caregiver, or foster
20 care placement;

21 (b) the child exhibits an extreme level of
22 need such that the removal of the child from the
23 minor's placement would be detrimental to the
24 child; or

25 (c) the child who is the subject of the
26 permanency hearing has existing close and strong

1 bonds with a sibling, and achievement of another
2 permanency goal would substantially interfere with
3 the subject child's sibling relationship, taking
4 into consideration the nature and extent of the
5 relationship, and whether ongoing contact is in
6 the subject child's best interest, including
7 long-term emotional interest, as compared with the
8 legal and emotional benefit of permanence;

9 (4) The child has lived with the relative,
10 certified relative caregiver, or foster parent for at
11 least one year; and

12 (5) The relative, certified relative caregiver, or
13 foster parent currently caring for the child is
14 willing and capable of providing the child with a
15 stable and permanent environment.

16 (2.4) The court shall set a permanency goal that is in the
17 best interest of the child. In determining that goal, the
18 court shall consult with the minor in an age-appropriate
19 manner regarding the proposed permanency or transition plan
20 for the minor. The court's determination shall include the
21 following factors:

22 (A) ~~(1)~~ Age of the child.

23 (B) ~~(2)~~ Options available for permanence, including
24 both out-of-state and in-state placement options.

25 (C) ~~(3)~~ Current placement of the child and the intent
26 of the family regarding subsidized guardianship and

1 adoption.

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

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

7 (F) ~~(6)~~ Availability of services currently needed and
8 whether the services exist.

9 (G) ~~(7)~~ Status of siblings of the minor.

10 (H) If the minor is not currently in a placement
11 likely to achieve permanency, whether there is an
12 identified and willing potential permanent caregiver for
13 the minor, and if so, that potential permanent caregiver's
14 intent regarding guardianship and adoption.

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

24 The court shall make findings as to whether, in violation
25 of Section 8.2 of the Abused and Neglected Child Reporting
26 Act, any portion of the service plan compels a child or parent

1 to engage in any activity or refrain from any activity that is
2 not reasonably related to remedying a condition or conditions
3 that gave rise or which could give rise to any finding of child
4 abuse or neglect. The services contained in the service plan
5 shall include services reasonably related to remedy the
6 conditions that gave rise to removal of the child from the home
7 of the child's parents, guardian, or legal custodian or that
8 the court has found must be remedied prior to returning the
9 child home. Any tasks the court requires of the parents,
10 guardian, or legal custodian or child prior to returning the
11 child home must be reasonably related to remedying a condition
12 or conditions that gave rise to or which could give rise to any
13 finding of child abuse or neglect.

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

22 The court shall review the Sibling Contact Support Plan
23 developed or modified under subsection (f) of Section 7.4 of
24 the Children and Family Services Act, if applicable. If the
25 Department has not convened a meeting to develop or modify a
26 Sibling Contact Support Plan, or if the court finds that the

1 existing Plan is not in the child's best interest, the court
2 may enter an order requiring the Department to develop,
3 modify, or implement a Sibling Contact Support Plan, or order
4 mediation.

5 Beginning July 1, 2025, the court shall review the Ongoing
6 Family Finding and Relative Engagement Plan required under
7 Section 2-27.3. If the court finds that the plan is not in the
8 minor's best interest, the court shall enter specific factual
9 findings and order the Department to modify the plan
10 consistent with the court's findings.

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

14 If, after receiving evidence, the court determines that
15 the services contained in the plan are not reasonably
16 calculated to facilitate achievement of the permanency goal,
17 the court shall put in writing the factual basis supporting
18 the determination and enter specific findings based on the
19 evidence. The court also shall enter an order for the
20 Department to develop and implement a new service plan or to
21 implement changes to the current service plan consistent with
22 the court's findings. The new service plan shall be filed with
23 the court and served on all parties within 45 days of the date
24 of the order. The court shall continue the matter until the new
25 service plan is filed. Except as authorized by subsection
26 (2.5) of this Section and as otherwise specifically authorized

1 by law, the court is not empowered under this Section to order
2 specific placements, specific services, or specific service
3 providers to be included in the service plan.

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

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

10 (2.5) If, after reviewing the evidence, including evidence
11 from the Department, the court determines that the minor's
12 current or planned placement is not necessary or appropriate
13 to facilitate achievement of the permanency goal, the court
14 shall put in writing the factual basis supporting its
15 determination and enter specific findings based on the
16 evidence. If the court finds that the minor's current or
17 planned placement is not necessary or appropriate, the court
18 may enter an order directing the Department to implement a
19 recommendation by the minor's treating clinician or a
20 clinician contracted by the Department to evaluate the minor
21 or a recommendation made by the Department. If the Department
22 places a minor in a placement under an order entered under this
23 subsection (2.5), the Department has the authority to remove
24 the minor from that placement when a change in circumstances
25 necessitates the removal to protect the minor's health,
26 safety, and best interest. If the Department determines

1 removal is necessary, the Department shall notify the parties
2 of the planned placement change in writing no later than 10
3 days prior to the implementation of its determination unless
4 remaining in the placement poses an imminent risk of harm to
5 the minor, in which case the Department shall notify the
6 parties of the placement change in writing immediately
7 following the implementation of its decision. The Department
8 shall notify others of the decision to change the minor's
9 placement as required by Department rule.

10 (3) Following the permanency hearing, the court shall
11 enter a written order that includes the determinations
12 required under subsections ~~subsection~~ (2) and (2.3) of this
13 Section and sets forth the following:

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

17 (b) If the permanency goal of the minor cannot be
18 achieved immediately, the specific reasons for continuing
19 the minor in the care of the Department of Children and
20 Family Services or other agency for short-term placement,
21 and the following determinations:

22 (i) (Blank).

23 (ii) Whether the services required by the court
24 and by any service plan prepared within the prior 6
25 months have been provided and (A) if so, whether the
26 services were reasonably calculated to facilitate the

1 achievement of the permanency goal or (B) if not
2 provided, why the services were not provided.

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

13 (iv) (Blank).

14 (v) (Blank).

15 (4) The minor or any person interested in the minor may
16 apply to the court for a change in custody of the minor and the
17 appointment of a new custodian or guardian of the person or for
18 the restoration of the minor to the custody of the minor's
19 parents or former guardian or custodian.

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

21 (a) The Department, the minor, or the current foster
22 parent or relative caregiver seeking private guardianship
23 may file a motion for private guardianship of the minor.
24 Appointment of a guardian under this Section requires
25 approval of the court.

26 (b) The State's Attorney may file a motion to

1 terminate parental rights of any parent who has failed to
2 make reasonable efforts to correct the conditions which
3 led to the removal of the child or reasonable progress
4 toward the return of the child, as defined in subdivision
5 (D)(m) of Section 1 of the Adoption Act or for whom any
6 other unfitness ground for terminating parental rights as
7 defined in subdivision (D) of Section 1 of the Adoption
8 Act exists.

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

25 Custody of the minor shall not be restored to any parent,
26 guardian, or legal custodian in any case in which the minor is

1 found to be neglected or abused under Section 2-3 or dependent
2 under Section 2-4 of this Act, unless the minor can be cared
3 for at home without endangering the minor's health or safety
4 and it is in the best interest of the minor, and if such
5 neglect, abuse, or dependency is found by the court under
6 paragraph (1) of Section 2-21 of this Act to have come about
7 due to the acts or omissions or both of such parent, guardian,
8 or legal custodian, until such time as an investigation is
9 made as provided in paragraph (5) and a hearing is held on the
10 issue of the health, safety, and best interest of the minor and
11 the fitness of such parent, guardian, or legal custodian to
12 care for the minor and the court enters an order that such
13 parent, guardian, or legal custodian is fit to care for the
14 minor. If a motion is filed to modify or vacate a private
15 guardianship order and return the child to a parent, guardian,
16 or legal custodian, the court may order the Department of
17 Children and Family Services to assess the minor's current and
18 proposed living arrangements and to provide ongoing monitoring
19 of the health, safety, and best interest of the minor during
20 the pendency of the motion to assist the court in making that
21 determination. In the event that the minor has attained 18
22 years of age and the guardian or custodian petitions the court
23 for an order terminating the minor's guardianship or custody,
24 guardianship or custody shall terminate automatically 30 days
25 after the receipt of the petition unless the court orders
26 otherwise. No legal custodian or guardian of the person may be

1 removed without the legal custodian's or guardian's consent
2 until given notice and an opportunity to be heard by the court.

3 When the court orders a child restored to the custody of
4 the parent or parents, the court shall order the parent or
5 parents to cooperate with the Department of Children and
6 Family Services and comply with the terms of an after-care
7 plan, or risk the loss of custody of the child and possible
8 termination of their parental rights. The court may also enter
9 an order of protective supervision in accordance with Section
10 2-24.

11 If the minor is being restored to the custody of a parent,
12 legal custodian, or guardian who lives outside of Illinois,
13 and an Interstate Compact has been requested and refused, the
14 court may order the Department of Children and Family Services
15 to arrange for an assessment of the minor's proposed living
16 arrangement and for ongoing monitoring of the health, safety,
17 and best interest of the minor and compliance with any order of
18 protective supervision entered in accordance with Section
19 2-24.

20 (5) Whenever a parent, guardian, or legal custodian files
21 a motion for restoration of custody of the minor, and the minor
22 was adjudicated neglected, abused, or dependent as a result of
23 physical abuse, the court shall cause to be made an
24 investigation as to whether the movant has ever been charged
25 with or convicted of any criminal offense which would indicate
26 the likelihood of any further physical abuse to the minor.

1 Evidence of such criminal convictions shall be taken into
2 account in determining whether the minor can be cared for at
3 home without endangering the minor's health or safety and
4 fitness of the parent, guardian, or legal custodian.

5 (a) Any agency of this State or any subdivision
6 thereof shall cooperate with the agent of the court in
7 providing any information sought in the investigation.

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

15 (c) All information obtained from any investigation
16 shall be confidential as provided in Section 5-150 of this
17 Act.

18 (Source: P.A. 102-193, eff. 7-30-21; 102-489, eff. 8-20-21;
19 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-154, eff.
20 6-30-23; 103-171, eff. 1-1-24; 103-605, eff. 7-1-24.)

21 (705 ILCS 405/2-28.1)

22 Sec. 2-28.1. Permanency hearings; before hearing officers.

23 (a) The chief judge of the circuit court may appoint
24 hearing officers to conduct the permanency hearings set forth
25 in subsections (2), (2.3), and (2.4) ~~subsection (2)~~ of Section

1 2-28, in accordance with the provisions of this Section. The
2 hearing officers shall be attorneys with at least 3 years
3 experience in child abuse and neglect or permanency planning
4 and in counties with a population of 3,000,000 or more, any
5 hearing officer appointed after September 1, 1997, must be an
6 attorney admitted to practice for at least 7 years. Once
7 trained by the court, hearing officers shall be authorized to
8 do the following:

9 (1) Conduct a fair and impartial hearing.

10 (2) Summon and compel the attendance of witnesses.

11 (3) Administer the oath or affirmation and take
12 testimony under oath or affirmation.

13 (4) Require the production of evidence relevant to the
14 permanency hearing to be conducted. That evidence may
15 include, but need not be limited to case plans, social
16 histories, medical and psychological evaluations, child
17 placement histories, visitation records, and other
18 documents and writings applicable to those items.

19 (5) Rule on the admissibility of evidence using the
20 standard applied at a dispositional hearing under Section
21 2-22 of this Act.

22 (6) When necessary, cause notices to be issued
23 requiring parties, the public agency that is custodian or
24 guardian of the minor, or another agency responsible for
25 the minor's care to appear either before the hearing
26 officer or in court.

1 (7) Analyze the evidence presented to the hearing
2 officer and prepare written recommended orders, including
3 findings of fact, based on the evidence.

4 (8) Prior to the hearing, conduct any pre-hearings
5 that may be necessary.

6 (9) Conduct in camera interviews with children when
7 requested by a child or the child's guardian ad litem.

8 In counties with a population of 3,000,000 or more, hearing
9 officers shall also be authorized to do the following:

10 (i) Accept specific consents for adoption or
11 surrenders of parental rights from a parent or parents.

12 (ii) Conduct hearings on the progress made toward the
13 permanency goal set for the minor.

14 (iii) Perform other duties as assigned by the court.

15 (b) The hearing officer shall consider evidence and
16 conduct the permanency hearings as set forth in subsections
17 (2), (2.3), (2.4), and (3) ~~(2) and (3)~~ of Section 2-28 in
18 accordance with the standards set forth therein. The hearing
19 officer shall assure that a verbatim record of the proceedings
20 is made and retained for a period of 12 months or until the
21 next permanency hearing, whichever date is later, and shall
22 direct to the clerk of the court all documents and evidence to
23 be made part of the court file. The hearing officer shall
24 inform the participants of their individual rights and
25 responsibilities. The hearing officer shall identify the
26 issues to be reviewed under subsections (2), (2.3), and (2.4)

1 ~~subsection (2)~~ of Section 2-28, consider all relevant facts,
2 and receive or request any additional information necessary to
3 make recommendations to the court.

4 If a party fails to appear at the hearing, the hearing
5 officer may proceed to the permanency hearing with the parties
6 present at the hearing. The hearing officer shall specifically
7 note for the court the absence of any parties. If all parties
8 are present at the permanency hearing, and the parties and the
9 Department are in agreement that the service plan and
10 permanency goal are appropriate or are in agreement that the
11 permanency goal for the child has been achieved, the hearing
12 officer shall prepare a recommended order, including findings
13 of fact, to be submitted to the court, and all parties and the
14 Department shall sign the recommended order at the time of the
15 hearing. The recommended order will then be submitted to the
16 court for its immediate consideration and the entry of an
17 appropriate order.

18 The court may enter an order consistent with the
19 recommended order without further hearing or notice to the
20 parties, may refer the matter to the hearing officer for
21 further proceedings, or may hold such additional hearings as
22 the court deems necessary. All parties present at the hearing
23 and the Department shall be tendered a copy of the court's
24 order at the conclusion of the hearing.

25 (c) If one or more parties are not present at the
26 permanency hearing, or any party or the Department of Children

1 and Family Services objects to the hearing officer's
2 recommended order, including any findings of fact, the hearing
3 officer shall set the matter for a judicial determination
4 within 30 days of the permanency hearing for the entry of the
5 recommended order or for receipt of the parties' objections.
6 Any objections shall be in writing and identify the specific
7 findings or recommendations that are contested, the basis for
8 the objections, and the evidence or applicable law supporting
9 the objection. The recommended order and its contents may not
10 be disclosed to anyone other than the parties and the
11 Department or other agency unless otherwise specifically
12 ordered by a judge of the court.

13 Following the receipt of objections consistent with this
14 subsection from any party or the Department of Children and
15 Family Services to the hearing officer's recommended orders,
16 the court shall make a judicial determination of those
17 portions of the order to which objections were made, and shall
18 enter an appropriate order. The court may refuse to review any
19 objections that fail to meet the requirements of this
20 subsection.

21 (d) The following are judicial functions and shall be
22 performed only by a circuit judge or associate judge:

23 (1) Review of the recommended orders of the hearing
24 officer and entry of orders the court deems appropriate.

25 (2) Conduct of judicial hearings on all pre-hearing
26 motions and other matters that require a court order and

1 entry of orders as the court deems appropriate.

2 (3) Conduct of judicial determinations on all matters
3 in which the parties or the Department of Children and
4 Family Services disagree with the hearing officer's
5 recommended orders under subsection (3).

6 (4) Issuance of rules to show cause, conduct of
7 contempt proceedings, and imposition of appropriate
8 sanctions or relief.

9 (Source: P.A. 89-17, eff. 5-31-95; 90-27, eff. 1-1-98; 90-28,
10 eff. 1-1-98; 90-87, eff. 9-1-97; 90-608, eff. 6-30-98; 90-655,
11 eff. 7-30-98.)

12 (705 ILCS 405/5-745)

13 Sec. 5-745. Court review.

14 (1) The court may require any legal custodian or guardian
15 of the person appointed under this Act, including the
16 Department of Juvenile Justice for youth committed under
17 Section 5-750 of this Act, to report periodically to the court
18 or may cite the legal custodian or guardian into court and
19 require the legal custodian or guardian, or the legal
20 custodian's or guardian's agency, to make a full and accurate
21 report of the doings of the legal custodian, guardian, or
22 agency on behalf of the minor, including efforts to secure
23 post-release placement of the youth after release from the
24 Department's facilities. The legal custodian or guardian,
25 within 10 days after the citation, shall make the report,

1 either in writing verified by affidavit or orally under oath
2 in open court, or otherwise as the court directs. Upon the
3 hearing of the report the court may remove the legal custodian
4 or guardian and appoint another in the legal custodian's or
5 guardian's stead or restore the minor to the custody of the
6 minor's parents or former guardian or legal custodian.

7 (2) If the Department of Children and Family Services is
8 appointed legal custodian or guardian of a minor under Section
9 5-740 of this Act, the Department of Children and Family
10 Services shall file updated case plans with the court every 6
11 months. Every agency which has guardianship of a child shall
12 file a supplemental petition for court review, or review by an
13 administrative body appointed or approved by the court and
14 further order within 18 months of the sentencing order and
15 each 18 months thereafter. The petition shall state facts
16 relative to the child's present condition of physical, mental
17 and emotional health as well as facts relative to the minor's
18 present custodial or foster care. The petition shall be set
19 for hearing and the clerk shall mail 10 days notice of the
20 hearing by certified mail, return receipt requested, to the
21 person or agency having the physical custody of the child, the
22 minor and other interested parties unless a written waiver of
23 notice is filed with the petition.

24 If the minor is in the custody of the Illinois Department
25 of Children and Family Services, pursuant to an order entered
26 under this Article, the court shall conduct permanency

1 hearings as set out in subsections (1), (2), (2.3), (2.4), and
2 (3) of Section 2-28 of Article II of this Act.

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

6 (3) The minor or any person interested in the minor may
7 apply to the court for a change in custody of the minor and the
8 appointment of a new custodian or guardian of the person or for
9 the restoration of the minor to the custody of the minor's
10 parents or former guardian or custodian. In the event that the
11 minor has attained 18 years of age and the guardian or
12 custodian petitions the court for an order terminating the
13 minor's guardianship or custody, guardianship or legal custody
14 shall terminate automatically 30 days after the receipt of the
15 petition unless the court orders otherwise. No legal custodian
16 or guardian of the person may be removed without the legal
17 custodian's or guardian's consent until given notice and an
18 opportunity to be heard by the court.

19 (4) If the minor is committed to the Department of
20 Juvenile Justice under Section 5-750 of this Act, the
21 Department shall notify the court in writing of the occurrence
22 of any of the following:

23 (a) a critical incident involving a youth committed to
24 the Department; as used in this paragraph (a), "critical
25 incident" means any incident that involves a serious risk
26 to the life, health, or well-being of the youth and

1 includes, but is not limited to, an accident or suicide
2 attempt resulting in serious bodily harm or
3 hospitalization, psychiatric hospitalization, alleged or
4 suspected abuse, or escape or attempted escape from
5 custody, filed within 10 days of the occurrence;

6 (b) a youth who has been released by the Prisoner
7 Review Board but remains in a Department facility solely
8 because the youth does not have an approved aftercare
9 release host site, filed within 10 days of the occurrence;

10 (c) a youth, except a youth who has been adjudicated a
11 habitual or violent juvenile offender under Section 5-815
12 or 5-820 of this Act or committed for first degree murder,
13 who has been held in a Department facility for over one
14 consecutive year; or

15 (d) if a report has been filed under paragraph (c) of
16 this subsection, a supplemental report shall be filed
17 every 6 months thereafter.

18 The notification required by this subsection (4) shall contain
19 a brief description of the incident or situation and a summary
20 of the youth's current physical, mental, and emotional health
21 and the actions the Department took in response to the
22 incident or to identify an aftercare release host site, as
23 applicable. Upon receipt of the notification, the court may
24 require the Department to make a full report under subsection
25 (1) of this Section.

26 (5) With respect to any report required to be filed with

1 the court under this Section, the Independent Juvenile
2 Ombudsperson shall provide a copy to the minor's court
3 appointed guardian ad litem, if the Department has received
4 written notice of the appointment, and to the minor's
5 attorney, if the Department has received written notice of
6 representation from the attorney. If the Department has a
7 record that a guardian has been appointed for the minor and a
8 record of the last known address of the minor's court
9 appointed guardian, the Independent Juvenile Ombudsperson
10 shall send a notice to the guardian that the report is
11 available and will be provided by the Independent Juvenile
12 Ombudsperson upon request. If the Department has no record
13 regarding the appointment of a guardian for the minor, and the
14 Department's records include the last known addresses of the
15 minor's parents, the Independent Juvenile Ombudsperson shall
16 send a notice to the parents that the report is available and
17 will be provided by the Independent Juvenile Ombudsperson upon
18 request.

19 (Source: P.A. 103-22, eff. 8-8-23.)

20 Section 20. The Adoption Act is amended by changing
21 Sections 4.1 and 15.1 as follows:

22 (750 ILCS 50/4.1) (from Ch. 40, par. 1506)

23 Sec. 4.1. Adoption between multiple jurisdictions. It is
24 the public policy of this State to promote child welfare in

1 adoption between multiple jurisdictions by implementing
2 standards that foster permanency for children in an
3 expeditious manner while considering the best interests of the
4 child as paramount. Ensuring that standards for
5 interjurisdictional adoption are clear and applied
6 consistently, efficiently, and reasonably will promote the
7 best interests of the child in finding a permanent home.

8 (a) The Department of Children and Family Services shall
9 promulgate rules regarding the approval and regulation of
10 agencies providing, in this State, adoption services, as
11 defined in Section 2.24 of the Child Care Act of 1969, which
12 shall include, but not be limited to, a requirement that any
13 agency shall be licensed in this State as a child welfare
14 agency as defined in Section 2.08 of the Child Care Act of
15 1969. Any out-of-state agency, if not licensed in this State
16 as a child welfare agency, must obtain the approval of the
17 Department in order to act as a sending agency, as defined in
18 Section 1 of the Interstate Compact on Placement of Children
19 Act, seeking to place a child into this State through a
20 placement subject to the Interstate Compact on the Placement
21 of Children. An out-of-state agency, if not licensed in this
22 State as a child welfare agency, is prohibited from providing
23 in this State adoption services, as defined by Section 2.24 of
24 the Child Care Act of 1969; shall comply with Section 12C-70 of
25 the Criminal Code of 2012; and shall provide all of the
26 following to the Department:

1 (1) A copy of the agency's current license or other
2 form of authorization from the approving authority in the
3 agency's state. If no license or authorization is issued,
4 the agency must provide a reference statement, from the
5 approving authority, stating that the agency is authorized
6 to place children in foster care or adoption or both in its
7 jurisdiction.

8 (2) A description of the program, including home
9 studies, placements, and supervisions, that the child
10 welfare agency conducts within its geographical area, and,
11 if applicable, adoptive placements and the finalization of
12 adoptions. The child welfare agency must accept continued
13 responsibility for placement planning and replacement if
14 the placement fails.

15 (3) Notification to the Department of any significant
16 child welfare agency changes after approval.

17 (4) Any other information the Department may require.

18 The rules shall also provide that any agency that places
19 children for adoption in this State may not, in any policy or
20 practice relating to the placement of children for adoption,
21 discriminate against any child or prospective adoptive parent
22 on the basis of race.

23 (a-5) (Blank).

24 (b) Interstate adoptions.

25 (1) All interstate adoption placements under this Act
26 shall comply with the Child Care Act of 1969 and the

1 Interstate Compact on the Placement of Children. The
2 placement of children with relatives by the Department of
3 Children and Family Services shall also comply with
4 subsections (b) and (b-5) ~~subsection (b)~~ of Section 7 of
5 the Children and Family Services Act. The Department may
6 promulgate rules to implement interstate adoption
7 placements, including those requirements set forth in this
8 Section.

9 (2) If an adoption is finalized prior to bringing or
10 sending a child to this State, compliance with the
11 Interstate Compact on the Placement of Children is not
12 required.

13 (3) Approval requirements. The Department shall
14 promulgate procedures for interstate adoption placements
15 of children under this Act. No later than September 24,
16 2017 (30 days after the effective date of Public Act
17 100-344), the Department shall distribute a written list
18 of all preadoption approval requirements to all Illinois
19 licensed child welfare agencies performing adoption
20 services, and all out-of-state agencies approved under
21 this Section, and shall post the requirements on the
22 Department's website. The Department may not require any
23 further preadoption requirements other than those set
24 forth in the procedures required under this paragraph. The
25 procedures shall reflect the standard of review as stated
26 in the Interstate Compact on the Placement of Children and

1 approval shall be given by the Department if the placement
2 appears not to be contrary to the best interests of the
3 child.

4 (4) Time for review and decision. In all cases where
5 the child to be placed is not a youth in care in Illinois
6 or any other state, a provisional or final approval for
7 placement shall be provided in writing from the Department
8 in accordance with the Interstate Compact on the Placement
9 of Children. Approval or denial of the placement must be
10 given by the Department as soon as practicable, but in no
11 event more than 3 business days of the receipt of the
12 completed referral packet by the Department's Interstate
13 Compact Administrator. Receipt of the packet shall be
14 evidenced by the packet's arrival at the address
15 designated by the Department to receive such referrals.
16 The written decision to approve or deny the placement
17 shall be communicated in an expeditious manner, including,
18 but not limited to, electronic means referenced in
19 paragraph (b)(7) of this Section, and shall be provided to
20 all Illinois licensed child welfare agencies involved in
21 the placement, all out-of-state child placing agencies
22 involved in the placement, and all attorneys representing
23 the prospective adoptive parent or biological parent. If,
24 during its initial review of the packet, the Department
25 believes there are any incomplete or missing documents, or
26 missing information, as required in paragraph (b)(3), the

1 Department shall, as soon as practicable, but in no event
2 more than 2 business days of receipt of the packet,
3 communicate a list of any incomplete or missing documents
4 and information to all Illinois licensed child welfare
5 agencies involved in the placement, all out-of-state child
6 placing agencies involved in the placement, and all
7 attorneys representing the adoptive parent or biological
8 parent. This list shall be communicated in an expeditious
9 manner, including, but not limited to, electronic means
10 referenced in paragraph (b)(7) of this Section.

11 (5) Denial of approval. In all cases where the child
12 to be placed is not a youth in the care of any state, if
13 the Department denies approval of an interstate placement,
14 the written decision referenced in paragraph (b)(4) of
15 this Section shall set forth the reason or reasons why the
16 placement was not approved and shall reference which
17 requirements under paragraph (b)(3) of this Section were
18 not met. The written decision shall be communicated in an
19 expeditious manner, including, but not limited to,
20 electronic means referenced in paragraph (b)(7) of this
21 Section, to all Illinois licensed child welfare agencies
22 involved in the placement, all out-of-state child placing
23 agencies involved in the placement, and all attorneys
24 representing the prospective adoptive parent or biological
25 parent.

26 (6) Provisional approval. Nothing in paragraphs (b)(3)

1 through (b)(5) of this Section shall preclude the
2 Department from issuing provisional approval of the
3 placement pending receipt of any missing or incomplete
4 documents or information.

5 (7) Electronic communication. All communications
6 concerning an interstate placement made between the
7 Department and an Illinois licensed child welfare agency,
8 an out-of-state child placing agency, and attorneys
9 representing the prospective adoptive parent or biological
10 parent, including the written communications referenced in
11 this Section, may be made through any type of electronic
12 means, including, but not limited to, electronic mail.

13 (c) Intercountry adoptions. The adoption of a child, if
14 the child is a habitual resident of a country other than the
15 United States and the petitioner is a habitual resident of the
16 United States, or, if the child is a habitual resident of the
17 United States and the petitioner is a habitual resident of a
18 country other than the United States, shall comply with the
19 Intercountry Adoption Act of 2000, as amended, and the
20 Immigration and Nationality Act, as amended. In the case of an
21 intercountry adoption that requires oversight by the adoption
22 services governed by the Intercountry Adoption Universal
23 Accreditation Act of 2012, this State shall not impose any
24 additional preadoption requirements.

25 (d) (Blank).

26 (e) Re-adoption after an intercountry adoption.

1 (1) Any time after a minor child has been adopted in a
2 foreign country and has immigrated to the United States,
3 the adoptive parent or parents of the child may petition
4 the court for a judgment of adoption to re-adopt the child
5 and confirm the foreign adoption decree.

6 (2) The petitioner must submit to the court one or
7 more of the following to verify the foreign adoption:

8 (i) an immigrant visa for the child issued by
9 United States Citizenship and Immigration Services of
10 the U.S. Department of Homeland Security that was
11 valid at the time of the child's immigration;

12 (ii) a decree, judgment, certificate of adoption,
13 adoption registration, or equivalent court order,
14 entered or issued by a court of competent jurisdiction
15 or administrative body outside the United States,
16 establishing the relationship of parent and child by
17 adoption; or

18 (iii) such other evidence deemed satisfactory by
19 the court.

20 (3) The child's immigrant visa shall be prima facie
21 proof that the adoption was established in accordance with
22 the laws of the foreign jurisdiction and met United States
23 requirements for immigration.

24 (4) If the petitioner submits documentation that
25 satisfies the requirements of paragraph (2), the court
26 shall not appoint a guardian ad litem for the minor who is

1 the subject of the proceeding, shall not require any
2 further termination of parental rights of the child's
3 biological parents, nor shall it require any home study,
4 investigation, post-placement visit, or background check
5 of the petitioner.

6 (5) The petition may include a request for change of
7 the child's name and any other request for specific relief
8 that is in the best interests of the child. The relief may
9 include a request for a revised birth date for the child if
10 supported by evidence from a medical or dental
11 professional attesting to the appropriate age of the child
12 or other collateral evidence.

13 (6) Two adoptive parents who adopted a minor child
14 together in a foreign country while married to one another
15 may file a petition for adoption to re-adopt the child
16 jointly, regardless of whether their marriage has been
17 dissolved. If either parent whose marriage was dissolved
18 has subsequently remarried or entered into a civil union
19 with another person, the new spouse or civil union partner
20 shall not join in the petition to re-adopt the child,
21 unless the new spouse or civil union partner is seeking to
22 adopt the child. If either adoptive parent does not join
23 in the petition, he or she must be joined as a party
24 defendant. The defendant parent's failure to participate
25 in the re-adoption proceeding shall not affect the
26 existing parental rights or obligations of the parent as

1 they relate to the minor child, and the parent's name
2 shall be placed on any subsequent birth record issued for
3 the child as a result of the re-adoption proceeding.

4 (7) An adoptive parent who adopted a minor child in a
5 foreign country as an unmarried person may file a petition
6 for adoption to re-adopt the child as a sole petitioner,
7 even if the adoptive parent has subsequently married or
8 entered into a civil union.

9 (8) If one of the adoptive parents who adopted a minor
10 child dies prior to a re-adoption proceeding, the deceased
11 parent's name shall be placed on any subsequent birth
12 record issued for the child as a result of the re-adoption
13 proceeding.

14 (Source: P.A. 103-501, eff. 1-1-24.)

15 (750 ILCS 50/15.1) (from Ch. 40, par. 1519.1)

16 Sec. 15.1. (a) Any person over the age of 18, who has cared
17 for a child for a continuous period of one year or more as a
18 foster parent licensed under the Child Care Act of 1969 to
19 operate a foster family home, as a certified relative
20 caregiver as defined in Section 2.37 of the Child Care Act of
21 1969, or as a relative caregiver as defined in Section 4d of
22 the Children and Family Services Act, may apply to the child's
23 guardian with the power to consent to adoption, for such
24 guardian's consent.

25 (b) Such guardian shall give preference and first

1 consideration to that application over all other applications
2 for adoption of the child but the guardian's final decision
3 shall be based on the welfare and best interest of the child.
4 In arriving at this decision, the guardian shall consider all
5 relevant factors including but not limited to:

6 (1) the wishes of the child;

7 (2) the interaction and interrelationship of the child
8 with the applicant to adopt the child;

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

11 (4) the wishes of the child's parent as expressed in
12 writing prior to that parent's execution of a consent or
13 surrender for adoption;

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

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

18 (7) the family ties between the child and the
19 applicant to adopt the child and the value of preserving
20 family ties between the child and the child's relatives,
21 including siblings;

22 (8) the background, age and living arrangements of the
23 applicant to adopt the child;

24 (9) the criminal background check report presented to
25 the court as part of the investigation required under
26 Section 6 of this Act.

1 (c) The final determination of the propriety of the
2 adoption shall be within the sole discretion of the court,
3 which shall base its decision on the welfare and best interest
4 of the child. In arriving at this decision, the court shall
5 consider all relevant factors including but not limited to the
6 factors in subsection (b).

7 (d) If the court specifically finds that the guardian has
8 abused the guardian's ~~his~~ discretion by withholding consent to
9 an adoption in violation of the child's welfare and best
10 interests, then the court may grant an adoption, after all of
11 the other provisions of this Act have been complied with, with
12 or without the consent of the guardian with power to consent to
13 adoption. If the court specifically finds that the guardian
14 has abused the guardian's ~~his~~ discretion by granting consent
15 to an adoption in violation of the child's welfare and best
16 interests, then the court may deny an adoption even though the
17 guardian with power to consent to adoption has consented to
18 it.

19 (Source: P.A. 90-608, eff. 6-30-98.)

20 Section 95. No acceleration or delay. Where this Act makes
21 changes in a statute that is represented in this Act by text
22 that is not yet or no longer in effect (for example, a Section
23 represented by multiple versions), the use of that text does
24 not accelerate or delay the taking effect of (i) the changes
25 made by this Act or (ii) provisions derived from any other

1 Public Act.

2 Section 99. Effective date. This Act takes effect July 1,
3 2025, except that this Section and the amendatory changes made
4 by this Act to Sections 1-3, 1-5, 2-13, 2-21, 2-22, 2-28,
5 2-28.1, and 5-745 of the Juvenile Court Act of 1987 take effect
6 upon becoming law.".