



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3112

Introduced 2/15/2018, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

20 ILCS 505/5	from Ch. 23, par. 5005
325 ILCS 5/8.1	from Ch. 23, par. 2058.1
325 ILCS 5/8.2	from Ch. 23, par. 2058.2

Amends the Children and Family Services Act. In provisions permitting the Department of Children and Family Services to offer and provide family preservation services to any child or family who is the subject of a report of suspected child abuse or neglect and who is likely to be the subject of future reports of suspected child abuse or neglect, provides that if the report is determined to be indicated, the family shall cooperate with and be provided family preservation services as defined in the Abused and Neglected Child Reporting Act. Amends the Abused and Neglected Child Reporting Act. Provides that if a report of child abuse or neglect is determined to be indicated, the child's family shall cooperate with and be provided family preservation services. Requires the Department to develop a service plan for the family's acceptance of services (rather than for the family's voluntary acceptance or refusal). Removes a requirement that the Department explain its lack of legal authority to compel the acceptance of services. Makes changes to the definition of "family preservation services".

LRB100 18317 KTG 33522 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning children.

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 changing Section 5 as follows:

6 (20 ILCS 505/5) (from Ch. 23, par. 5005)

7 Sec. 5. Direct child welfare services; Department of
8 Children and Family Services. To provide direct child welfare
9 services when not available through other public or private
10 child care or program facilities.

11 (a) For purposes of this Section:

12 (1) "Children" means persons found within the State who
13 are under the age of 18 years. The term also includes
14 persons under age 21 who:

15 (A) were committed to the Department pursuant to
16 the Juvenile Court Act or the Juvenile Court Act of
17 1987, as amended, prior to the age of 18 and who
18 continue under the jurisdiction of the court; or

19 (B) were accepted for care, service and training by
20 the Department prior to the age of 18 and whose best
21 interest in the discretion of the Department would be
22 served by continuing that care, service and training
23 because of severe emotional disturbances, physical

1 disability, social adjustment or any combination
2 thereof, or because of the need to complete an
3 educational or vocational training program.

4 (2) "Homeless youth" means persons found within the
5 State who are under the age of 19, are not in a safe and
6 stable living situation and cannot be reunited with their
7 families.

8 (3) "Child welfare services" means public social
9 services which are directed toward the accomplishment of
10 the following purposes:

11 (A) protecting and promoting the health, safety
12 and welfare of children, including homeless, dependent
13 or neglected children;

14 (B) remedying, or assisting in the solution of
15 problems which may result in, the neglect, abuse,
16 exploitation or delinquency of children;

17 (C) preventing the unnecessary separation of
18 children from their families by identifying family
19 problems, assisting families in resolving their
20 problems, and preventing the breakup of the family
21 where the prevention of child removal is desirable and
22 possible when the child can be cared for at home
23 without endangering the child's health and safety;

24 (D) restoring to their families children who have
25 been removed, by the provision of services to the child
26 and the families when the child can be cared for at

1 home without endangering the child's health and
2 safety;

3 (E) placing children in suitable adoptive homes,
4 in cases where restoration to the biological family is
5 not safe, possible or appropriate;

6 (F) assuring safe and adequate care of children
7 away from their homes, in cases where the child cannot
8 be returned home or cannot be placed for adoption. At
9 the time of placement, the Department shall consider
10 concurrent planning, as described in subsection (1-1)
11 of this Section so that permanency may occur at the
12 earliest opportunity. Consideration should be given so
13 that if reunification fails or is delayed, the
14 placement made is the best available placement to
15 provide permanency for the child;

16 (G) (blank);

17 (H) (blank); and

18 (I) placing and maintaining children in facilities
19 that provide separate living quarters for children
20 under the age of 18 and for children 18 years of age
21 and older, unless a child 18 years of age is in the
22 last year of high school education or vocational
23 training, in an approved individual or group treatment
24 program, in a licensed shelter facility, or secure
25 child care facility. The Department is not required to
26 place or maintain children:

- 1 (i) who are in a foster home, or
2 (ii) who are persons with a developmental
3 disability, as defined in the Mental Health and
4 Developmental Disabilities Code, or
5 (iii) who are female children who are
6 pregnant, pregnant and parenting or parenting, or
7 (iv) who are siblings, in facilities that
8 provide separate living quarters for children 18
9 years of age and older and for children under 18
10 years of age.

11 (b) Nothing in this Section shall be construed to authorize
12 the expenditure of public funds for the purpose of performing
13 abortions.

14 (c) The Department shall establish and maintain
15 tax-supported child welfare services and extend and seek to
16 improve voluntary services throughout the State, to the end
17 that services and care shall be available on an equal basis
18 throughout the State to children requiring such services.

19 (d) The Director may authorize advance disbursements for
20 any new program initiative to any agency contracting with the
21 Department. As a prerequisite for an advance disbursement, the
22 contractor must post a surety bond in the amount of the advance
23 disbursement and have a purchase of service contract approved
24 by the Department. The Department may pay up to 2 months
25 operational expenses in advance. The amount of the advance
26 disbursement shall be prorated over the life of the contract or

1 the remaining months of the fiscal year, whichever is less, and
2 the installment amount shall then be deducted from future
3 bills. Advance disbursement authorizations for new initiatives
4 shall not be made to any agency after that agency has operated
5 during 2 consecutive fiscal years. The requirements of this
6 Section concerning advance disbursements shall not apply with
7 respect to the following: payments to local public agencies for
8 child day care services as authorized by Section 5a of this
9 Act; and youth service programs receiving grant funds under
10 Section 17a-4.

11 (e) (Blank).

12 (f) (Blank).

13 (g) The Department shall establish rules and regulations
14 concerning its operation of programs designed to meet the goals
15 of child safety and protection, family preservation, family
16 reunification, and adoption, including but not limited to:

17 (1) adoption;

18 (2) foster care;

19 (3) family counseling;

20 (4) protective services;

21 (5) (blank);

22 (6) homemaker service;

23 (7) return of runaway children;

24 (8) (blank);

25 (9) placement under Section 5-7 of the Juvenile Court
26 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile

1 Court Act of 1987 in accordance with the federal Adoption
2 Assistance and Child Welfare Act of 1980; and

3 (10) interstate services.

4 Rules and regulations established by the Department shall
5 include provisions for training Department staff and the staff
6 of Department grantees, through contracts with other agencies
7 or resources, in alcohol and drug abuse screening techniques
8 approved by the Department of Human Services, as a successor to
9 the Department of Alcoholism and Substance Abuse, for the
10 purpose of identifying children and adults who should be
11 referred to an alcohol and drug abuse treatment program for
12 professional evaluation.

13 (h) If the Department finds that there is no appropriate
14 program or facility within or available to the Department for a
15 youth in care and that no licensed private facility has an
16 adequate and appropriate program or none agrees to accept the
17 youth in care, the Department shall create an appropriate
18 individualized, program-oriented plan for such youth in care.
19 The plan may be developed within the Department or through
20 purchase of services by the Department to the extent that it is
21 within its statutory authority to do.

22 (i) Service programs shall be available throughout the
23 State and shall include but not be limited to the following
24 services:

25 (1) case management;

26 (2) homemakers;

- 1 (3) counseling;
- 2 (4) parent education;
- 3 (5) day care; and
- 4 (6) emergency assistance and advocacy.

5 In addition, the following services may be made available
6 to assess and meet the needs of children and families:

- 7 (1) comprehensive family-based services;
- 8 (2) assessments;
- 9 (3) respite care; and
- 10 (4) in-home health services.

11 The Department shall provide transportation for any of the
12 services it makes available to children or families or for
13 which it refers children or families.

14 (j) The Department may provide categories of financial
15 assistance and education assistance grants, and shall
16 establish rules and regulations concerning the assistance and
17 grants, to persons who adopt children with physical or mental
18 disabilities, children who are older, or other hard-to-place
19 children who (i) immediately prior to their adoption were youth
20 in care or (ii) were determined eligible for financial
21 assistance with respect to a prior adoption and who become
22 available for adoption because the prior adoption has been
23 dissolved and the parental rights of the adoptive parents have
24 been terminated or because the child's adoptive parents have
25 died. The Department may continue to provide financial
26 assistance and education assistance grants for a child who was

1 determined eligible for financial assistance under this
2 subsection (j) in the interim period beginning when the child's
3 adoptive parents died and ending with the finalization of the
4 new adoption of the child by another adoptive parent or
5 parents. The Department may also provide categories of
6 financial assistance and education assistance grants, and
7 shall establish rules and regulations for the assistance and
8 grants, to persons appointed guardian of the person under
9 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
10 4-25 or 5-740 of the Juvenile Court Act of 1987 for children
11 who were youth in care for 12 months immediately prior to the
12 appointment of the guardian.

13 The amount of assistance may vary, depending upon the needs
14 of the child and the adoptive parents, as set forth in the
15 annual assistance agreement. Special purpose grants are
16 allowed where the child requires special service but such costs
17 may not exceed the amounts which similar services would cost
18 the Department if it were to provide or secure them as guardian
19 of the child.

20 Any financial assistance provided under this subsection is
21 inalienable by assignment, sale, execution, attachment,
22 garnishment, or any other remedy for recovery or collection of
23 a judgment or debt.

24 (j-5) The Department shall not deny or delay the placement
25 of a child for adoption if an approved family is available
26 either outside of the Department region handling the case, or

1 outside of the State of Illinois.

2 (k) The Department shall accept for care and training any
3 child who has been adjudicated neglected or abused, or
4 dependent committed to it pursuant to the Juvenile Court Act or
5 the Juvenile Court Act of 1987.

6 (l) The Department shall offer family preservation
7 services, as defined in Section 8.2 of the Abused and Neglected
8 Child Reporting Act, to help families, including adoptive and
9 extended families. Family preservation services shall be
10 offered (i) to prevent the placement of children in substitute
11 care when the children can be cared for at home or in the
12 custody of the person responsible for the children's welfare,
13 (ii) to reunite children with their families, or (iii) to
14 maintain an adoptive placement. Family preservation services
15 shall only be offered when doing so will not endanger the
16 children's health or safety. With respect to children who are
17 in substitute care pursuant to the Juvenile Court Act of 1987,
18 family preservation services shall not be offered if a goal
19 other than those of subdivisions (A), (B), or (B-1) of
20 subsection (2) of Section 2-28 of that Act has been set.
21 Nothing in this paragraph shall be construed to create a
22 private right of action or claim on the part of any individual
23 or child welfare agency, except that when a child is the
24 subject of an action under Article II of the Juvenile Court Act
25 of 1987 and the child's service plan calls for services to
26 facilitate achievement of the permanency goal, the court

1 hearing the action under Article II of the Juvenile Court Act
2 of 1987 may order the Department to provide the services set
3 out in the plan, if those services are not provided with
4 reasonable promptness and if those services are available.

5 The Department shall notify the child and his family of the
6 Department's responsibility to offer and provide family
7 preservation services as identified in the service plan. The
8 child and his family shall be eligible for services as soon as
9 the report is determined to be "indicated". The Department may
10 offer services to any child or family with respect to whom a
11 report of suspected child abuse or neglect has been filed,
12 prior to concluding its investigation under Section 7.12 of the
13 Abused and Neglected Child Reporting Act. However, the child's
14 or family's willingness to accept services shall not be
15 considered in the investigation. The Department may also
16 provide services to any child or family who is the subject of
17 any report of suspected child abuse or neglect or may refer
18 such child or family to services available from other agencies
19 in the community, even if the report is determined to be
20 unfounded, if the conditions in the child's or family's home
21 are reasonably likely to subject the child or family to future
22 reports of suspected child abuse or neglect. Acceptance of such
23 services shall be voluntary, unless the report is determined to
24 be indicated. If the report is determined to be indicated, the
25 family shall cooperate with and be provided family preservation
26 services as defined in Sections 8.1 and 8.2 of the Abused and

1 Neglected Child Reporting Act. The Department may also provide
2 services to any child or family after completion of a family
3 assessment, as an alternative to an investigation, as provided
4 under the "differential response program" provided for in
5 subsection (a-5) of Section 7.4 of the Abused and Neglected
6 Child Reporting Act.

7 The Department may, at its discretion except for those
8 children also adjudicated neglected or dependent, accept for
9 care and training any child who has been adjudicated addicted,
10 as a truant minor in need of supervision or as a minor
11 requiring authoritative intervention, under the Juvenile Court
12 Act or the Juvenile Court Act of 1987, but no such child shall
13 be committed to the Department by any court without the
14 approval of the Department. On and after January 1, 2015 (the
15 effective date of Public Act 98-803) ~~this amendatory Act of the~~
16 ~~98th General Assembly~~ and before January 1, 2017, a minor
17 charged with a criminal offense under the Criminal Code of 1961
18 or the Criminal Code of 2012 or adjudicated delinquent shall
19 not be placed in the custody of or committed to the Department
20 by any court, except (i) a minor less than 16 years of age
21 committed to the Department under Section 5-710 of the Juvenile
22 Court Act of 1987, (ii) a minor for whom an independent basis
23 of abuse, neglect, or dependency exists, which must be defined
24 by departmental rule, or (iii) a minor for whom the court has
25 granted a supplemental petition to reinstate wardship pursuant
26 to subsection (2) of Section 2-33 of the Juvenile Court Act of

1 1987. On and after January 1, 2017, a minor charged with a
2 criminal offense under the Criminal Code of 1961 or the
3 Criminal Code of 2012 or adjudicated delinquent shall not be
4 placed in the custody of or committed to the Department by any
5 court, except (i) a minor less than 15 years of age committed
6 to the Department under Section 5-710 of the Juvenile Court Act
7 of 1987, ii) a minor for whom an independent basis of abuse,
8 neglect, or dependency exists, which must be defined by
9 departmental rule, or (iii) a minor for whom the court has
10 granted a supplemental petition to reinstate wardship pursuant
11 to subsection (2) of Section 2-33 of the Juvenile Court Act of
12 1987. An independent basis exists when the allegations or
13 adjudication of abuse, neglect, or dependency do not arise from
14 the same facts, incident, or circumstances which give rise to a
15 charge or adjudication of delinquency. The Department shall
16 assign a caseworker to attend any hearing involving a youth in
17 the care and custody of the Department who is placed on
18 aftercare release, including hearings involving sanctions for
19 violation of aftercare release conditions and aftercare
20 release revocation hearings.

21 As soon as is possible after August 7, 2009 (the effective
22 date of Public Act 96-134), the Department shall develop and
23 implement a special program of family preservation services to
24 support intact, foster, and adoptive families who are
25 experiencing extreme hardships due to the difficulty and stress
26 of caring for a child who has been diagnosed with a pervasive

1 developmental disorder if the Department determines that those
2 services are necessary to ensure the health and safety of the
3 child. The Department may offer services to any family whether
4 or not a report has been filed under the Abused and Neglected
5 Child Reporting Act. The Department may refer the child or
6 family to services available from other agencies in the
7 community if the conditions in the child's or family's home are
8 reasonably likely to subject the child or family to future
9 reports of suspected child abuse or neglect. Acceptance of
10 these services shall be voluntary. The Department shall develop
11 and implement a public information campaign to alert health and
12 social service providers and the general public about these
13 special family preservation services. The nature and scope of
14 the services offered and the number of families served under
15 the special program implemented under this paragraph shall be
16 determined by the level of funding that the Department annually
17 allocates for this purpose. The term "pervasive developmental
18 disorder" under this paragraph means a neurological condition,
19 including but not limited to, Asperger's Syndrome and autism,
20 as defined in the most recent edition of the Diagnostic and
21 Statistical Manual of Mental Disorders of the American
22 Psychiatric Association.

23 (1-1) The legislature recognizes that the best interests of
24 the child require that the child be placed in the most
25 permanent living arrangement as soon as is practically
26 possible. To achieve this goal, the legislature directs the

1 Department of Children and Family Services to conduct
2 concurrent planning so that permanency may occur at the
3 earliest opportunity. Permanent living arrangements may
4 include prevention of placement of a child outside the home of
5 the family when the child can be cared for at home without
6 endangering the child's health or safety; reunification with
7 the family, when safe and appropriate, if temporary placement
8 is necessary; or movement of the child toward the most
9 permanent living arrangement and permanent legal status.

10 When determining reasonable efforts to be made with respect
11 to a child, as described in this subsection, and in making such
12 reasonable efforts, the child's health and safety shall be the
13 paramount concern.

14 When a child is placed in foster care, the Department shall
15 ensure and document that reasonable efforts were made to
16 prevent or eliminate the need to remove the child from the
17 child's home. The Department must make reasonable efforts to
18 reunify the family when temporary placement of the child occurs
19 unless otherwise required, pursuant to the Juvenile Court Act
20 of 1987. At any time after the dispositional hearing where the
21 Department believes that further reunification services would
22 be ineffective, it may request a finding from the court that
23 reasonable efforts are no longer appropriate. The Department is
24 not required to provide further reunification services after
25 such a finding.

26 A decision to place a child in substitute care shall be

1 made with considerations of the child's health, safety, and
2 best interests. At the time of placement, consideration should
3 also be given so that if reunification fails or is delayed, the
4 placement made is the best available placement to provide
5 permanency for the child.

6 The Department shall adopt rules addressing concurrent
7 planning for reunification and permanency. The Department
8 shall consider the following factors when determining
9 appropriateness of concurrent planning:

- 10 (1) the likelihood of prompt reunification;
- 11 (2) the past history of the family;
- 12 (3) the barriers to reunification being addressed by
13 the family;
- 14 (4) the level of cooperation of the family;
- 15 (5) the foster parents' willingness to work with the
16 family to reunite;
- 17 (6) the willingness and ability of the foster family to
18 provide an adoptive home or long-term placement;
- 19 (7) the age of the child;
- 20 (8) placement of siblings.

21 (m) The Department may assume temporary custody of any
22 child if:

- 23 (1) it has received a written consent to such temporary
24 custody signed by the parents of the child or by the parent
25 having custody of the child if the parents are not living
26 together or by the guardian or custodian of the child if

1 the child is not in the custody of either parent, or
2 (2) the child is found in the State and neither a
3 parent, guardian nor custodian of the child can be located.
4 If the child is found in his or her residence without a parent,
5 guardian, custodian or responsible caretaker, the Department
6 may, instead of removing the child and assuming temporary
7 custody, place an authorized representative of the Department
8 in that residence until such time as a parent, guardian or
9 custodian enters the home and expresses a willingness and
10 apparent ability to ensure the child's health and safety and
11 resume permanent charge of the child, or until a relative
12 enters the home and is willing and able to ensure the child's
13 health and safety and assume charge of the child until a
14 parent, guardian or custodian enters the home and expresses
15 such willingness and ability to ensure the child's safety and
16 resume permanent charge. After a caretaker has remained in the
17 home for a period not to exceed 12 hours, the Department must
18 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
19 5-415 of the Juvenile Court Act of 1987.

20 The Department shall have the authority, responsibilities
21 and duties that a legal custodian of the child would have
22 pursuant to subsection (9) of Section 1-3 of the Juvenile Court
23 Act of 1987. Whenever a child is taken into temporary custody
24 pursuant to an investigation under the Abused and Neglected
25 Child Reporting Act, or pursuant to a referral and acceptance
26 under the Juvenile Court Act of 1987 of a minor in limited

1 custody, the Department, during the period of temporary custody
2 and before the child is brought before a judicial officer as
3 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
4 Court Act of 1987, shall have the authority, responsibilities
5 and duties that a legal custodian of the child would have under
6 subsection (9) of Section 1-3 of the Juvenile Court Act of
7 1987.

8 The Department shall ensure that any child taken into
9 custody is scheduled for an appointment for a medical
10 examination.

11 A parent, guardian or custodian of a child in the temporary
12 custody of the Department who would have custody of the child
13 if he were not in the temporary custody of the Department may
14 deliver to the Department a signed request that the Department
15 surrender the temporary custody of the child. The Department
16 may retain temporary custody of the child for 10 days after the
17 receipt of the request, during which period the Department may
18 cause to be filed a petition pursuant to the Juvenile Court Act
19 of 1987. If a petition is so filed, the Department shall retain
20 temporary custody of the child until the court orders
21 otherwise. If a petition is not filed within the 10-day ~~10-day~~
22 period, the child shall be surrendered to the custody of the
23 requesting parent, guardian or custodian not later than the
24 expiration of the 10-day ~~10-day~~ period, at which time the
25 authority and duties of the Department with respect to the
26 temporary custody of the child shall terminate.

1 (m-1) The Department may place children under 18 years of
2 age in a secure child care facility licensed by the Department
3 that cares for children who are in need of secure living
4 arrangements for their health, safety, and well-being after a
5 determination is made by the facility director and the Director
6 or the Director's designate prior to admission to the facility
7 subject to Section 2-27.1 of the Juvenile Court Act of 1987.
8 This subsection (m-1) does not apply to a child who is subject
9 to placement in a correctional facility operated pursuant to
10 Section 3-15-2 of the Unified Code of Corrections, unless the
11 child is a youth in care who was placed in the care of the
12 Department before being subject to placement in a correctional
13 facility and a court of competent jurisdiction has ordered
14 placement of the child in a secure care facility.

15 (n) The Department may place children under 18 years of age
16 in licensed child care facilities when in the opinion of the
17 Department, appropriate services aimed at family preservation
18 have been unsuccessful and cannot ensure the child's health and
19 safety or are unavailable and such placement would be for their
20 best interest. Payment for board, clothing, care, training and
21 supervision of any child placed in a licensed child care
22 facility may be made by the Department, by the parents or
23 guardians of the estates of those children, or by both the
24 Department and the parents or guardians, except that no
25 payments shall be made by the Department for any child placed
26 in a licensed child care facility for board, clothing, care,

1 training and supervision of such a child that exceed the
2 average per capita cost of maintaining and of caring for a
3 child in institutions for dependent or neglected children
4 operated by the Department. However, such restriction on
5 payments does not apply in cases where children require
6 specialized care and treatment for problems of severe emotional
7 disturbance, physical disability, social adjustment, or any
8 combination thereof and suitable facilities for the placement
9 of such children are not available at payment rates within the
10 limitations set forth in this Section. All reimbursements for
11 services delivered shall be absolutely inalienable by
12 assignment, sale, attachment, garnishment or otherwise.

13 (n-1) The Department shall provide or authorize child
14 welfare services, aimed at assisting minors to achieve
15 sustainable self-sufficiency as independent adults, for any
16 minor eligible for the reinstatement of wardship pursuant to
17 subsection (2) of Section 2-33 of the Juvenile Court Act of
18 1987, whether or not such reinstatement is sought or allowed,
19 provided that the minor consents to such services and has not
20 yet attained the age of 21. The Department shall have
21 responsibility for the development and delivery of services
22 under this Section. An eligible youth may access services under
23 this Section through the Department of Children and Family
24 Services or by referral from the Department of Human Services.
25 Youth participating in services under this Section shall
26 cooperate with the assigned case manager in developing an

1 agreement identifying the services to be provided and how the
2 youth will increase skills to achieve self-sufficiency. A
3 homeless shelter is not considered appropriate housing for any
4 youth receiving child welfare services under this Section. The
5 Department shall continue child welfare services under this
6 Section to any eligible minor until the minor becomes 21 years
7 of age, no longer consents to participate, or achieves
8 self-sufficiency as identified in the minor's service plan. The
9 Department of Children and Family Services shall create clear,
10 readable notice of the rights of former foster youth to child
11 welfare services under this Section and how such services may
12 be obtained. The Department of Children and Family Services and
13 the Department of Human Services shall disseminate this
14 information statewide. The Department shall adopt regulations
15 describing services intended to assist minors in achieving
16 sustainable self-sufficiency as independent adults.

17 (o) The Department shall establish an administrative
18 review and appeal process for children and families who request
19 or receive child welfare services from the Department. Youth in
20 care who are placed by private child welfare agencies, and
21 foster families with whom those youth are placed, shall be
22 afforded the same procedural and appeal rights as children and
23 families in the case of placement by the Department, including
24 the right to an initial review of a private agency decision by
25 that agency. The Department shall ensure that any private child
26 welfare agency, which accepts youth in care for placement,

1 affords those rights to children and foster families. The
2 Department shall accept for administrative review and an appeal
3 hearing a complaint made by (i) a child or foster family
4 concerning a decision following an initial review by a private
5 child welfare agency or (ii) a prospective adoptive parent who
6 alleges a violation of subsection (j-5) of this Section. An
7 appeal of a decision concerning a change in the placement of a
8 child shall be conducted in an expedited manner. A court
9 determination that a current foster home placement is necessary
10 and appropriate under Section 2-28 of the Juvenile Court Act of
11 1987 does not constitute a judicial determination on the merits
12 of an administrative appeal, filed by a former foster parent,
13 involving a change of placement decision.

14 (p) (Blank).

15 (q) The Department may receive and use, in their entirety,
16 for the benefit of children any gift, donation or bequest of
17 money or other property which is received on behalf of such
18 children, or any financial benefits to which such children are
19 or may become entitled while under the jurisdiction or care of
20 the Department.

21 The Department shall set up and administer no-cost,
22 interest-bearing accounts in appropriate financial
23 institutions for children for whom the Department is legally
24 responsible and who have been determined eligible for Veterans'
25 Benefits, Social Security benefits, assistance allotments from
26 the armed forces, court ordered payments, parental voluntary

1 payments, Supplemental Security Income, Railroad Retirement
2 payments, Black Lung benefits, or other miscellaneous
3 payments. Interest earned by each account shall be credited to
4 the account, unless disbursed in accordance with this
5 subsection.

6 In disbursing funds from children's accounts, the
7 Department shall:

8 (1) Establish standards in accordance with State and
9 federal laws for disbursing money from children's
10 accounts. In all circumstances, the Department's
11 "Guardianship Administrator" or his or her designee must
12 approve disbursements from children's accounts. The
13 Department shall be responsible for keeping complete
14 records of all disbursements for each account for any
15 purpose.

16 (2) Calculate on a monthly basis the amounts paid from
17 State funds for the child's board and care, medical care
18 not covered under Medicaid, and social services; and
19 utilize funds from the child's account, as covered by
20 regulation, to reimburse those costs. Monthly,
21 disbursements from all children's accounts, up to 1/12 of
22 \$13,000,000, shall be deposited by the Department into the
23 General Revenue Fund and the balance over 1/12 of
24 \$13,000,000 into the DCFS Children's Services Fund.

25 (3) Maintain any balance remaining after reimbursing
26 for the child's costs of care, as specified in item (2).

1 The balance shall accumulate in accordance with relevant
2 State and federal laws and shall be disbursed to the child
3 or his or her guardian, or to the issuing agency.

4 (r) The Department shall promulgate regulations
5 encouraging all adoption agencies to voluntarily forward to the
6 Department or its agent names and addresses of all persons who
7 have applied for and have been approved for adoption of a
8 hard-to-place child or child with a disability and the names of
9 such children who have not been placed for adoption. A list of
10 such names and addresses shall be maintained by the Department
11 or its agent, and coded lists which maintain the
12 confidentiality of the person seeking to adopt the child and of
13 the child shall be made available, without charge, to every
14 adoption agency in the State to assist the agencies in placing
15 such children for adoption. The Department may delegate to an
16 agent its duty to maintain and make available such lists. The
17 Department shall ensure that such agent maintains the
18 confidentiality of the person seeking to adopt the child and of
19 the child.

20 (s) The Department of Children and Family Services may
21 establish and implement a program to reimburse Department and
22 private child welfare agency foster parents licensed by the
23 Department of Children and Family Services for damages
24 sustained by the foster parents as a result of the malicious or
25 negligent acts of foster children, as well as providing third
26 party coverage for such foster parents with regard to actions

1 of foster children to other individuals. Such coverage will be
2 secondary to the foster parent liability insurance policy, if
3 applicable. The program shall be funded through appropriations
4 from the General Revenue Fund, specifically designated for such
5 purposes.

6 (t) The Department shall perform home studies and
7 investigations and shall exercise supervision over visitation
8 as ordered by a court pursuant to the Illinois Marriage and
9 Dissolution of Marriage Act or the Adoption Act only if:

10 (1) an order entered by an Illinois court specifically
11 directs the Department to perform such services; and

12 (2) the court has ordered one or both of the parties to
13 the proceeding to reimburse the Department for its
14 reasonable costs for providing such services in accordance
15 with Department rules, or has determined that neither party
16 is financially able to pay.

17 The Department shall provide written notification to the
18 court of the specific arrangements for supervised visitation
19 and projected monthly costs within 60 days of the court order.
20 The Department shall send to the court information related to
21 the costs incurred except in cases where the court has
22 determined the parties are financially unable to pay. The court
23 may order additional periodic reports as appropriate.

24 (u) In addition to other information that must be provided,
25 whenever the Department places a child with a prospective
26 adoptive parent or parents or in a licensed foster home, group

1 home, child care institution, or in a relative home, the
2 Department shall provide to the prospective adoptive parent or
3 parents or other caretaker:

4 (1) available detailed information concerning the
5 child's educational and health history, copies of
6 immunization records (including insurance and medical card
7 information), a history of the child's previous
8 placements, if any, and reasons for placement changes
9 excluding any information that identifies or reveals the
10 location of any previous caretaker;

11 (2) a copy of the child's portion of the client service
12 plan, including any visitation arrangement, and all
13 amendments or revisions to it as related to the child; and

14 (3) information containing details of the child's
15 individualized educational plan when the child is
16 receiving special education services.

17 The caretaker shall be informed of any known social or
18 behavioral information (including, but not limited to,
19 criminal background, fire setting, perpetuation of sexual
20 abuse, destructive behavior, and substance abuse) necessary to
21 care for and safeguard the children to be placed or currently
22 in the home. The Department may prepare a written summary of
23 the information required by this paragraph, which may be
24 provided to the foster or prospective adoptive parent in
25 advance of a placement. The foster or prospective adoptive
26 parent may review the supporting documents in the child's file

1 in the presence of casework staff. In the case of an emergency
2 placement, casework staff shall at least provide known
3 information verbally, if necessary, and must subsequently
4 provide the information in writing as required by this
5 subsection.

6 The information described in this subsection shall be
7 provided in writing. In the case of emergency placements when
8 time does not allow prior review, preparation, and collection
9 of written information, the Department shall provide such
10 information as it becomes available. Within 10 business days
11 after placement, the Department shall obtain from the
12 prospective adoptive parent or parents or other caretaker a
13 signed verification of receipt of the information provided.
14 Within 10 business days after placement, the Department shall
15 provide to the child's guardian ad litem a copy of the
16 information provided to the prospective adoptive parent or
17 parents or other caretaker. The information provided to the
18 prospective adoptive parent or parents or other caretaker shall
19 be reviewed and approved regarding accuracy at the supervisory
20 level.

21 (u-5) Effective July 1, 1995, only foster care placements
22 licensed as foster family homes pursuant to the Child Care Act
23 of 1969 shall be eligible to receive foster care payments from
24 the Department. Relative caregivers who, as of July 1, 1995,
25 were approved pursuant to approved relative placement rules
26 previously promulgated by the Department at 89 Ill. Adm. Code

1 335 and had submitted an application for licensure as a foster
2 family home may continue to receive foster care payments only
3 until the Department determines that they may be licensed as a
4 foster family home or that their application for licensure is
5 denied or until September 30, 1995, whichever occurs first.

6 (v) The Department shall access criminal history record
7 information as defined in the Illinois Uniform Conviction
8 Information Act and information maintained in the adjudicatory
9 and dispositional record system as defined in Section 2605-355
10 of the Department of State Police Law (20 ILCS 2605/2605-355)
11 if the Department determines the information is necessary to
12 perform its duties under the Abused and Neglected Child
13 Reporting Act, the Child Care Act of 1969, and the Children and
14 Family Services Act. The Department shall provide for
15 interactive computerized communication and processing
16 equipment that permits direct on-line communication with the
17 Department of State Police's central criminal history data
18 repository. The Department shall comply with all certification
19 requirements and provide certified operators who have been
20 trained by personnel from the Department of State Police. In
21 addition, one Office of the Inspector General investigator
22 shall have training in the use of the criminal history
23 information access system and have access to the terminal. The
24 Department of Children and Family Services and its employees
25 shall abide by rules and regulations established by the
26 Department of State Police relating to the access and

1 dissemination of this information.

2 (v-1) Prior to final approval for placement of a child, the
3 Department shall conduct a criminal records background check of
4 the prospective foster or adoptive parent, including
5 fingerprint-based checks of national crime information
6 databases. Final approval for placement shall not be granted if
7 the record check reveals a felony conviction for child abuse or
8 neglect, for spousal abuse, for a crime against children, or
9 for a crime involving violence, including rape, sexual assault,
10 or homicide, but not including other physical assault or
11 battery, or if there is a felony conviction for physical
12 assault, battery, or a drug-related offense committed within
13 the past 5 years.

14 (v-2) Prior to final approval for placement of a child, the
15 Department shall check its child abuse and neglect registry for
16 information concerning prospective foster and adoptive
17 parents, and any adult living in the home. If any prospective
18 foster or adoptive parent or other adult living in the home has
19 resided in another state in the preceding 5 years, the
20 Department shall request a check of that other state's child
21 abuse and neglect registry.

22 (w) Within 120 days of August 20, 1995 (the effective date
23 of Public Act 89-392), the Department shall prepare and submit
24 to the Governor and the General Assembly, a written plan for
25 the development of in-state licensed secure child care
26 facilities that care for children who are in need of secure

1 living arrangements for their health, safety, and well-being.
2 For purposes of this subsection, secure care facility shall
3 mean a facility that is designed and operated to ensure that
4 all entrances and exits from the facility, a building or a
5 distinct part of the building, are under the exclusive control
6 of the staff of the facility, whether or not the child has the
7 freedom of movement within the perimeter of the facility,
8 building, or distinct part of the building. The plan shall
9 include descriptions of the types of facilities that are needed
10 in Illinois; the cost of developing these secure care
11 facilities; the estimated number of placements; the potential
12 cost savings resulting from the movement of children currently
13 out-of-state who are projected to be returned to Illinois; the
14 necessary geographic distribution of these facilities in
15 Illinois; and a proposed timetable for development of such
16 facilities.

17 (x) The Department shall conduct annual credit history
18 checks to determine the financial history of children placed
19 under its guardianship pursuant to the Juvenile Court Act of
20 1987. The Department shall conduct such credit checks starting
21 when a youth in care turns 12 years old and each year
22 thereafter for the duration of the guardianship as terminated
23 pursuant to the Juvenile Court Act of 1987. The Department
24 shall determine if financial exploitation of the child's
25 personal information has occurred. If financial exploitation
26 appears to have taken place or is presently ongoing, the

1 Department shall notify the proper law enforcement agency, the
2 proper State's Attorney, or the Attorney General.

3 (y) Beginning on July 22, 2010 (the effective date of
4 Public Act 96-1189) ~~this amendatory Act of the 96th General~~
5 ~~Assembly~~, a child with a disability who receives residential
6 and educational services from the Department shall be eligible
7 to receive transition services in accordance with Article 14 of
8 the School Code from the age of 14.5 through age 21, inclusive,
9 notwithstanding the child's residential services arrangement.
10 For purposes of this subsection, "child with a disability"
11 means a child with a disability as defined by the federal
12 Individuals with Disabilities Education Improvement Act of
13 2004.

14 (z) The Department shall access criminal history record
15 information as defined as "background information" in this
16 subsection and criminal history record information as defined
17 in the Illinois Uniform Conviction Information Act for each
18 Department employee or Department applicant. Each Department
19 employee or Department applicant shall submit his or her
20 fingerprints to the Department of State Police in the form and
21 manner prescribed by the Department of State Police. These
22 fingerprints shall be checked against the fingerprint records
23 now and hereafter filed in the Department of State Police and
24 the Federal Bureau of Investigation criminal history records
25 databases. The Department of State Police shall charge a fee
26 for conducting the criminal history record check, which shall

1 be deposited into the State Police Services Fund and shall not
2 exceed the actual cost of the record check. The Department of
3 State Police shall furnish, pursuant to positive
4 identification, all Illinois conviction information to the
5 Department of Children and Family Services.

6 For purposes of this subsection:

7 "Background information" means all of the following:

8 (i) Upon the request of the Department of Children and
9 Family Services, conviction information obtained from the
10 Department of State Police as a result of a
11 fingerprint-based criminal history records check of the
12 Illinois criminal history records database and the Federal
13 Bureau of Investigation criminal history records database
14 concerning a Department employee or Department applicant.

15 (ii) Information obtained by the Department of
16 Children and Family Services after performing a check of
17 the Department of State Police's Sex Offender Database, as
18 authorized by Section 120 of the Sex Offender Community
19 Notification Law, concerning a Department employee or
20 Department applicant.

21 (iii) Information obtained by the Department of
22 Children and Family Services after performing a check of
23 the Child Abuse and Neglect Tracking System (CANTS)
24 operated and maintained by the Department.

25 "Department employee" means a full-time or temporary
26 employee coded or certified within the State of Illinois

1 Personnel System.

2 "Department applicant" means an individual who has
3 conditional Department full-time or part-time work, a
4 contractor, an individual used to replace or supplement staff,
5 an academic intern, a volunteer in Department offices or on
6 Department contracts, a work-study student, an individual or
7 entity licensed by the Department, or an unlicensed service
8 provider who works as a condition of a contract or an agreement
9 and whose work may bring the unlicensed service provider into
10 contact with Department clients or client records.

11 (Source: P.A. 99-143, eff. 7-27-15; 99-933, eff. 1-27-17;
12 100-159, eff. 8-18-17; 100-522, eff. 9-22-17; revised
13 1-22-18.)

14 Section 10. The Abused and Neglected Child Reporting Act is
15 amended by changing Sections 8.1 and 8.2 as follows:

16 (325 ILCS 5/8.1) (from Ch. 23, par. 2058.1)

17 Sec. 8.1. If the Child Protective Service Unit determines
18 after investigating a report that there is no credible evidence
19 that a child is abused or neglected, it shall deem the report
20 to be an unfounded report. However, if it appears that the
21 child or family could benefit from other social services, the
22 local service may suggest such services, including services
23 under Section 8.2, for the family's voluntary acceptance or
24 refusal. If the family declines such services, the Department

1 shall take appropriate action in keeping with the best interest
2 of the child, including referring a member of the child's
3 family to a facility licensed by the Department of Human
4 Services or the Department of Public Health. If the report is
5 determined to be indicated, the family shall cooperate with and
6 be provided family preservation services. A service plan shall
7 be developed as set forth in Section 8.2. For purposes of this
8 Section "child" includes an adult resident as defined in this
9 Act.

10 (Source: P.A. 96-1446, eff. 8-20-10.)

11 (325 ILCS 5/8.2) (from Ch. 23, par. 2058.2)

12 Sec. 8.2. If the Child Protective Service Unit determines,
13 following an investigation made pursuant to Section 7.4 of this
14 Act, that there is credible evidence that the child is abused
15 or neglected, the Department shall assess the family's need for
16 services, and, as necessary, develop, with the family, an
17 appropriate service plan for the family's ~~voluntary~~ acceptance
18 of services ~~or refusal~~. In any case where there is evidence
19 that the perpetrator of the abuse or neglect is an addict or
20 alcoholic as defined in the Alcoholism and Other Drug Abuse and
21 Dependency Act, the Department, when making referrals for drug
22 or alcohol abuse services, shall make such referrals to
23 facilities licensed by the Department of Human Services or the
24 Department of Public Health. The Department shall ~~comply with~~
25 ~~Section 8.1 by explaining its lack of legal authority to compel~~

1 ~~the acceptance of services and may~~ explain its concomitant
2 authority to petition the Circuit court under the Juvenile
3 Court Act of 1987 or refer the case to the local law
4 enforcement authority or State's attorney for criminal
5 prosecution.

6 For purposes of this Act, the term "family preservation
7 services" refers to all services to help families, including
8 adoptive and extended families. Family preservation services
9 shall be offered, where safe and appropriate, to prevent the
10 placement of children in substitute care when the children can
11 be cared for at home or in the custody of the person
12 responsible for the children's welfare without endangering the
13 children's health or safety, to reunite them with their
14 families if so placed when reunification is an appropriate
15 goal, or to maintain an adoptive placement. Family preservation
16 services shall be required for families when a child abuse or
17 neglect investigation has been determined to be indicated. The
18 term "homemaker" includes emergency caretakers, homemakers,
19 caretakers, housekeepers and chore services. The term
20 "counseling" includes individual therapy, infant stimulation
21 therapy, family therapy, group therapy, self-help groups, drug
22 and alcohol abuse counseling, vocational counseling and
23 post-adoptive services. The term "day care" includes
24 protective day care and day care to meet educational,
25 prevocational or vocational needs. The term "emergency
26 assistance and advocacy" includes coordinated services to

1 secure emergency cash, food, housing and medical assistance or
2 advocacy for other subsistence and family protective needs.

3 Before July 1, 2000, appropriate family preservation
4 services shall, subject to appropriation, be included in the
5 service plan if the Department has determined that those
6 services will ensure the child's health and safety, are in the
7 child's best interests, and will not place the child in
8 imminent risk of harm. Beginning July 1, 2000, appropriate
9 family preservation services shall be uniformly available
10 throughout the State. The Department shall promptly notify
11 children and families of the Department's responsibility to
12 offer and provide family preservation services as identified in
13 the service plan. Such plans may include but are not limited
14 to: case management services; homemakers; counseling; parent
15 education; day care; emergency assistance and advocacy
16 assessments; respite care; in-home health care; transportation
17 to obtain any of the above services; and medical assistance.
18 Nothing in this paragraph shall be construed to create a
19 private right of action or claim on the part of any individual
20 or child welfare agency, except that when a child is the
21 subject of an action under Article II of the Juvenile Court Act
22 of 1987 and the child's service plan calls for services to
23 facilitate achievement of the permanency goal, the court
24 hearing the action under Article II of the Juvenile Court Act
25 of 1987 may order the Department to provide the services set
26 out in the plan, if those services are not provided with

1 reasonable promptness and if those services are available.

2 Each Department field office shall maintain on a local
3 basis directories of services available to children and
4 families in the local area where the Department office is
5 located.

6 The Department shall refer children and families served
7 pursuant to this Section to private agencies and governmental
8 agencies, where available.

9 Where there are 2 equal proposals from both a
10 not-for-profit and a for-profit agency to provide services, the
11 Department shall give preference to the proposal from the
12 not-for-profit agency.

13 No service plan shall compel any child or parent to engage
14 in any activity or refrain from any activity which is not
15 reasonably related to remedying a condition or conditions that
16 gave rise or which could give rise to any finding of child
17 abuse or neglect.

18 (Source: P.A. 96-600, eff. 8-21-09; 97-859, eff. 7-27-12.)