



Rep. Mary E. Flowers

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LRB099 03699 SLF 47179 a

1 AMENDMENT TO HOUSE BILL 114

2 AMENDMENT NO. _____. Amend House Bill 114, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (705 ILCS 405/5-745)

8 Sec. 5-745. Court review.

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

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

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

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

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

9 (3) The minor or any person interested in the minor may
10 apply to the court for a change in custody of the minor and the
11 appointment of a new custodian or guardian of the person or for
12 the restoration of the minor to the custody of his or her
13 parents or former guardian or custodian. In the event that the
14 minor has attained 18 years of age and the guardian or
15 custodian petitions the court for an order terminating his or
16 her guardianship or custody, guardianship or legal custody
17 shall terminate automatically 30 days after the receipt of the
18 petition unless the court orders otherwise. No legal custodian
19 or guardian of the person may be removed without his or her
20 consent until given notice and an opportunity to be heard by
21 the court.

22 (4) If the minor is committed to the Department of Juvenile
23 Justice under Section 5-750 of this Act, the Department shall
24 notify the court in writing of the occurrence of any of the
25 following:

26 (a) a critical incident involving a youth committed to

1 the Department; as used in this paragraph (a), "critical
2 incident" means any incident that involves a serious risk
3 to the life, health, or well-being of the youth and
4 includes, but is not limited to, an accident or suicide
5 attempt resulting in serious bodily harm or
6 hospitalization, psychiatric hospitalization, alleged or
7 suspected abuse, or escape or attempted escape from
8 custody, filed within 10 days of the occurrence;

9 (b) a youth who has been released by the Prisoner
10 Review Board but remains in a Department facility solely
11 because the youth does not have an approved aftercare
12 release host site, filed within 10 days of the occurrence;

13 (c) a youth, except a youth who has been adjudicated a
14 habitual or violent juvenile offender under Section 5-815
15 or 5-820 of this Act or committed for first degree murder,
16 who has been held in a Department facility for over one
17 consecutive year; or

18 (d) if a report has been filed under paragraph (c) of
19 this subsection, a supplemental report shall be filed every
20 6 months thereafter.

21 The notification required by this subsection (4) shall contain
22 a brief description of the incident or situation and a summary
23 of the youth's current physical, mental, and emotional health
24 and the actions the Department took in response to the incident
25 or to identify an aftercare release host site, as applicable.
26 Upon receipt of the notification, the court may require the

1 Department to make a full report under subsection (1) of this
2 Section.

3 (5) With respect to any report required to be filed with
4 the court under this Section, the Independent Juvenile
5 Ombudsman shall provide a copy to the minor's court appointed
6 guardian ad litem, if the Department has received written
7 notice of the appointment, and to the minor's attorney, if the
8 Department has received written notice of representation from
9 the attorney. If the Department has a record that a guardian
10 has been appointed for the minor and a record of the last known
11 address of the minor's court appointed guardian, the
12 Independent Juvenile Ombudsman shall send a notice to the
13 guardian that the report is available and will be provided by
14 the Independent Juvenile Ombudsman upon request. If the
15 Department has no record regarding the appointment of a
16 guardian for the minor, and the Department's records include
17 the last known addresses of the minor's parents, the
18 Independent Juvenile Ombudsman shall send a notice to the
19 parents that the report is available and will be provided by
20 the Independent Juvenile Ombudsman upon request.

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