



Rep. Dave Vella

**Filed: 4/8/2025**

10400HB3365ham001

LRB104 10403 RLC 25062 a

1 AMENDMENT TO HOUSE BILL 3365

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3365 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Abused and Neglected Child Reporting Act  
5 is amended by changing Section 3 as follows:

6 (325 ILCS 5/3) (from Ch. 23, par. 2053)

7 Sec. 3. As used in this Act unless the context otherwise  
8 requires:

9 "Adult resident" means any person between 18 and 22 years  
10 of age who resides in any facility licensed by the Department  
11 under the Child Care Act of 1969. For purposes of this Act, the  
12 criteria set forth in the definitions of "abused child" and  
13 "neglected child" shall be used in determining whether an  
14 adult resident is abused or neglected.

15 "Agency" means a child care facility licensed under  
16 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and

1 includes a transitional living program that accepts children  
2 and adult residents for placement who are in the guardianship  
3 of the Department.

4 "Blatant disregard" means an incident where the real,  
5 significant, and imminent likelihood ~~risk~~ of serious harm  
6 would be so obvious to a reasonable parent or caretaker that it  
7 is unlikely that a reasonable parent or caretaker would have  
8 exposed the child to the danger without exercising  
9 precautionary measures to protect the child from harm. With  
10 respect to a person working at an agency in the person's  
11 professional capacity with a child or adult resident, "blatant  
12 disregard" includes a failure by the person to perform job  
13 responsibilities intended to protect the child's or adult  
14 resident's health, physical well-being, or welfare, and, when  
15 viewed in light of the surrounding circumstances, evidence  
16 exists that would cause a reasonable person to believe that  
17 the child was neglected. With respect to an agency, "blatant  
18 disregard" includes a failure to implement practices that  
19 ensure the health, physical well-being, or welfare of the  
20 children and adult residents residing in the facility.

21 "Child" means any person under the age of 18 years, unless  
22 legally emancipated by reason of marriage or entry into a  
23 branch of the United States armed services.

24 "Department" means Department of Children and Family  
25 Services.

26 "Local law enforcement agency" means the police of a city,

1 town, village or other incorporated area or the sheriff of an  
2 unincorporated area or any sworn officer of the Illinois State  
3 Police.

4 "Abused child" means a child whose parent or immediate  
5 family member, or any person responsible for the child's  
6 welfare, or any individual residing in the same home as the  
7 child, or a paramour of the child's parent:

8 (a) inflicts, causes to be inflicted, or allows to be  
9 inflicted upon such child physical injury, by other than  
10 accidental means, which causes death, disfigurement,  
11 impairment of physical or emotional health, or loss or  
12 impairment of any bodily function;

13 (b) creates a substantial risk of physical injury to  
14 such child by other than accidental means which would be  
15 likely to cause death, disfigurement, impairment of  
16 physical or emotional health, or loss or impairment of any  
17 bodily function;

18 (c) commits or allows to be committed any sex offense  
19 against such child, as such sex offenses are defined in  
20 the Criminal Code of 2012 or in the Wrongs to Children Act,  
21 and extending those definitions of sex offenses to include  
22 children under 18 years of age;

23 (d) commits or allows to be committed an act or acts of  
24 torture upon such child;

25 (e) inflicts excessive corporal punishment or, in the  
26 case of a person working for an agency who is prohibited

1 from using corporal punishment, inflicts corporal  
2 punishment upon a child or adult resident with whom the  
3 person is working in the person's professional capacity;

4 (f) commits or allows to be committed the offense of  
5 female genital mutilation, as defined in Section 12-34 of  
6 the Criminal Code of 2012, against the child;

7 (g) causes to be sold, transferred, distributed, or  
8 given to such child under 18 years of age, a controlled  
9 substance as defined in Section 102 of the Illinois  
10 Controlled Substances Act in violation of Article IV of  
11 the Illinois Controlled Substances Act or in violation of  
12 the Methamphetamine Control and Community Protection Act,  
13 except for controlled substances that are prescribed in  
14 accordance with Article III of the Illinois Controlled  
15 Substances Act and are dispensed to such child in a manner  
16 that substantially complies with the prescription;

17 (h) commits or allows to be committed the offense of  
18 involuntary servitude, involuntary sexual servitude of a  
19 minor, or trafficking in persons as defined in Section  
20 10-9 of the Criminal Code of 2012 against the child; or

21 (i) commits the offense of grooming, as defined in  
22 Section 11-25 of the Criminal Code of 2012, against the  
23 child.

24 A child shall not be considered abused for the sole reason  
25 that the child has been relinquished in accordance with the  
26 Abandoned Newborn Infant Protection Act.

1 "Neglected child" means (a) any child who, due to the  
2 blatant disregard of the child's parent or other person  
3 responsible for the child's welfare, or agency  
4 responsibilities, is: (1) not receiving care necessary for the  
5 child's well being, including adequate food, clothing and  
6 shelter; (2) not receiving the proper or necessary nourishment  
7 ~~or~~ medically indicated treatment including food or care not  
8 provided solely on the basis of the present or anticipated  
9 mental or physical impairment as determined by a physician  
10 acting alone or in consultation with other physicians or  
11 otherwise is not receiving the proper or necessary support or  
12 medical or other remedial care recognized under State law as  
13 necessary for a child's well-being; (3), or other care  
14 ~~necessary for the child's well being, including adequate food,~~  
15 ~~clothing and shelter; or who is~~ subjected to an environment  
16 which is injurious insofar as ~~(i)~~ the child's environment  
17 creates a real, significant, and imminent likelihood of  
18 serious harm to the child's health, physical well-being, or  
19 welfare; (4) and (ii) the likely harm to the child is the  
20 ~~result of a blatant disregard of parent, caretaker, person~~  
21 ~~responsible for the child's welfare, or agency~~  
22 ~~responsibilities; or who is~~ abandoned by the child's parents  
23 or other person responsible for the child's welfare without a  
24 proper plan of care; or who has been provided with interim  
25 crisis intervention services under Section 3-5 of the Juvenile  
26 Court Act of 1987 and whose parent, guardian, or custodian

1 refuses to permit the child to return home and no other living  
2 arrangement agreeable to the parent, guardian, or custodian  
3 can be made, and the parent, guardian, or custodian has not  
4 made any other appropriate living arrangement for the child;  
5 (5) ~~or who is~~ a newborn infant whose blood, urine, or meconium  
6 contains any amount of a controlled substance as defined in  
7 subsection (f) of Section 102 of the Illinois Controlled  
8 Substances Act or a metabolite thereof, with the exception of  
9 a controlled substance or metabolite thereof whose presence in  
10 the newborn infant is the result of medical treatment  
11 administered to the person who gave birth or the newborn  
12 infant.

13 (b) A child is not considered neglected by a parent or  
14 other person responsible for the child's welfare due to  
15 exposure to domestic violence itself when perpetrated against  
16 someone other than the child, if that parent or other person  
17 responsible for the child's welfare did not perpetrate the  
18 domestic violence.

19 (c) A child shall not be considered neglected for the sole  
20 reason that the child's parent or other person responsible for  
21 the child's welfare has left the child in the care of an adult  
22 relative for any period of time. A child shall not be  
23 considered neglected for the sole reason that the child has  
24 been relinquished in accordance with the Abandoned Newborn  
25 Infant Protection Act. A child shall not be considered  
26 neglected or abused for the sole reason that such child's

1 parent or other person responsible for the child's welfare  
2 depends upon spiritual means through prayer alone for the  
3 treatment or cure of disease or remedial care as provided  
4 under Section 4 of this Act. A child shall not be considered  
5 neglected or abused solely because the child is not attending  
6 school in accordance with the requirements of Article 26 of  
7 The School Code, as amended.

8 "Child Protective Service Unit" means certain specialized  
9 State employees of the Department assigned by the Director to  
10 perform the duties and responsibilities as provided under  
11 Section 7.2 of this Act.

12 "Near fatality" means an act that, as certified by a  
13 physician, places the child in serious or critical condition,  
14 including acts of great bodily harm inflicted upon children  
15 under 13 years of age, and as otherwise defined by Department  
16 rule.

17 "Great bodily harm" includes bodily injury which creates a  
18 high probability of death, or which causes serious permanent  
19 disfigurement, or which causes a permanent or protracted loss  
20 or impairment of the function of any bodily member or organ, or  
21 other serious bodily harm.

22 "Person responsible for the child's welfare" means the  
23 child's parent; guardian; foster parent; relative caregiver;  
24 any person responsible for the child's welfare in a public or  
25 private residential agency or institution; any person  
26 responsible for the child's welfare within a public or private

1 profit or not for profit child care facility; or any other  
2 person responsible for the child's welfare at the time of the  
3 alleged abuse or neglect, including any person who commits or  
4 allows to be committed, against the child, the offense of  
5 involuntary servitude, involuntary sexual servitude of a  
6 minor, or trafficking in persons for forced labor or services,  
7 as provided in Section 10-9 of the Criminal Code of 2012,  
8 including, but not limited to, the custodian of the minor, or  
9 any person who came to know the child through an official  
10 capacity or position of trust, including, but not limited to,  
11 health care professionals, educational personnel, recreational  
12 supervisors, members of the clergy, and volunteers or support  
13 personnel in any setting where children may be subject to  
14 abuse or neglect.

15 "Temporary protective custody" means custody within a  
16 hospital or other medical facility or a place previously  
17 designated for such custody by the Department, subject to  
18 review by the Court, including a licensed foster home, group  
19 home, or other institution; but such place shall not be a jail  
20 or other place for the detention of criminal or juvenile  
21 offenders.

22 "An unfounded report" means any report made under this Act  
23 for which it is determined after an investigation that no  
24 credible evidence of abuse or neglect exists.

25 "An indicated report" means a report made under this Act  
26 if an investigation determines that credible evidence of the

1 alleged abuse or neglect exists.

2 "An undetermined report" means any report made under this  
3 Act in which it was not possible to initiate or complete an  
4 investigation on the basis of information provided to the  
5 Department.

6 "Subject of report" means any child reported to the  
7 central register of child abuse and neglect established under  
8 Section 7.7 of this Act as an alleged victim of child abuse or  
9 neglect and the parent or guardian of the alleged victim or  
10 other person responsible for the alleged victim's welfare who  
11 is named in the report or added to the report as an alleged  
12 perpetrator of child abuse or neglect.

13 "Perpetrator" means a person who, as a result of  
14 investigation, has been determined by the Department to have  
15 caused child abuse or neglect.

16 "Member of the clergy" means a clergyperson or  
17 practitioner of any religious denomination accredited by the  
18 religious body to which the clergyperson or practitioner  
19 belongs.

20 (Source: P.A. 102-567, eff. 1-1-22; 102-676, eff. 12-3-21;  
21 102-813, eff. 5-13-22; 103-22, eff. 8-8-23.)

22 Section 10. The Juvenile Court Act of 1987 is amended by  
23 changing Sections 1-3, 2-3, 2-10, 2-21, and 2-27 as follows:

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

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

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

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

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

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

21           (4.05) Whenever a "best interest" determination is  
22 required, the following factors shall be considered in the  
23 context of the child's age and developmental needs:

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

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

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

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

4 (i) where the child actually feels love,  
5 attachment, and a sense of being valued (as opposed to  
6 where adults believe the child should feel such love,  
7 attachment, and a sense of being valued);

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

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

10 (iv) continuity of affection for the child;

11 (v) the least disruptive placement alternative for  
12 the child;

13 (e) the child's wishes and long-term goals, including  
14 the child's wishes regarding available permanency options  
15 and the child's wishes regarding maintaining connections  
16 with parents, siblings, and other relatives;

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

19 (g) the child's need for permanence which includes the  
20 child's need for stability and continuity of relationships  
21 with parent figures, siblings, and other relatives;

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

23 (i) the risks attendant to entering and being in  
24 substitute care; and

25 (j) the preferences of the persons available to care  
26 for the child, including willingness to provide permanency

1 to the child, either through subsidized guardianship or  
2 through adoption.

3 (4.08) "Caregiver" includes a foster parent. Beginning  
4 July 1, 2025, "caregiver" includes a foster parent as defined  
5 in Section 2.17 of the Child Care Act of 1969, certified  
6 relative caregiver, as defined in Section 2.36 of the Child  
7 Care Act of 1969, and relative caregiver as defined in Section  
8 4d of the Children and Family Services Act.

9 (4.1) "Chronic truant" shall have the definition ascribed  
10 to it in Section 26-2a of the School Code.

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

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

17 (6.5) "Dissemination" or "disseminate" means to publish,  
18 produce, print, manufacture, distribute, sell, lease, exhibit,  
19 broadcast, display, transmit, or otherwise share information  
20 in any format so as to make the information accessible to  
21 others.

22 (6.6) "Domestic violence" has the meaning ascribed to it  
23 in paragraphs (1) and (3) of Section 103 of the Illinois  
24 Domestic Violence Act of 1986 and includes a violation of  
25 Section 12-4.4a of the Criminal Code of 2012.

26 (7) "Emancipated minor" means any minor 16 years of age or

1 over who has been completely or partially emancipated under  
2 the Emancipation of Minors Act or under this Act.

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

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

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

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

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

25 (c) the rights and responsibilities of legal custody  
26 except where legal custody has been vested in another

1 person or agency; and

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

5 (8.1) "Juvenile court record" includes, but is not limited  
6 to:

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

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

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

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

22 (8.2) "Juvenile law enforcement record" includes records  
23 of arrest, station adjustments, fingerprints, probation  
24 adjustments, the issuance of a notice to appear, or any other  
25 records or documents maintained by any law enforcement agency  
26 relating to a minor suspected of committing an offense, and

1 records maintained by a law enforcement agency that identifies  
2 a juvenile as a suspect in committing an offense, but does not  
3 include records identifying a juvenile as a victim, witness,  
4 or missing juvenile and any records created, maintained, or  
5 used for purposes of referral to programs relating to  
6 diversion as defined in subsection (6) of Section 5-105.

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

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

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

23 (11) "Parent" means a father or mother of a child and  
24 includes any adoptive parent. It also includes a person (i)  
25 whose parentage is presumed or has been established under the  
26 law of this or another jurisdiction or (ii) who has registered

1 with the Putative Father Registry in accordance with Section  
2 12.1 of the Adoption Act and whose paternity has not been ruled  
3 out under the law of this or another jurisdiction. It does not  
4 include a parent whose rights in respect to the minor have been  
5 terminated in any manner provided by law. It does not include a  
6 person who has been or could be determined to be a parent under  
7 the Illinois Parentage Act of 1984 or the Illinois Parentage  
8 Act of 2015, or similar parentage law in any other state, if  
9 that person has been convicted of or pled nolo contendere to a  
10 crime that resulted in the conception of the child under  
11 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,  
12 12-14.1, subsection (a) or (b) (but not subsection (c)) of  
13 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or  
14 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012, or similar  
16 statute in another jurisdiction unless upon motion of any  
17 party, other than the offender, to the juvenile court  
18 proceedings the court finds it is in the child's best interest  
19 to deem the offender a parent for purposes of the juvenile  
20 court proceedings.

21 (11.1) "Permanency goal" means a goal set by the court as  
22 defined in subsection (2.3) of Section 2-28.

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

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

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

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

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

18 (12.3) "Residential treatment center" means a licensed  
19 setting that provides 24-hour care to children in a group home  
20 or institution, including a facility licensed as a child care  
21 institution under Section 2.06 of the Child Care Act of 1969, a  
22 licensed group home under Section 2.16 of the Child Care Act of  
23 1969, a qualified residential treatment program under Section  
24 2.35 of the Child Care Act of 1969, a secure child care  
25 facility as defined in paragraph (18) of this Section, or any  
26 similar facility in another state. "Residential treatment

1 center" does not include a relative foster home or a licensed  
2 foster family home.

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

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

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

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

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

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

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

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

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

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

15 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;  
16 103-564, eff. 11-17-23; 103-1061, eff. 2-5-25.)

17 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

18 Sec. 2-3. Neglected or abused minor.

19 (1) Those who are neglected include any minor under 18  
20 years of age or a minor 18 years of age or older for whom the  
21 court has made a finding of probable cause to believe that the  
22 minor is abused, neglected, or dependent under subsection (1)  
23 of Section 2-10 prior to the minor's 18th birthday:

24 (a) who, due to the blatant disregard of the minor's  
25 parent or other person responsible for the minor's

1        welfare, or agency responsibilities, is not receiving the  
2        proper or necessary support, education as required by law,  
3        or medical or other remedial care recognized under State  
4        law as necessary for a minor's well-being, or other care  
5        necessary for the minor's well-being, including adequate  
6        food, clothing, and shelter, or who is abandoned by the  
7        minor's parent or parents or other person or persons  
8        responsible for the minor's welfare, except that a minor  
9        shall not be considered neglected for the sole reason that  
10       the minor's parent or parents or other person or persons  
11       responsible for the minor's welfare have left the minor in  
12       the care of an adult relative for any period of time, who  
13       the parent or parents or other person responsible for the  
14       minor's welfare know is both a mentally capable adult  
15       relative and physically capable adult relative, as defined  
16       by this Act; or

17       (b) whose environment is injurious to the minor's  
18       welfare. An environment is injurious if conditions in the  
19       minor's environment create a real, significant and  
20       imminent likelihood of serious harm to the minor's health,  
21       physical well-being, or welfare and the parent or  
22       caretaker blatantly disregarded his or her parental  
23       responsibility to prevent or mitigate such harm as defined  
24       in Section 3 of the Abused and Neglected Child Reporting  
25       Act; or

26       (c) who is a newborn infant whose blood, urine, or

1 meconium contains any amount of a controlled substance as  
2 defined in subsection (f) of Section 102 of the Illinois  
3 Controlled Substances Act or a metabolite of a controlled  
4 substance, with the exception of controlled substances or  
5 metabolites of such substances, the presence of which in  
6 the newborn infant is the result of medical treatment  
7 administered to the person who gave birth or the newborn  
8 infant; or

9 (d) whose parent or other person responsible for the  
10 minor's welfare leaves the minor without supervision for  
11 an unreasonable period of time without regard for the  
12 mental or physical health, safety, or welfare of that  
13 minor. Whether the minor was left without regard for the  
14 mental or physical health, safety, or welfare of that  
15 minor or the period of time was unreasonable shall be  
16 determined by considering factors including, but not  
17 limited to, the following:

18 (1) the age of the minor;

19 (2) the number of minors left at the location;

20 (3) the special needs of the minor, including  
21 whether the minor is a person with a physical or mental  
22 disability or is otherwise in need of ongoing  
23 prescribed medical treatment, such as periodic doses  
24 of insulin or other medications;

25 (4) the duration of time in which the minor was  
26 left without supervision;

1           (5) the condition and location of the place where  
2 the minor was left without supervision;

3           (6) the time of day or night when the minor was  
4 left without supervision;

5           (7) the weather conditions, including whether the  
6 minor was left in a location with adequate protection  
7 from the natural elements, such as adequate heat or  
8 light;

9           (8) the location of the parent or guardian at the  
10 time the minor was left without supervision and the  
11 physical distance the minor was from the parent or  
12 guardian at the time the minor was without  
13 supervision;

14           (9) whether the minor's movement was restricted or  
15 the minor was otherwise locked within a room or other  
16 structure;

17           (10) whether the minor was given a phone number of  
18 a person or location to call in the event of an  
19 emergency and whether the minor was capable of making  
20 an emergency call;

21           (11) whether there was food and other provision  
22 left for the minor;

23           (12) whether any of the conduct is attributable to  
24 economic hardship or illness and the parent, guardian,  
25 or other person having physical custody or control of  
26 the child made a good faith effort to provide for the

1 health and safety of the minor;

2 (13) the age and physical and mental capabilities  
3 of the person or persons who provided supervision for  
4 the minor;

5 (14) whether the minor was left under the  
6 supervision of another person;

7 (15) any other factor that would endanger the  
8 health and safety of that particular minor; or

9 (e) who has been provided with interim crisis  
10 intervention services under Section 3-5 of this Act and  
11 whose parent, guardian, or custodian refuses to permit the  
12 minor to return home unless the minor is an immediate  
13 physical danger to the minor or others living in the home.

14 A minor shall not be considered neglected for the sole  
15 reason that the minor has been relinquished in accordance with  
16 the Abandoned Newborn Infant Protection Act.

17 (1.5) A minor shall not be considered neglected for the  
18 sole reason that the minor's parent or other person  
19 responsible for the minor's welfare permits the minor to  
20 engage in independent activities unless the minor was  
21 permitted to engage in independent activities under  
22 circumstances presenting unreasonable risk of harm to the  
23 minor's mental or physical health, safety, or well-being.  
24 "Independent activities" includes, but is not limited to:

25 (a) traveling to and from school, including by  
26 walking, running, or bicycling;

1 (b) traveling to and from nearby commercial or  
2 recreational facilities;

3 (c) engaging in outdoor play;

4 (d) remaining in a vehicle unattended, except as  
5 otherwise provided by law;

6 (e) remaining at home or at a similarly appropriate  
7 location unattended; or

8 (f) engaging in a similar independent activity alone  
9 or with other children.

10 In determining whether an independent activity presented  
11 unreasonable risk of harm, the court shall consider:

12 (1) whether the activity is accepted as suitable for  
13 minors of the same age, maturity level, and developmental  
14 capacity as the involved minor;

15 (2) the factors listed in items (1) through (15) of  
16 paragraph (d) of subsection (1); and

17 (3) any other factor the court deems relevant.

18 (2) Those who are abused include any minor under 18 years  
19 of age or a minor 18 years of age or older for whom the court  
20 has made a finding of probable cause to believe that the minor  
21 is abused, neglected, or dependent under subsection (1) of  
22 Section 2-10 prior to the minor's 18th birthday whose parent  
23 or immediate family member, or any person responsible for the  
24 minor's welfare, or any person who is in the same family or  
25 household as the minor, or any individual residing in the same  
26 home as the minor, or a paramour of the minor's parent:

1 (i) inflicts, causes to be inflicted, or allows to be  
2 inflicted upon such minor physical injury, by other than  
3 accidental means, which causes death, disfigurement,  
4 impairment of physical or emotional health, or loss or  
5 impairment of any bodily function;

6 (ii) creates a substantial risk of physical injury to  
7 such minor by other than accidental means which would be  
8 likely to cause death, disfigurement, impairment of  
9 emotional health, or loss or impairment of any bodily  
10 function;

11 (iii) commits or allows to be committed any sex  
12 offense against such minor, as such sex offenses are  
13 defined in the Criminal Code of 1961 or the Criminal Code  
14 of 2012, or in the Wrongs to Children Act, and extending  
15 those definitions of sex offenses to include minors under  
16 18 years of age;

17 (iv) commits or allows to be committed an act or acts  
18 of torture upon such minor;

19 (v) inflicts excessive corporal punishment;

20 (vi) commits or allows to be committed the offense of  
21 involuntary servitude, involuntary sexual servitude of a  
22 minor, or trafficking in persons as defined in Section  
23 10-9 of the Criminal Code of 1961 or the Criminal Code of  
24 2012, upon such minor; or

25 (vii) allows, encourages, or requires a minor to  
26 commit any act of prostitution, as defined in the Criminal

1 Code of 1961 or the Criminal Code of 2012, and extending  
2 those definitions to include minors under 18 years of age.

3 A minor shall not be considered abused for the sole reason  
4 that the minor has been relinquished in accordance with the  
5 Abandoned Newborn Infant Protection Act.

6 (3) This Section does not apply to a minor who would be  
7 included herein solely for the purpose of qualifying for  
8 financial assistance for the minor or the minor's parents,  
9 guardian, or custodian.

10 (4) The changes made by Public Act 101-79 apply to a case  
11 that is pending on or after July 12, 2019 (the effective date  
12 of Public Act 101-79).

13 (Source: P.A. 103-22, eff. 8-8-23; 103-233, eff. 6-30-23;  
14 103-605, eff. 7-1-24.)

15 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

16 (Text of Section before amendment by P.A. 103-1061)

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

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

25 (2) If the court finds that there is probable cause to

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

1 order that the minor be kept in a suitable place designated by  
2 the court or in a shelter care facility designated by the  
3 Department of Children and Family Services or a licensed child  
4 welfare agency; however, on and after January 1, 2015 (the  
5 effective date of Public Act 98-803) and before January 1,  
6 2017, a minor charged with a criminal offense under the  
7 Criminal Code of 1961 or the Criminal Code of 2012 or  
8 adjudicated delinquent shall not be placed in the custody of  
9 or committed to the Department of Children and Family Services  
10 by any court, except a minor less than 16 years of age and  
11 committed to the Department of Children and Family Services  
12 under Section 5-710 of this Act or a minor for whom an  
13 independent basis of abuse, neglect, or dependency exists; and  
14 on and after January 1, 2017, a minor charged with a criminal  
15 offense under the Criminal Code of 1961 or the Criminal Code of  
16 2012 or adjudicated delinquent shall not be placed in the  
17 custody of or committed to the Department of Children and  
18 Family Services by any court, except a minor less than 15 years  
19 of age and committed to the Department of Children and Family  
20 Services under Section 5-710 of this Act or a minor for whom an  
21 independent basis of abuse, neglect, or dependency exists. An  
22 independent basis exists when the allegations or adjudication  
23 of abuse, neglect, or dependency do not arise from the same  
24 facts, incident, or circumstances which give rise to a charge  
25 or adjudication of delinquency.

26 In placing the minor, the Department or other agency

1 shall, to the extent compatible with the court's order, comply  
2 with Section 7 of the Children and Family Services Act. In  
3 determining the health, safety, and best interests of the  
4 minor to prescribe shelter care, the court must find that it is  
5 a matter of immediate and urgent necessity for the safety, and  
6 protection of the minor or of the person or property of another  
7 that the minor be placed in a shelter care facility or that the  
8 minor is likely to flee the jurisdiction of the court, and must  
9 further find that reasonable efforts have been made or that,  
10 consistent with the health, safety and best interests of the  
11 minor, no efforts reasonably can be made to prevent or  
12 eliminate the necessity of removal of the minor from the  
13 minor's home. The court shall require documentation from the  
14 Department of Children and Family Services as to the  
15 reasonable efforts that were made to prevent or eliminate the  
16 necessity of removal of the minor from the minor's home or the  
17 reasons why no efforts reasonably could be made to prevent or  
18 eliminate the necessity of removal. When a minor is placed in  
19 the home of a relative, the Department of Children and Family  
20 Services shall complete a preliminary background review of the  
21 members of the minor's custodian's household in accordance  
22 with Section 4.3 of the Child Care Act of 1969 within 90 days  
23 of that placement. If the minor is ordered placed in a shelter  
24 care facility of the Department of Children and Family  
25 Services or a licensed child welfare agency, the court shall,  
26 upon request of the appropriate Department or other agency,

1 appoint the Department of Children and Family Services  
2 Guardianship Administrator or other appropriate agency  
3 executive temporary custodian of the minor and the court may  
4 enter such other orders related to the temporary custody as it  
5 deems fit and proper, including the provision of services to  
6 the minor or the minor's family to ameliorate the causes  
7 contributing to the finding of probable cause or to the  
8 finding of the existence of immediate and 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 (3) If prior to the shelter care hearing for a minor  
12 described in Sections 2-3, 2-4, 3-3, and 4-3 the moving party  
13 is unable to serve notice on the party respondent, the shelter  
14 care hearing may proceed ex parte. A shelter care order from an  
15 ex parte hearing shall be endorsed with the date and hour of  
16 issuance and shall be filed with the clerk's office and  
17 entered of record. The order shall expire after 10 days from  
18 the time it is issued unless before its expiration it is  
19 renewed, at a hearing upon appearance of the party respondent,  
20 or upon an affidavit of the moving party as to all diligent  
21 efforts to notify the party respondent by notice as herein  
22 prescribed. The notice prescribed shall be in writing and  
23 shall be personally delivered to the minor or the minor's  
24 attorney and to the last known address of the other person or  
25 persons entitled to notice. The notice shall also state the  
26 nature of the allegations, the nature of the order sought by

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

11 NOTICE TO PARENTS AND CHILDREN  
 12 OF SHELTER CARE HEARING

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

22 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN  
 23 PLACEMENT of the child or children in foster care until a  
 24 trial can be held. A trial may not be held for up to 90  
 25 days. You will not be entitled to further notices of  
 26 proceedings in this case, including the filing of an

1 amended petition or a motion to terminate parental rights.

2 At the shelter care hearing, parents have the  
3 following rights:

4 1. To ask the court to appoint a lawyer if they  
5 cannot afford one.

6 2. To ask the court to continue the hearing to  
7 allow them time to prepare.

8 3. To present evidence concerning:

9 a. Whether or not the child or children were  
10 abused, neglected or dependent.

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

16 c. The best interests of the child.

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

18 The Notice for rehearings shall be substantially as  
19 follows:

20 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

21 TO REHEARING ON TEMPORARY CUSTODY

22 If you were not present at and did not have adequate  
23 notice of the Shelter Care Hearing at which temporary  
24 custody of ..... was awarded to  
25 ....., you have the right to request a full

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

7 1. That you were not present at the shelter care  
8 hearing.

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

11 3. Your signature.

12 4. Signature must be notarized.

13 The rehearing should be scheduled within 48 hours of  
14 your filing this affidavit.

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

18 At the Shelter Care Hearing, children have the  
19 following rights:

20 1. To have a guardian ad litem appointed.

21 2. To be declared competent as a witness and to  
22 present testimony concerning:

23 a. Whether they are abused, neglected or  
24 dependent.

25 b. Whether there is "immediate and urgent  
26 necessity" to be removed from home.

1 c. Their best interests.

2 3. To cross examine witnesses for other parties.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 In ruling on the motion, the court shall determine whether  
14 it is consistent with the health, safety, and best interests  
15 of the minor to modify or vacate a temporary custody order. If  
16 the minor is being restored to the custody of a parent, legal  
17 custodian, or guardian who lives outside of Illinois, and an  
18 Interstate Compact has been requested and refused, the court  
19 may order the Department of Children and Family Services to  
20 arrange for an assessment of the minor's proposed living  
21 arrangement and for ongoing monitoring of the health, safety,  
22 and best interest of the minor and compliance with any order of  
23 protective supervision entered in accordance with Section 2-20  
24 or 2-25.

25 The clerk shall set the matter for hearing not later than  
26 14 days after such motion is filed. In the event that the court

1 modifies or vacates a temporary custody order but does not  
2 vacate its finding of probable cause, the court may order that  
3 appropriate services be continued or initiated in behalf of  
4 the minor and the minor's family.

5 (10) When the court finds or has found that there is  
6 probable cause to believe a minor is an abused minor as  
7 described in subsection (2) of Section 2-3 and that there is an  
8 immediate and urgent necessity for the abused minor to be  
9 placed in shelter care, immediate and urgent necessity shall  
10 be presumed for any other minor residing in the same household  
11 as the abused minor provided:

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

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

16 Once the presumption of immediate and urgent necessity has  
17 been raised, the burden of demonstrating the lack of immediate  
18 and urgent necessity shall be on any party that is opposing  
19 shelter care for the other minor.

20 (11) The changes made to this Section by Public Act 98-61  
21 apply to a minor who has been arrested or taken into custody on  
22 or after January 1, 2014 (the effective date of Public Act  
23 98-61).

24 (12) After the court has placed a minor in the care of a  
25 temporary custodian pursuant to this Section, any party may  
26 file a motion requesting the court to grant the temporary

1     custodian the authority to serve as a surrogate decision maker  
2     for the minor under the Health Care Surrogate Act for purposes  
3     of making decisions pursuant to paragraph (1) of subsection  
4     (b) of Section 20 of the Health Care Surrogate Act. The court  
5     may grant the motion if it determines by clear and convincing  
6     evidence that it is in the best interests of the minor to grant  
7     the temporary custodian such authority. In making its  
8     determination, the court shall weigh the following factors in  
9     addition to considering the best interests factors listed in  
10    subsection (4.05) of Section 1-3 of this Act:

11           (a) the efforts to identify and locate the respondents  
12           and adult family members of the minor and the results of  
13           those efforts;

14           (b) the efforts to engage the respondents and adult  
15           family members of the minor in decision making on behalf  
16           of the minor;

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

19           (d) the relationship between the respondents and adult  
20           family members and the minor;

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

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

25           If the Department of Children and Family Services is the  
26           temporary custodian of the minor, in addition to the

1 requirements of paragraph (1) of subsection (b) of Section 20  
2 of the Health Care Surrogate Act, the Department shall follow  
3 its rules and procedures in exercising authority granted under  
4 this subsection.

5 (Source: P.A. 102-489, eff. 8-20-21; 102-502, eff. 1-1-22;  
6 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-605, eff.  
7 7-1-24.)

8 (Text of Section after amendment by P.A. 103-1061)

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

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

17 (2) If the court finds that there is probable cause to  
18 believe that the minor is abused, neglected, or dependent, the  
19 court shall state in writing the factual basis supporting its  
20 finding and the minor, the minor's parent, guardian, or  
21 custodian, and other persons able to give relevant testimony  
22 shall be examined before the court. Findings of probable cause  
23 must be based on reasons sufficient and independent from  
24 exposure to domestic violence that is perpetrated against  
25 someone other than the minor where there is no demonstrated

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

1 after January 1, 2015 (the effective date of Public Act  
2 98-803) and before January 1, 2017, a minor charged with a  
3 criminal offense under the Criminal Code of 1961 or the  
4 Criminal Code of 2012 or adjudicated delinquent shall not be  
5 placed in the custody of or committed to the Department of  
6 Children and Family Services by any court, except a minor less  
7 than 16 years of age and committed to the Department of  
8 Children and Family Services under Section 5-710 of this Act  
9 or a minor for whom an independent basis of abuse, neglect, or  
10 dependency exists; and on and after January 1, 2017, a minor  
11 charged with a criminal offense under the Criminal Code of  
12 1961 or the Criminal Code of 2012 or adjudicated delinquent  
13 shall not be placed in the custody of or committed to the  
14 Department of Children and Family Services by any court,  
15 except a minor less than 15 years of age and committed to the  
16 Department of Children and Family Services under Section 5-710  
17 of this Act or a minor for whom an independent basis of abuse,  
18 neglect, or dependency exists. An independent basis exists  
19 when the allegations or adjudication of abuse, neglect, or  
20 dependency do not arise from the same facts, incident, or  
21 circumstances which give rise to a charge or adjudication of  
22 delinquency.

23 In placing the minor, the Department or other agency  
24 shall, to the extent compatible with the court's order, comply  
25 with Section 7 of the Children and Family Services Act. In  
26 determining the health, safety, and best interests of the

1 minor to prescribe shelter care, the court must find that it is  
2 a matter of immediate and urgent necessity for the safety, and  
3 protection of the minor or of the person or property of another  
4 that the minor be placed in a shelter care facility or that the  
5 minor is likely to flee the jurisdiction of the court, and must  
6 further find that reasonable efforts have been made or that,  
7 consistent with the health, safety and best interests of the  
8 minor, no efforts reasonably can be made to prevent or  
9 eliminate the necessity of removal of the minor from the  
10 minor's home. Domestic violence that is perpetrated against  
11 someone other than the minor where there is no demonstrated  
12 likelihood of present and imminent bodily harm to the minor is  
13 not sufficient to determine that an urgent and immediate  
14 necessity exists to remove a minor from a parent who is not the  
15 perpetrator of that domestic violence. The court shall require  
16 documentation from the Department of Children and Family  
17 Services as to the reasonable efforts that were made to  
18 prevent or eliminate the necessity of removal of the minor  
19 from the minor's home or the reasons why no efforts reasonably  
20 could be made to prevent or eliminate the necessity of  
21 removal. When a minor is placed in the home of a relative, the  
22 Department of Children and Family Services shall complete a  
23 preliminary background review of the members of the minor's  
24 custodian's household in accordance with Section 3.4 or 4.3 of  
25 the Child Care Act of 1969 within 90 days of that placement. If  
26 the minor is not placed in the home of a relative, the court

1 shall require evidence from the Department as to the efforts  
2 that were made to place the minor in the home of a relative or  
3 the reasons why no efforts reasonably could be made to place  
4 the minor in the home of a relative, consistent with the best  
5 interests of the minor. If the minor is ordered placed in a  
6 shelter care facility of the Department of Children and Family  
7 Services or a licensed child welfare agency, the court shall,  
8 upon request of the appropriate Department or other agency,  
9 appoint the Department of Children and Family Services  
10 Guardianship Administrator or other appropriate agency  
11 executive temporary custodian of the minor and the court may  
12 enter such other orders related to the temporary custody as it  
13 deems fit and proper, including the provision of services to  
14 the minor or the minor's family to ameliorate the causes  
15 contributing to the finding of probable cause or to the  
16 finding of the existence of immediate and urgent necessity.

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

1           Where the Department of Children and Family Services  
2           Guardianship Administrator is appointed as the executive  
3           temporary custodian, and when the child has siblings in care,  
4           the Department of Children and Family Services shall file with  
5           the court and serve on the parties a sibling placement and  
6           contact plan within 10 days, excluding weekends and holidays,  
7           after the appointment. The sibling placement and contact plan  
8           shall set forth whether the siblings are placed together, and  
9           if they are not placed together, what, if any, efforts are  
10          being made to place them together. If the Department has  
11          determined that it is not in a child's best interest to be  
12          placed with a sibling, the Department shall document in the  
13          sibling placement and contact plan the basis for its  
14          determination. For siblings placed separately, the sibling  
15          placement and contact plan shall set the time and place for  
16          visits, the frequency of the visits, the length of visits, who  
17          shall be present for the visits, and where appropriate, the  
18          child's opportunities to have contact with their siblings in  
19          addition to in person contact. If the Department determines it  
20          is not in the best interest of a sibling to have contact with a  
21          sibling, the Department shall document in the sibling  
22          placement and contact plan the basis for its determination.  
23          The sibling placement and contact plan shall specify a date  
24          for development of the Sibling Contact Support Plan, under  
25          subsection (f) of Section 7.4 of the Children and Family  
26          Services Act, and shall remain in effect until the Sibling

1 Contact Support Plan is developed.

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

1 shall enter an order for the Department to implement changes  
2 to the parent-child visiting plan or sibling placement or  
3 contact plan, consistent with the court's findings. At any  
4 stage of proceeding, any party may by motion request the court  
5 to enter any orders necessary to implement the parent-child  
6 visiting plan, sibling placement or contact plan, or  
7 subsequently developed Sibling Contact Support Plan. Nothing  
8 under this subsection (2) shall restrict the court from  
9 granting discretionary authority to the Department to increase  
10 opportunities for additional parent-child contacts or sibling  
11 contacts, without further court orders. Nothing in this  
12 subsection (2) shall restrict the Department from immediately  
13 restricting or terminating parent-child contact or sibling  
14 contacts, without either amending the parent-child visiting  
15 plan or the sibling contact plan or obtaining a court order,  
16 where the Department or its assigns reasonably believe there  
17 is an immediate need to protect the child's health, safety,  
18 and welfare. Such restrictions or terminations must be based  
19 on available facts to the Department and its assigns when  
20 viewed in light of the surrounding circumstances and shall  
21 only occur on an individual case-by-case basis. The Department  
22 shall file with the court and serve on the parties any  
23 amendments to the plan within 10 days, excluding weekends and  
24 holidays, of the change of the visitation.

25 Acceptance of services shall not be considered an  
26 admission of any allegation in a petition made pursuant to

1 this Act, nor may a referral of services be considered as  
2 evidence in any proceeding pursuant to this Act, except where  
3 the issue is whether the Department has made reasonable  
4 efforts to reunite the family. In making its findings that it  
5 is consistent with the health, safety, and best interests of  
6 the minor to prescribe shelter care, the court shall state in  
7 writing (i) the factual basis supporting its findings  
8 concerning the immediate and urgent necessity for the  
9 protection of the minor or of the person or property of another  
10 and (ii) the factual basis supporting its findings that  
11 reasonable efforts were made to prevent or eliminate the  
12 removal of the minor from the minor's home or that no efforts  
13 reasonably could be made to prevent or eliminate the removal  
14 of the minor from the minor's home. The parents, guardian,  
15 custodian, temporary custodian, and minor shall each be  
16 furnished a copy of such written findings. The temporary  
17 custodian shall maintain a copy of the court order and written  
18 findings in the case record for the child. The order together  
19 with the court's findings of fact in support thereof shall be  
20 entered of record in the court.

21 Once the court finds that it is a matter of immediate and  
22 urgent necessity for the protection of the minor that the  
23 minor be placed in a shelter care facility, the minor shall not  
24 be returned to the parent, custodian, or guardian until the  
25 court finds that such placement is no longer necessary for the  
26 protection of the minor.

1           If the child is placed in the temporary custody of the  
2 Department of Children and Family Services for the minor's  
3 protection, the court shall admonish the parents, guardian,  
4 custodian, or responsible relative that the parents must  
5 cooperate with the Department of Children and Family Services,  
6 comply with the terms of the service plans, and correct the  
7 conditions which require the child to be in care, or risk  
8 termination of their parental rights. The court shall ensure,  
9 by inquiring in open court of each parent, guardian,  
10 custodian, or responsible relative, that the parent, guardian,  
11 custodian, or responsible relative has had the opportunity to  
12 provide the Department with all known names, addresses, and  
13 telephone numbers of each of the minor's living adult  
14 relatives, including, but not limited to, grandparents,  
15 siblings of the minor's parents, and siblings. The court shall  
16 advise the parents, guardian, custodian, or responsible  
17 relative to inform the Department if additional information  
18 regarding the minor's adult relatives becomes available.

19           (2.5) When the court places the minor in the temporary  
20 custody of the Department, the court shall inquire of the  
21 Department's initial family finding and relative engagement  
22 efforts, as described in Section 7 of the Children and Family  
23 Services Act, and the Department shall complete any remaining  
24 family finding and relative engagement efforts required under  
25 Section 7 of the Children and Family Services Act within 30  
26 days of the minor being taken into temporary custody. The

1 Department shall complete new family finding and relative  
2 engagement efforts in accordance with Section 7 of the  
3 Children and Family Services Act for relatives of the minor  
4 within 30 days of an unknown parent's identity being  
5 determined or a parent whose whereabouts were unknown being  
6 located.

7 (3) If prior to the shelter care hearing for a minor  
8 described in Sections 2-3, 2-4, 3-3, and 4-3 the moving party  
9 is unable to serve notice on the party respondent, the shelter  
10 care hearing may proceed ex parte. A shelter care order from an  
11 ex parte hearing shall be endorsed with the date and hour of  
12 issuance and shall be filed with the clerk's office and  
13 entered of record. The order shall expire after 10 days from  
14 the time it is issued unless before its expiration it is  
15 renewed, at a hearing upon appearance of the party respondent,  
16 or upon an affidavit of the moving party as to all diligent  
17 efforts to notify the party respondent by notice as herein  
18 prescribed. The notice prescribed shall be in writing and  
19 shall be personally delivered to the minor or the minor's  
20 attorney and to the last known address of the other person or  
21 persons entitled to notice. The notice shall also state the  
22 nature of the allegations, the nature of the order sought by  
23 the State, including whether temporary custody is sought, and  
24 the consequences of failure to appear and shall contain a  
25 notice that the parties will not be entitled to further  
26 written notices or publication notices of proceedings in this

1 case, including the filing of an amended petition or a motion  
 2 to terminate parental rights, except as required by Supreme  
 3 Court Rule 11; and shall explain the right of the parties and  
 4 the procedures to vacate or modify a shelter care order as  
 5 provided in this Section. The notice for a shelter care  
 6 hearing shall be substantially as follows:

7 NOTICE TO PARENTS AND CHILDREN  
 8 OF SHELTER CARE HEARING

9 On ..... at ....., before the Honorable  
 10 ....., (address:) ....., the State  
 11 of Illinois will present evidence (1) that (name of child  
 12 or children) ..... are abused,  
 13 neglected, or dependent for the following reasons:

14 ..... and (2)  
 15 whether there is "immediate and urgent necessity" to  
 16 remove the child or children from the responsible  
 17 relative.

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

24 At the shelter care hearing, parents have the  
 25 following rights:

- 26 1. To ask the court to appoint a lawyer if they

1 cannot afford one.

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

4 3. To present evidence concerning:

5 a. Whether or not the child or children were  
6 abused, neglected or dependent.

7 b. Whether or not there is "immediate and  
8 urgent necessity" to remove the child from home  
9 (including: their ability to care for the child,  
10 conditions in the home, alternative means of  
11 protecting the child other than removal).

12 c. The best interests of the child.

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

14 The Notice for rehearings shall be substantially as  
15 follows:

16 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

17 TO REHEARING ON TEMPORARY CUSTODY

18 If you were not present at and did not have adequate  
19 notice of the Shelter Care Hearing at which temporary  
20 custody of ..... was awarded to  
21 ....., you have the right to request a full  
22 rehearing on whether the State should have temporary  
23 custody of ..... To request this rehearing,  
24 you must file with the Clerk of the Juvenile Court  
25 (address): ....., in person or by

1 mailing a statement (affidavit) setting forth the  
2 following:

3 1. That you were not present at the shelter care  
4 hearing.

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

7 3. Your signature.

8 4. Signature must be notarized.

9 The rehearing should be scheduled within 48 hours of  
10 your filing this affidavit.

11 At the rehearing, your rights are the same as at the  
12 initial shelter care hearing. The enclosed notice explains  
13 those rights.

14 At the Shelter Care Hearing, children have the  
15 following rights:

16 1. To have a guardian ad litem appointed.

17 2. To be declared competent as a witness and to  
18 present testimony concerning:

19 a. Whether they are abused, neglected or  
20 dependent.

21 b. Whether there is "immediate and urgent  
22 necessity" to be removed from home.

23 c. Their best interests.

24 3. To cross examine witnesses for other parties.

25 4. To obtain an explanation of any proceedings and  
26 orders of the court.

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

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

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

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

25           (8) If neither the parent, guardian, or custodian appears  
26 within 24 hours to take custody of a minor released upon

1 request pursuant to subsection (2) of this Section, then the  
2 clerk of the court shall set the matter for rehearing not later  
3 than 7 days after the original order and shall issue a summons  
4 directed to the parent, guardian, or custodian to appear. At  
5 the same time the probation department shall prepare a report  
6 on the minor. If a parent, guardian, or custodian does not  
7 appear at such rehearing, the judge may enter an order  
8 prescribing that the minor be kept in a suitable place  
9 designated by the Department of Children and Family Services  
10 or a licensed child welfare agency.

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

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

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

26 (c) A person not a party to the alleged abuse, neglect

1 or dependency, including a parent, relative, or legal  
2 guardian, is capable of assuming temporary custody of the  
3 minor; or

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

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

21 The clerk shall set the matter for hearing not later than  
22 14 days after such motion is filed. In the event that the court  
23 modifies or vacates a temporary custody order but does not  
24 vacate its finding of probable cause, the court may order that  
25 appropriate services be continued or initiated in behalf of  
26 the minor and the minor's family.

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

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

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

12           Once the presumption of immediate and urgent necessity has  
13           been raised, the burden of demonstrating the lack of immediate  
14           and urgent necessity shall be on any party that is opposing  
15           shelter care for the other minor.

16           (11) The changes made to this Section by Public Act 98-61  
17           apply to a minor who has been arrested or taken into custody on  
18           or after January 1, 2014 (the effective date of Public Act  
19           98-61).

20           (12) After the court has placed a minor in the care of a  
21           temporary custodian pursuant to this Section, any party may  
22           file a motion requesting the court to grant the temporary  
23           custodian the authority to serve as a surrogate decision maker  
24           for the minor under the Health Care Surrogate Act for purposes  
25           of making decisions pursuant to paragraph (1) of subsection  
26           (b) of Section 20 of the Health Care Surrogate Act. The court

1 may grant the motion if it determines by clear and convincing  
2 evidence that it is in the best interests of the minor to grant  
3 the temporary custodian such authority. In making its  
4 determination, the court shall weigh the following factors in  
5 addition to considering the best interests factors listed in  
6 subsection (4.05) of Section 1-3 of this Act:

7 (a) the efforts to identify and locate the respondents  
8 and adult family members of the minor and the results of  
9 those efforts;

10 (b) the efforts to engage the respondents and adult  
11 family members of the minor in decision making on behalf  
12 of the minor;

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

15 (d) the relationship between the respondents and adult  
16 family members and the minor;

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

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

21 If the Department of Children and Family Services is the  
22 temporary custodian of the minor, in addition to the  
23 requirements of paragraph (1) of subsection (b) of Section 20  
24 of the Health Care Surrogate Act, the Department shall follow  
25 its rules and procedures in exercising authority granted under  
26 this subsection.

1 (Source: P.A. 102-489, eff. 8-20-21; 102-502, eff. 1-1-22;  
2 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-605, eff.  
3 7-1-24; 103-1061, eff. 7-1-25.)

4 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)  
5 Sec. 2-21. Findings and adjudication.

6 (1) The court shall state for the record the manner in  
7 which the parties received service of process and shall note  
8 whether the return or returns of service, postal return  
9 receipt or receipts for notice by certified mail, or  
10 certificate or certificates of publication have been filed in  
11 the court record. The court shall enter any appropriate orders  
12 of default against any parent who has been properly served in  
13 any manner and fails to appear.

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

18 The caseworker shall testify about the diligent search  
19 conducted for the parent.

20 After hearing the evidence the court shall determine  
21 whether or not the minor is abused, neglected, or dependent.  
22 If it finds that the minor is not such a person, the court  
23 shall order the petition dismissed and the minor discharged.  
24 The court's determination of whether the minor is abused,  
25 neglected, or dependent shall be stated in writing with the

1 factual basis supporting that determination.

2 If the court finds that the minor is abused, neglected, or  
3 dependent, the court shall then determine and put in writing  
4 the factual basis supporting that determination, and specify,  
5 to the extent possible, the acts or omissions or both of each  
6 parent, guardian, or legal custodian that form the basis of  
7 the court's findings. In making such findings, the factual  
8 basis supporting a determination that the child has been  
9 abused, neglected, or dependent must be sufficient and  
10 independent of exposure to domestic violence that is  
11 perpetrated against someone other than the child where there  
12 is no demonstrated likelihood of imminent bodily harm to the  
13 child. That finding shall appear in the order of the court.

14 If the court finds that the child has been abused,  
15 neglected or dependent, the court shall admonish the parents  
16 that they must cooperate with the Department of Children and  
17 Family Services, comply with the terms of the service plan,  
18 and correct the conditions that require the child to be in  
19 care, or risk termination of parental rights.

20 If the court determines that a person has inflicted  
21 physical or sexual abuse upon a minor, the court shall report  
22 that determination to the Illinois State Police, which shall  
23 include that information in its report to the President of the  
24 school board for a school district that requests a criminal  
25 history records check of that person, or the regional  
26 superintendent of schools who requests a check of that person,

1 as required under Section 10-21.9 or 34-18.5 of the School  
2 Code.

3 (2) If, pursuant to subsection (1) of this Section, the  
4 court determines and puts in writing the factual basis  
5 supporting the determination that the minor is either abused  
6 or neglected or dependent, the court shall then set a time not  
7 later than 30 days after the entry of the finding for a  
8 dispositional hearing (unless an earlier date is required  
9 pursuant to Section 2-13.1) to be conducted under Section 2-22  
10 at which hearing the court shall determine whether it is  
11 consistent with the health, safety and best interests of the  
12 minor and the public that the minor be made a ward of the  
13 court. To assist the court in making this and other  
14 determinations at the dispositional hearing, the court may  
15 order that an investigation be conducted and a dispositional  
16 report be prepared concerning the minor's physical and mental  
17 history and condition, family situation and background,  
18 economic status, education, occupation, history of delinquency  
19 or criminality, personal habits, and any other information  
20 that may be helpful to the court. The dispositional hearing  
21 may be continued once for a period not to exceed 30 days if the  
22 court finds that such continuance is necessary to complete the  
23 dispositional report.

24 (3) The time limits of this Section may be waived only by  
25 consent of all parties and approval by the court, as  
26 determined to be consistent with the health, safety and best

1 interests of the minor.

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

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

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

12 (ii) the court has found by a preponderance of  
13 evidence, introduced or stipulated to at an adjudicatory  
14 hearing, that the child comes under the jurisdiction of  
15 the court as an abused, neglected, or dependent minor  
16 under Section 2-18; and

17 (iii) the court finds, on the basis of clear and  
18 convincing evidence admitted at the adjudicatory hearing  
19 that the parent is an unfit person under subdivision D of  
20 Section 1 of the Adoption Act; and

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

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

25 (A-1) the petitioner has demonstrated that the  
26 Department has discussed the permanency options of

1 guardianship and adoption with the caregiver and the  
2 Department has informed the court of the caregiver's  
3 wishes as to the permanency goal;

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

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

12 (Source: P.A. 102-538, eff. 8-20-21; 103-1061, eff. 2-5-25.)

13 (705 ILCS 405/2-27) (from Ch. 37, par. 802-27)

14 (Text of Section before amendment by P.A. 103-1061)

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

16 (1) If the court determines and puts in writing the  
17 factual basis supporting the determination of whether the  
18 parents, guardian, or legal custodian of a minor adjudged a  
19 ward of the court are unfit or are unable, for some reason  
20 other than financial circumstances alone, to care for,  
21 protect, train or discipline the minor or are unwilling to do  
22 so, and that the health, safety, and best interest of the minor  
23 will be jeopardized if the minor remains in the custody of the  
24 minor's parents, guardian or custodian, the court may at this  
25 hearing and at any later point:

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

3 (a-5) with the approval of the Department of Children  
4 and Family Services, place the minor in the subsidized  
5 guardianship of a suitable relative or other person as  
6 legal guardian; "subsidized guardianship" means a private  
7 guardianship arrangement for children for whom the  
8 permanency goals of return home and adoption have been  
9 ruled out and who meet the qualifications for subsidized  
10 guardianship as defined by the Department of Children and  
11 Family Services in administrative rules;

12 (b) place the minor under the guardianship of a  
13 probation officer;

14 (c) commit the minor to an agency for care or  
15 placement, except an institution under the authority of  
16 the Department of Corrections or of the Department of  
17 Children and Family Services;

18 (d) on and after the effective date of this amendatory  
19 Act of the 98th General Assembly and before January 1,  
20 2017, commit the minor to the Department of Children and  
21 Family Services for care and service; however, a minor  
22 charged with a criminal offense under the Criminal Code of  
23 1961 or the Criminal Code of 2012 or adjudicated  
24 delinquent shall not be placed in the custody of or  
25 committed to the Department of Children and Family  
26 Services by any court, except (i) a minor less than 16

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

1 Children and Family Services shall be appointed guardian  
2 of the person of the minor. Whenever the Department seeks  
3 to discharge a minor from its care and service, the  
4 Guardianship Administrator shall petition the court for an  
5 order terminating guardianship. The Guardianship  
6 Administrator may designate one or more other officers of  
7 the Department, appointed as Department officers by  
8 administrative order of the Department Director,  
9 authorized to affix the signature of the Guardianship  
10 Administrator to documents affecting the guardian-ward  
11 relationship of children for whom the Guardianship  
12 Administrator has been appointed guardian at such times as  
13 the Guardianship Administrator is unable to perform the  
14 duties of the Guardianship Administrator office. The  
15 signature authorization shall include but not be limited  
16 to matters of consent of marriage, enlistment in the armed  
17 forces, legal proceedings, adoption, major medical and  
18 surgical treatment and application for driver's license.  
19 Signature authorizations made pursuant to the provisions  
20 of this paragraph shall be filed with the Secretary of  
21 State and the Secretary of State shall provide upon  
22 payment of the customary fee, certified copies of the  
23 authorization to any court or individual who requests a  
24 copy.

25 (1.5) In making a determination under this Section, the  
26 court shall also consider whether, based on health, safety,

1 and the best interests of the minor,

2 (a) appropriate services aimed at family preservation  
3 and family reunification have been unsuccessful in  
4 rectifying the conditions that have led to a finding of  
5 unfitness or inability to care for, protect, train, or  
6 discipline the minor, or

7 (b) no family preservation or family reunification  
8 services would be appropriate,

9 and if the petition or amended petition contained an  
10 allegation that the parent is an unfit person as defined in  
11 subdivision (D) of Section 1 of the Adoption Act, and the order  
12 of adjudication recites that parental unfitness was  
13 established by clear and convincing evidence, the court shall,  
14 when appropriate and in the best interest of the minor, enter  
15 an order terminating parental rights and appointing a guardian  
16 with power to consent to adoption in accordance with Section  
17 2-29.

18 When making a placement, the court, wherever possible,  
19 shall require the Department of Children and Family Services  
20 to select a person holding the same religious belief as that of  
21 the minor or a private agency controlled by persons of like  
22 religious faith of the minor and shall require the Department  
23 to otherwise comply with Section 7 of the Children and Family  
24 Services Act in placing the child. In addition, whenever  
25 alternative plans for placement are available, the court shall  
26 ascertain and consider, to the extent appropriate in the

1 particular case, the views and preferences of the minor.

2 (2) When a minor is placed with a suitable relative or  
3 other person pursuant to item (a) of subsection (1), the court  
4 shall appoint the suitable relative or other person the legal  
5 custodian or guardian of the person of the minor. When a minor  
6 is committed to any agency, the court shall appoint the proper  
7 officer or representative thereof as legal custodian or  
8 guardian of the person of the minor. Legal custodians and  
9 guardians of the person of the minor have the respective  
10 rights and duties set forth in subsection (9) of Section 1-3  
11 except as otherwise provided by order of court; but no  
12 guardian of the person may consent to adoption of the minor  
13 unless that authority is conferred upon the guardian in  
14 accordance with Section 2-29. An agency whose representative  
15 is appointed guardian of the person or legal custodian of the  
16 minor may place the minor in any child care facility, but the  
17 facility must be licensed under the Child Care Act of 1969 or  
18 have been approved by the Department of Children and Family  
19 Services as meeting the standards established for such  
20 licensing. No agency may place a minor adjudicated under  
21 Sections 2-3 or 2-4 in a child care facility unless the  
22 placement is in compliance with the rules and regulations for  
23 placement under this Section promulgated by the Department of  
24 Children and Family Services under Section 5 of the Children  
25 and Family Services Act. Like authority and restrictions shall  
26 be conferred by the court upon any probation officer who has

1 been appointed guardian of the person of a minor.

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

8 (4) The clerk of the court shall issue to the legal  
9 custodian or guardian of the person a certified copy of the  
10 order of court, as proof of the legal custodian's or  
11 guardian's authority. No other process is necessary as  
12 authority for the keeping of the minor.

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

20 (6) (Blank).

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

22 (Text of Section after amendment by P.A. 103-1061)

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

24 (1) If the court determines and puts in writing the  
25 factual basis supporting the determination of whether a parent

1 ~~the parents~~, guardian, or legal custodian of a minor adjudged  
2 a ward of the court is unwilling to care for, protect, train,  
3 or discipline the minor, or is ~~are~~ unfit or ~~are~~ unable, ~~for~~  
4 ~~some reason other than financial circumstances alone,~~ to care  
5 for, protect, train, or discipline the minor for a reason  
6 sufficient and independent from financial circumstances or  
7 exposure to domestic violence that is perpetrated against  
8 someone other than the minor if there is no demonstrated  
9 likelihood of present and imminent bodily harm to the minor  
10 and the domestic violence is not perpetrated by that parent,  
11 guardian, or custodian, ~~or are unwilling to do so,~~ and if the  
12 court determines and puts in writing the factual basis  
13 supporting the determination of whether ~~that~~ the health,  
14 safety, and best interest of the minor will be jeopardized if  
15 the minor remains in the custody of the minor's parents,  
16 guardian, or custodian, then the court may at this hearing and  
17 at any later point:

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

20 (a-5) with the approval of the Department of Children  
21 and Family Services, place the minor in the subsidized  
22 guardianship of a suitable relative or other person as  
23 legal guardian; "subsidized guardianship" has the meaning  
24 ascribed to that term in Section 4d of the Children and  
25 Family Services Act;

26 (b) place the minor under the guardianship of a

1           probation officer;

2           (c) commit the minor to an agency for care or  
3 placement, except an institution under the authority of  
4 the Department of Corrections or of the Department of  
5 Children and Family Services;

6           (d) on and after the effective date of this amendatory  
7 Act of the 98th General Assembly and before January 1,  
8 2017, commit the minor to the Department of Children and  
9 Family Services for care and service; however, a minor  
10 charged with a criminal offense under the Criminal Code of  
11 1961 or the Criminal Code of 2012 or adjudicated  
12 delinquent shall not be placed in the custody of or  
13 committed to the Department of Children and Family  
14 Services by any court, except (i) a minor less than 16  
15 years of age and committed to the Department of Children  
16 and Family Services under Section 5-710 of this Act, (ii)  
17 a minor under the age of 18 for whom an independent basis  
18 of abuse, neglect, or dependency exists, or (iii) a minor  
19 for whom the court has granted a supplemental petition to  
20 reinstate wardship pursuant to subsection (2) of Section  
21 2-33 of this Act. On and after January 1, 2017, commit the  
22 minor to the Department of Children and Family Services  
23 for care and service; however, a minor charged with a  
24 criminal offense under the Criminal Code of 1961 or the  
25 Criminal Code of 2012 or adjudicated delinquent shall not  
26 be placed in the custody of or committed to the Department

1 of Children and Family Services by any court, except (i) a  
2 minor less than 15 years of age and committed to the  
3 Department of Children and Family Services under Section  
4 5-710 of this Act, (ii) a minor under the age of 18 for  
5 whom an independent basis of abuse, neglect, or dependency  
6 exists, or (iii) a minor for whom the court has granted a  
7 supplemental petition to reinstate wardship pursuant to  
8 subsection (2) of Section 2-33 of this Act. An independent  
9 basis exists when the allegations or adjudication of  
10 abuse, neglect, or dependency do not arise from the same  
11 facts, incident, or circumstances which give rise to a  
12 charge or adjudication of delinquency. The Department  
13 shall be given due notice of the pendency of the action and  
14 the Guardianship Administrator of the Department of  
15 Children and Family Services shall be appointed guardian  
16 of the person of the minor. Whenever the Department seeks  
17 to discharge a minor from its care and service, the  
18 Guardianship Administrator shall petition the court for an  
19 order terminating guardianship. The Guardianship  
20 Administrator may designate one or more other officers of  
21 the Department, appointed as Department officers by  
22 administrative order of the Department Director,  
23 authorized to affix the signature of the Guardianship  
24 Administrator to documents affecting the guardian-ward  
25 relationship of children for whom the Guardianship  
26 Administrator has been appointed guardian at such times as

1 the Guardianship Administrator is unable to perform the  
2 duties of the Guardianship Administrator office. The  
3 signature authorization shall include but not be limited  
4 to matters of consent of marriage, enlistment in the armed  
5 forces, legal proceedings, adoption, major medical and  
6 surgical treatment and application for driver's license.  
7 Signature authorizations made pursuant to the provisions  
8 of this paragraph shall be filed with the Secretary of  
9 State and the Secretary of State shall provide upon  
10 payment of the customary fee, certified copies of the  
11 authorization to any court or individual who requests a  
12 copy.

13 (1.5) In making a determination under this Section, the  
14 court shall also consider whether, based on health, safety,  
15 and the best interests of the minor,

16 (a) appropriate services aimed at family preservation  
17 and family reunification have been unsuccessful in  
18 rectifying the conditions that have led to a finding of  
19 unfitness or inability to care for, protect, train, or  
20 discipline the minor, or

21 (b) no family preservation or family reunification  
22 services would be appropriate,  
23 and if the petition or amended petition contained an  
24 allegation that the parent is an unfit person as defined in  
25 subdivision (D) of Section 1 of the Adoption Act, and the order  
26 of adjudication recites that parental unfitness was

1 established by clear and convincing evidence, the court shall,  
2 when appropriate and in the best interest of the minor, enter  
3 an order terminating parental rights and appointing a guardian  
4 with power to consent to adoption in accordance with Section  
5 2-29.

6 When making a placement, the court, wherever possible,  
7 shall require the Department of Children and Family Services  
8 to select a person holding the same religious belief as that of  
9 the minor or a private agency controlled by persons of like  
10 religious faith of the minor and shall require the Department  
11 to otherwise comply with Section 7 of the Children and Family  
12 Services Act in placing the child. In addition, whenever  
13 alternative plans for placement are available, the court shall  
14 ascertain and consider, to the extent appropriate in the  
15 particular case, the views and preferences of the minor.

16 (2) When a minor is placed with a suitable relative or  
17 other person pursuant to item (a) of subsection (1), the court  
18 shall appoint the suitable relative or other person the legal  
19 custodian or guardian of the person of the minor. When a minor  
20 is committed to any agency, the court shall appoint the proper  
21 officer or representative thereof as legal custodian or  
22 guardian of the person of the minor. Legal custodians and  
23 guardians of the person of the minor have the respective  
24 rights and duties set forth in subsection (9) of Section 1-3  
25 except as otherwise provided by order of court; but no  
26 guardian of the person may consent to adoption of the minor

1 unless that authority is conferred upon the guardian in  
2 accordance with Section 2-29. An agency whose representative  
3 is appointed guardian of the person or legal custodian of the  
4 minor may place the minor in any child care facility, but the  
5 facility must be licensed under the Child Care Act of 1969 or  
6 have been approved by the Department of Children and Family  
7 Services as meeting the standards established for such  
8 licensing. No agency may place a minor adjudicated under  
9 Sections 2-3 or 2-4 in a child care facility unless the  
10 placement is in compliance with the rules and regulations for  
11 placement under this Section promulgated by the Department of  
12 Children and Family Services under Section 5 of the Children  
13 and Family Services Act. Like authority and restrictions shall  
14 be conferred by the court upon any probation officer who has  
15 been appointed guardian of the person of a minor.

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

22 (4) The clerk of the court shall issue to the legal  
23 custodian or guardian of the person a certified copy of the  
24 order of court, as proof of the legal custodian's or  
25 guardian's authority. No other process is necessary as  
26 authority for the keeping of the minor.

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

8           (6) (Blank).

9           (Source: P.A. 103-22, eff. 8-8-23; 103-1061, eff. 7-1-25.)

10           Section 95. No acceleration or delay. Where this Act makes  
11 changes in a statute that is represented in this Act by text  
12 that is not yet or no longer in effect (for example, a Section  
13 represented by multiple versions), the use of that text does  
14 not accelerate or delay the taking effect of (i) the changes  
15 made by this Act or (ii) provisions derived from any other  
16 Public Act."