

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Children and Family Services Act is amended  
5 by adding Section 7.8 as follows:

6 (20 ILCS 505/7.8 new)

7 Sec. 7.8. Youth in care; private right of action.

8 (a) The Department shall place youth in care, as defined in  
9 Section 4d of this Act, in the least restrictive and most  
10 family-like setting that is consistent with the youth's needs  
11 and best interests.

12 (b) A youth in care who remains in a psychiatric hospital  
13 for more than 14 days beyond the time the youth was clinically  
14 ready for discharge or beyond medical necessity shall have a  
15 private right of action against the Department for failure to  
16 place the youth in a placement type that is consistent with the  
17 youth's needs and best interests as required under subsection  
18 (a). A youth aggrieved by any violation of this subsection (b)  
19 is entitled to recover damages in the amount of \$600 per day  
20 for each day the youth remained psychiatrically hospitalized  
21 beyond necessity beginning on the first day after the youth was  
22 clinically or medically ready for discharge and continuing up  
23 to the date upon which the youth was eventually placed in a

1 placement type that is consistent with the youth's needs and  
2 best interests as required under subsection (a). Placement of  
3 the youth in a shelter or in another type of placement that was  
4 not identified as an appropriate placement for the youth shall  
5 not relieve the Department of its liability and obligation to  
6 pay damages to the youth as provided under this subsection (b).

7 (c) A youth in care who:

8 (1) remains in a detention center or Department of  
9 Juvenile Justice facility for more than 14 days after:

10 (A) the youth could have been released or was  
11 recommended to be released;

12 (B) the youth's scheduled or anticipated release  
13 date; or

14 (C) the youth was not presented to the Prisoner  
15 Review Board on the youth's scheduled hearing date for  
16 aftercare release because the Department did not have  
17 an approved placement for the youth; or

18 (2) remains in a detention center or Department of  
19 Juvenile Justice facility solely because the Department  
20 cannot locate an appropriate placement for the youth;  
21 shall have a private right of action against the Department for  
22 failure to place the youth in a placement type that is  
23 consistent with the youth's needs and best interests as  
24 required under subsection (a). A youth aggrieved by any  
25 violation of this subsection (c) is entitled to recover damages  
26 in the amount of \$600 per day for each day the youth remained

1 in a detention center or Department of Juvenile Justice  
2 facility after the youth could have been released beginning on  
3 the first day after the youth could have been released and  
4 continuing up to the date upon which the youth was eventually  
5 placed in a placement type that is consistent with the youth's  
6 needs and best interests as required under subsection (a).  
7 Placement of the youth in a shelter or in another type of  
8 placement that was not identified as an appropriate placement  
9 for the youth shall not relieve the Department of its liability  
10 and obligation to pay damages to the youth as provided under  
11 this subsection (c).

12 (d) The remedies provided in this Section are in addition  
13 to any remedies available under local, State, or federal law.