



CLIENT ADVISORY

Child Welfare and DCFS

Adopted Legislation

September 2007

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Juvenile Court Act

This Public Act amends the Juvenile Court Act to require that records of law enforcement officers concerning minors under 17 are not open to the public except by order of the court, and explicitly states that a subpoena is not an order of the court. A party seeking records of a pending juvenile case must provide notice to the attorney or guardian ad litem. If the case is no longer pending, the party seeking records shall provide notice to the minor or minor's parent or legal guardian. In considering a request, the court must take into consideration the minor's interest in confidentiality and rehabilitation over the party's interest in obtaining the record. Any records obtained in violation of this Section are not admissible.

Effective August 13, 2007. *See Public Act 95-0123.*

Definition of a Neglected Child

The Juvenile Court Act was amended to expand the definition of a "neglected child" to include a child who, after receiving interim crisis intervention services (for example, medical or mental health services) under the Juvenile Court Act, has a parent or guardian who refuses to either: (1) permit the child to return home; or (2) to make appropriate living arrangements for the child. This definition does not apply to children who present an immediate danger to themselves or others in their home.

If DCFS determines that the child at issue is not a "neglected child" under the above circumstances

because the child poses a danger to himself/herself or others living in the home, DCFS is required to take immediate steps to: (1) secure the child's immediate admission to a mental health facility; (2) arrange for law enforcement authorities to take temporary custody of the child; or (3) assume protective custody in order to safeguard the child or others living in the home from immediate physical danger. Facilities which provide services to children and adolescents with behavioral, mental health or other issues should take particular note of this amendment.

Effective January 1, 2008. *See Public Act 095-0443.*

Orders of Protection

This Act amends The Juvenile Court Act to allow some children who might otherwise be removed from their homes due to allegations of abuse and/or neglect to remain in their homes with their family/guardian(s) provided that an Order of Protection is in effect. Specifically, if at a temporary custody hearing the court determines that a parent's or guardian's compliance with critical services mitigates the necessity for removal of a child from his or her home, the court may enter an Order of Protection setting forth reasonable conditions of behavior that the parent or guardian must observe for a specified period of time.

In addition, this Act amends the Child Death Review Team Act to include various changes regarding the internal policies and procedures of the

DCFS child death/serious life threatening injury review team.

Effective June 1, 2008. *See Public Act 095-0405.*

Permanency Placement

This Act amends the Juvenile Court Act. Court orders entered related to permanency placement of a child, for example permanency goals or orders for continuation of a minor in DCFS care, are no longer immediately appealable to the Illinois Supreme Court as a matter of right.

Effective August 23, 2007. *See Public Act 095-0182.*

The Children and Family Services Act

The Act amends the Children and Family Services Act regarding the placement of children in foster or adoptive homes. DCFS is now required to conduct criminal background checks and query the Child Abuse and Neglect Registry for potential foster and adoptive parents and any other adults living in the home in which a child may be placed.

The Act also requires that when courts are making a determination regarding the permanency goals for children, the court must consult with the child at issue, in an age-appropriate manner, regarding the permanency or transition plan.

Effective June 30, 2007. *See Public Act 095-0010.*

Short-Term Guardians

The Act amends the Probate Act of 1975, extending the effective period for a short-term guardian appointment for a minor from 30 days to 365 days.

Effective June 1, 2008. *See Public Act 95-0568.*

The Abused and Neglected Child Reporting Act

Infants Born with Illegal Controlled Substances in System

This Public Act amends The Abused and Neglected Child Reporting Act. This amendment requires that DCFS must report immediately to the State's Attorney any information from any source (for example, a mandated reporter, the DCFS Hotline, etc.) regarding an infant born with an illegal controlled substance (or metabolite thereof) in his/her system.

Effective August 23, 2007. *See Public Act 095-0361.*

Reports to Police

The Abused and Neglected Child Reporting Act is further amended by Public Act 095-0057 with regard to reports alleging death, serious injury or sexual abuse made to the DCFS Hotline. Upon receipt of these reports, DCFS must immediately notify local law enforcement. In addition, this Act requires DCFS to amend its regulations to expressly allow law enforcement personnel to investigate these types of reports concurrently with DCFS' investigation, regardless of DCFS' determination as to whether a report is indicated, unfounded or undetermined.

Effective August 10, 2007. *See Public Act 095-0057.*

Guardian Ad Litem Fees

This Amendment to the Probate Act of 1975 provides that if the Department of Human Services Office of Inspector General is the petitioner in a guardianship proceeding, no guardian ad litem or legal fees shall be assessed.

Effective August 23, 2007. *See Public Act 95-0373.*