

**JUVENILE
ABUSE & NEGLECT
COURT
PROCEEDINGS**

YOU SHOULD HAVE AN UNDERSTANDING OF

- (1) CHILDREN AND FAMILY SERVICES ACT
20 ILCS 505/
- (2) ABUSED AND NEGLECTED CHILD REPORTING ACT
325 ILCS 5/
- (3) ILLINOIS PARENTAGE ACT OF 2015
750 ILCS 46/

- (4) ADOPTION ACT 750 ILCS 50/

- (5) JUVENILE COURT ACT
705 ILCS 405/
ARTICLES 1 & 2

- (6) DCFS ADMINSTRATIVE POLICIES, PROCEDURES & RULES
TITLE 89 SOCIAL SERVICES

HOTLINE CALL TO ILLINOIS CHILD ABUSE HOTLINE
1-800-25-ABUSE

FAMILY MEMBERS	MANDATED
FRIENDS	REPORTERS
NEIGHBORS	325 ILCS 5/4

INVESTIGATION

CLOSED WITH NO ACTION	REQUEST FOR
PREVENTATIVE SERVICES	COURT INTERVENTION
INTACT CASE	

COURT INTERVENTION

REQUEST FOR PETITION	<u>PROTECTIVE CUSTODY</u>
<u>TO BE FILED</u>	NEED FOR
OPEN COURT CASE	SHELTER CARE HEARING

PETITION

SECTION 2-13

VERIFIED BY THE PETITIONER

**ALLEGATIONS OF ABUSE/NEGLECT/DEPENDENCY
MAY BE MADE ON INFORMATION & BELIEF**

SUFFICIENT FACTS TO SUPPORT ALLEGATIONS

NAME, AGES, ADDRESSES OF MINORS

NAMES, ADDRESSES OF PARENTS

**ANY INFORMATION OR REQUEST FOR
TEMPORARY CUSTODY**

REQUEST FOR PETITION TO BE FILED

INITIAL APPEARANCE IS SCHEDULED

**MUST BE IN THE COUNTY THAT THE CHILD(REN)
RESIDE OR ARE FOUND [2-2 (1)]**

**ATTEMPT SERVICE ON PARENTS TO APPEAR
BY SUMMONS (2-15) OR
BY CERTIFIED MAIL (2-16)**

IF PROTECTIVE CUSTODY IS TAKEN BY DCFS

MUST CONDUCT A TEMPORARY CUSTODY
HEARING (SHELTER CARE) WITHIN 48 HOURS
OF PROTECTIVE CUSTODY BEING TAKEN
EXCLUSIVE OF HOLIDAYS/WEEKENDS (2-9)

DCFS PROVIDES ACTUAL NOTICE OF HEARING

THE INITIAL APPEARANCE OR SHELTER CARE

ATTORNEYS APPEAR AND ARE APPOINTED
PETITION AND INITIAL REPORTS ARE PROVIDED

AT SHELTER CARE HEARING COURT MAKES
DETERMINATION AS TO WHETHER OR NOT
TEMPORARY CUSTODY IS TAKEN

COURT MAKES FINDINGS REGARDING
PROBABLE CAUSE/IMMEDIATE & URGENT NECESSITY/
REASONABLE EFFORTS AT SHELTER HEARING

ADDRESS PATERNITY

ADDRESS ICWA ISSUES

ADMONISH PARENTS TO COOPERATE

SET PRE-TRIAL HEARING

PRE-TRIAL HEARINGS

SET OUT 45 TO 60 DAYS FROM INITIAL HEARING

ADDRESS SERVICE ISSUES

ADDRESS DISCOVERY ISSUES

SEE IF PATERNITY TESTING IS DONE

DETERMINE IF TRIAL NEEDS TO BE SET

ADJUDICATORY HEARING

SECTION 2-21

MUST BE SET WITHIN 90 DAYS OF SERVICE ON PARTIES
TIME FRAME MAY BE WAIVED (2-14)

RULES OF EVIDENCE APPLY AND
RULES IN CIVIL PROCEEDINGS APPLY

SPECIAL EVIDENTIARY RULES FOR JUVENILE
PROCEEDINGS CAN BE FOUND IN 2-18

STATE BEARS THE BURDEN OF PROVING ALLEGATIONS
IN PETITION BY PREPONDERANCE OF THE EVIDENCE

IF COURT FINDS STATE HAS PROVEN ITS ALLEGATIONS

COURT MUST MAKE FINDINGS IN WRITING

WILL ADMONISH THE PARENTS

WILL SET A DISPOSITIONAL HEARING

DISPOSITIONAL HEARING

MUST BE SET WITHIN 30 DAYS OF ADJUDICATORY

TIME FRAME MAY BE WAIVED

DISPOSITIONAL REPORT IS FILED AND REVIEWED

OTHER REPORTS MAY BE FILED

EVIDENCE AND TESTIMONY MAY BE PRESENTED

HEARSAY IS ADMISSIBLE SO LONG AS
EVIDENCE IS RELEVANT & MATERIAL

COURT MAKES CERTAIN FINDINGS

DETERMINE WARDSHIP OF THE MINOR

DETERMINE GUARDIANSHIP OF THE MINOR

DETERMINE FITNESS OF THE PARENTS

DISCUSS SERVICES TO BE COMPLETED

SET INITIAL PERMANENCY GOAL

CUSTODY RESTORED
RETURN HOME (W/IN 5 OR 12 MONTHS)
RETURN HOME PENDING STATUS

COURT SETS PERMANENCY HEARING IF NECESSARY
PARENTS ADMONISHED TO COOPERATE
APPELLATE RIGHTS GIVEN

PERMANENCY HEARINGS
FIRST HEARING TO BE SET W/IN 12 MONTHS
OF THE COURT ORDERING TEMPORARY CUSTODY
SUBSEQUENT HEARINGS EVERY 6 MONTHS
THEREAFTER UNTIL THE GOAL IS ACHIEVED
PERMANENCY REPORT IS FILED & REVIEWED
OTHER REPORTS MAY BE FILED

EVIDENCE & TESTIMONY MAY BE PRESENTED
HEARSAY IS ADMISSIBLE SO LONG AS
EVIDENCE IS RELEVANT & MATERIAL
DISCUSS & REVIEW SERVICES
COURT MAKES CERTAIN FINDINGS
BEST INTERESTS OF MINOR(S) TO REMAIN
WARDS OF THE COURT

GUARDIANSHIP & CUSTODY DETERMINATIONS
PARENTS MAKING REASONABLE EFFORTS & PROGRESS
FITNESS FINDINGS
SET PERMANENCY GOAL
GOAL MAY BE OTHER THAN A RETURN HOME
INDEPENDENCE
SUBSTITUTE CARE
GUARDIANSHIP
LONG TERM FOSTER CARE

SET FURTHER HEARING AS NECESSARY
MAY BE HEARING OTHER THAN A PERMANENCY
PT OR HEARING ON PETITION TO TERMINATE
GUARDIANSHIP
ADOPTION

PETITIONS TO TERMINATE PARENTAL RIGHTS
SEPARATE PETITION FILED
GROUNDS SET FOR IN THE ADOPTION ACT
BIFURCATED PROCEEDINGS
FITNESS PHASE & BEST INTERESTS PHASE

FITNESS PHASE

WHETHER OR NOT PARENT IS UNFIT TO PARENT
BASED ON GROUND ALLEGED IN THE ADOPTION ACT

STATE HAS BURDEN OF PROVING UNFIT BY
CLEAR & CONVINCING EVIDENCE

RULES OF EVIDENCE APPLY

FOCUS IS ON PARENTS

BEST INTERESTS PHASE

IF PARENT(S) FOUND UNFIT, MOVE TO
BEST INTERESTS PHASE

STATE HAS BURDEN OF PROVING IT IS IN THE
BEST INTERESTS OF THE MINOR(S) THAT
PARENTAL RIGHTS BE TERMINATED

BURDEN IS BY A PREPONDERANCE
OF THE EVIDENCE

IN THE NATURE OF A DISPOSITIONAL HEARING

HEARSAY IS ADMISSIBLE IF IT IS
RELEVANT & MATERIAL

FOCUS IS ON THE CHILD

COURT CONSIDERS THE BEST INTEREST FACTORS
SET FORTH IN SECTION 1-3 (4.05)

IF PARENTAL RIGHTS TERMINATED

PARENTS MAY APPEAL

COURT WILL CHANGE PERMANENCY GOAL
TO ADOPTION

SUBSEQUENT PERMANENCY HEARINGS ARE
CONDUCTED UNTIL THE GOAL IS ACHIEVED
