

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.