



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB0191

Introduced 1/30/2019, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

20 ILCS 1705/7.1

from Ch. 91 1/2, par. 100-7.1

705 ILCS 405/5-711 new

Amends the Mental Health and Developmental Disabilities Administrative Act. Provides that a child shall continue to be eligible for an Individual Care Grant if the child is placed in the guardianship of the Department of Children and Family Services under the Juvenile Court Act of 1987 because the child requires care in a residential treatment facility and an application for the Family Support Program was pending with the Department Healthcare and Family Services or an active application was being reviewed by the Department when the guardianship order was entered. Provides that any minor who is placed in the guardianship of the Department of Children and Family Services under the Act while an application for the Family Support Program was pending with the Department of Healthcare and Family Services or an active application was being reviewed by the Department of Healthcare and Family Services shall continue to be considered eligible for services if all other eligibility criteria are met. Provides that the court shall conduct a hearing within 14 days upon notification to all parties that an application for the Family Support Program services has been approved and services are available. Makes other changes. Effective immediately.

LRB101 08506 SLF 53583 b

1 AN ACT concerning courts.

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

4 Section 5. The Mental Health and Developmental
5 Disabilities Administrative Act is amended by changing Section
6 7.1 as follows:

7 (20 ILCS 1705/7.1) (from Ch. 91 1/2, par. 100-7.1)

8 Sec. 7.1. Individual Care Grants.

9 (a) For the purposes of this Section 7.1, "Department"
10 means the Department of Healthcare and Family Services.

11 (b) To assist families in seeking intensive
12 community-based services or residential placement for children
13 with mental illness, for whom no appropriate care is available
14 in State-operated facilities, the Department shall supplement
15 the amount a family is able to pay, as determined by the
16 Department and the amount available from other sources,
17 provided the Department's share shall not exceed a uniform
18 maximum rate to be determined from time to time by the
19 Department. The Department may exercise the authority under
20 this Section as is necessary to implement the provisions of
21 Section 5-5.23 of the Illinois Public Aid Code and to
22 administer Individual Care Grants. The Department shall work
23 collaboratively with stakeholders and family representatives

1 in the implementation of this Section.

2 (c) A child shall continue to be eligible for an Individual
3 Care Grant if (1): the child is placed in the temporary custody
4 of the Department of Children and Family Services under Article
5 II of the Juvenile Care Act of 1987 because the child was left
6 at a psychiatric hospital beyond medical necessity and an
7 application for the Family Support Program was pending with the
8 Department or an active application was being reviewed by the
9 Department when the petition under the Juvenile Court Act of
10 1987 was filed; or (2) the child is placed in the guardianship
11 of the Department of Children and Family Services under Article
12 V of the Juvenile Court Act of 1987 because the child requires
13 care in a residential treatment facility and an application for
14 the Family Support Program was pending with the Department or
15 an active application was being reviewed by the Department when
16 the guardianship order was entered.

17 (d) If the Department determines that the child meets all
18 the eligibility criteria for Family Support Services and
19 approves the application, the Department shall notify the
20 parents and the Department of Children and Family Services. The
21 court hearing the child's case under the Juvenile Court Act of
22 1987 shall conduct a hearing within 14 days after all parties
23 have been notified and determine whether to vacate the custody
24 or guardianship of the Department of Children and Family
25 Services and return the child to the custody of his or her
26 parents with Family Support Services in place or whether the

1 child shall continue in the custody or guardianship of the
2 Department of Children and Family Services and decline the
3 Family Support Program. The court shall conduct the hearing
4 under Section 2-4b or Section 5-711 of the Juvenile Court Act
5 of 1987. If the court vacates the custody or guardianship of
6 the Department of Children and Family Services and returns the
7 child to the custody of the parent, guardian, or other adult
8 respondent with Family Support Services, the Department shall
9 become fiscally responsible for providing services to the
10 child. If the court determines that the child shall continue in
11 the custody of the Department of Children and Family Services,
12 the Department of Children and Family Services shall remain
13 fiscally responsible for providing services to the child, the
14 Family Support Services shall be declined, and the child shall
15 no longer be eligible for Family Support Services as long as
16 the child remains in the custody or guardianship of the
17 Department of Children and Family Services.

18 (e) The Department shall provide an expedited review
19 process for applications for minors in the custody or
20 guardianship of the Department of Children and Family Services
21 who continue to remain eligible for Individual Care Grants. The
22 Department shall work collaboratively with stakeholders,
23 including legal representatives of minors in care, providers of
24 residential treatment services, and with the Department of
25 Children and Family Services, to ensure that minors who are
26 recipients of Individual Care Grants under this Section and

1 Sections ~~Section~~ 2-4b and 5-711 of the Juvenile Court Act of
2 1987 do not experience a disruption in services if the minor
3 transitions from one program to another. The Department shall
4 adopt rules to implement this Section no later than July 1,
5 2019.

6 (Source: P.A. 99-479, eff. 9-10-15; 100-978, eff. 8-19-18.)

7 Section 10. The Juvenile Court Act of 1987 is amended by
8 adding Section 5-711 as follows:

9 (705 ILCS 405/5-711 new)

10 Sec. 5-711. Family Support Program services; hearing.

11 (a) Any minor who is placed in the guardianship of the
12 Department of Children and Family Services under Section 5-710
13 while an application for the Family Support Program was pending
14 with the Department of Healthcare and Family Services or an
15 active application was being reviewed by the Department of
16 Healthcare and Family Services shall continue to be considered
17 eligible for services if all other eligibility criteria are
18 met.

19 (b) The court shall conduct a hearing within 14 days upon
20 notification to all parties that an application for the Family
21 Support Program services has been approved and services are
22 available. At the hearing, the court shall determine whether to
23 vacate guardianship of the Department of Children and Family
24 Services and return the minor to the custody of the parent or

1 guardian with Family Support Program services or whether the
2 minor shall continue in the guardianship of the Department of
3 Children and Family Services and decline the Family Support
4 Program services. In making its determination, the court shall
5 consider the minor's best interest, the involvement of the
6 parent or guardian in proceedings under this Act, the
7 involvement of the parent or guardian in the minor's treatment,
8 the relationship between the minor and the parent or guardian,
9 and any other factor the court deems relevant. If the court
10 vacates the guardianship of the Department of Children and
11 Family Services and returns the minor to the custody of the
12 parent or guardian with Family Support Services, the Department
13 of Healthcare and Family Services shall become financially
14 responsible for providing services to the minor. If the court
15 determines that the minor shall continue in the custody of the
16 Department of Children and Family Services, the Department of
17 Children and Family Services shall remain financially
18 responsible for providing services to the minor, the Family
19 Support Services shall be declined, and the minor shall no
20 longer be eligible for Family Support Services.

21 (c) This Section does not apply to a minor:

22 (1) for whom a petition has been filed under this Act
23 alleging that he or she is an abused or neglected minor;

24 (2) for whom the court has made a finding that he or
25 she is an abused or neglected minor under this Act except a
26 finding under item (iv) of paragraph (a) of subsection (1)

1 of Section 5-710 that an independent basis of abuse,
2 neglect, or dependency exists; or

3 (3) who has been the subject of an indicated allegation
4 of abuse or neglect by the Department of Children and
5 Family Services, other than for psychiatric lock-out, in
6 which the parent or guardian was the perpetrator within 5
7 years of the filing of the pending petition.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.