



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SIXTH GENERAL ASSEMBLY

45TH LEGISLATIVE DAY

THURSDAY, MAY 7, 2009

12:17 O'CLOCK P.M.

SENATE
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45th Legislative Day

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The Senate met pursuant to adjournment.
Senator James A. DeLeo, Chicago, Illinois, presiding.
Prayer by Pastor Andy Christiansen, First Church of God, Aurora, Illinois.
Senator Jacobs led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Wednesday, May 6, 2009, be postponed, pending arrival of the printed Journal.
The motion prevailed.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Floor Amendment No. 1 to Senate Bill 451
Senate Floor Amendment No. 1 to Senate Bill 744
Senate Floor Amendment No. 1 to Senate Bill 2173

The following Committee amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Committee Amendment No. 1 to House Bill 278
Senate Committee Amendment No. 2 to House Bill 1175

The following Floor amendments to the House Bills listed below have been filed with the Secretary and referred to the Committee on Assignments:

Senate Floor Amendment No. 2 to House Bill 621
Senate Floor Amendment No. 1 to House Bill 976
Senate Floor Amendment No. 1 to House Bill 1306
Senate Floor Amendment No. 2 to House Bill 2625
Senate Floor Amendment No. 1 to House Bill 3325
Senate Floor Amendment No. 1 to House Bill 3664
Senate Floor Amendment No. 1 to House Bill 3785
Senate Floor Amendment No. 1 to House Bill 4021

MESSAGES FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT STATE OF ILLINOIS

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 7, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 401 State House
Springfield, IL 62706

Dear Madam Secretary:

[May 7, 2009]

Pursuant to Rule 3-2(c), I hereby appoint Senator Donne Trotter to temporarily replace Senator A.J. Wilhelmi as a member of the Senate Gaming Committee. This appointment is effective immediately and will automatically expire upon adjournment of the Senate Gaming Committee.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno

**OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS**

JOHN J. CULLERTON
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 7, 2009

Ms. Jillayne Rock
Secretary of the Senate
Room 403 State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Rule 2-10, I am canceling session on Friday, May 8, 2009. Session shall reconvene as normally scheduled on Tuesday, May 12, 2009.

Sincerely,
s/John J. Cullerton
Senate President

cc: Senate Minority Leader Christine Radogno
Democrat Caucus Members
Tim Mapes

REPORTS FROM STANDING COMMITTEES

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred **House Bills Numbered 10, 69, 182, 202, 224, 327, 445, 557, 597, 682, 693, 761, 800, 934, 935, 1032, 1057, 1105, 2253, 2541, 2542, 2649, 2670, 3676, 3795, 3934, 3961, 3991, 4122 and 4124**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Noland, Chairperson of the Committee on Criminal Law, to which was referred **House Bills Numbered 164, 648, 699, 2450 and 3717**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Raoul, Chairperson of the Committee on Pensions and Investments, to which was referred **House Bills Numbered 1098, 1291, 3606 and 3672**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

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Senator Raoul, Chairperson of the Committee on Pensions and Investments, to which was referred **House Bills Numbered 519 and 2557**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Viverito, Chairperson of the Committee on Revenue, to which was referred **House Bill No. 212**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Viverito, Chairperson of the Committee on Revenue, to which was referred **House Bill No. 4120**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Martinez, Chairperson of the Committee on Licensed Activities, to which was referred **House Bills Numbered 563, 1175 and 2440**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Martinez, Chairperson of the Committee on Licensed Activities, to which was referred **House Bills Numbered 496 and 786**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Martinez, Chairperson of the Committee on Licensed Activities, to which was referred **Senate Joint Resolution No. 56**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 56** was placed on the Secretary's Desk.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **House Bills Numbered 88, 569, 773, 789, 798, 2494 and 4078**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred **House Bills Numbered 37, 47, 470, 1060, 1322, 2547 and 2651**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Haine, Chairperson of the Committee on Insurance, to which was referred **House Bills Numbered 70 and 2343**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Haine, Chairperson of the Committee on Insurance, to which was referred **House Bills Numbered 418, 927, 2325, 2652 and 4241**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **House Bills Numbered 751 and 4205**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **House Bills Numbered 22, 177, 372, 489, 4099 and 4237**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Resolutions numbered 166 and 219**, reported the same back with the recommendation that the resolutions be adopted.

Under the rules, **Senate Resolutions numbered 166 and 219** were placed on the Secretary's Desk.

Senator Demuzio, Chairperson of the Committee on State Government and Veterans Affairs, to which was referred **Senate Joint Resolution No. 59**, reported the same back with the recommendation that the resolution be adopted.

Under the rules, **Senate Joint Resolution No. 59** was placed on the Secretary's Desk.

Senator Jacobs, Chairperson of the Committee on Energy, to which was referred **House Bill No. 4251**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Jacobs, Chairperson of the Committee on Energy, to which was referred **House Bill No. 3854**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred **House Bills Numbered 811 and 4011**, reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Kotowski, Chairperson of the Committee on Commerce, to which was referred **House Bill No. 3637**, reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Link, Chairperson of the Committee on Gaming, to which was referred **House Bills Numbered 14 and 467**, reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Link, Chairperson of the Committee on Gaming, to which was referred **House Bill No. 261**, reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 262

Offered by Senator Schoenberg and all Senators:
Mourns the death of U.S. District Judge James B. Moran of Evanston.

SENATE RESOLUTION NO. 263

Offered by Senator Hunter and all Senators:
Mourns the death of Tyrone Kenner.

SENATE RESOLUTION NO. 264

Offered by Senator Demuzio and all Senators:
Mourns the death of John Bloomfield "J.B." Ryan of Carlinville.

SENATE RESOLUTION NO. 265

Offered by Senator Demuzio and all Senators:
Mourns the death of Marcus D. Nicholson of Benld, formerly of Carlinville.

SENATE RESOLUTION NO. 266

Offered by Senator Demuzio and all Senators:
Mourns the death of Linwood W. Turley of Carlinville.

SENATE RESOLUTION NO. 267

Offered by Senator Demuzio and all Senators:
Mourns the death of M. Keith "Red" Mefford of Carlinville.

SENATE RESOLUTION NO. 268

Offered by Senator Collins and all Senators:
Mourns the death of Reverend Frank Selby Lee, Jr., of Chicago.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

Senator Hunter offered the following Senate Joint Resolution, which was referred to the Committee on Assignments:

SENATE JOINT RESOLUTION NO. 67

WHEREAS, The Great Migration, a long-term movement of African Americans from the South to the urban North, transformed Chicago and other northern cities between 1916 and 1970; and

WHEREAS, Chicago attracted slightly more than 500,000 of the approximately 7 million African Americans who left the South during these decades; and

WHEREAS, Before the Great Migration, African Americans constituted just 2 percent of Chicago's population, but by 1970 African Americans constituted 33 percent of Chicago's population; and

WHEREAS, What had been in the nineteenth century a largely southern and rural African American culture became a culture deeply infused with urban sensibility in the twentieth century; and

WHEREAS, What had been a marginalized population in Chicago emerged by the mid-twentieth century as a powerful force in the city's political, economic, and cultural life; and

WHEREAS, The Black Metropolis National Heritage Area Project Steering Committee has worked with Congressman Bobby Rush on federal legislation for the Black Metropolis District National Heritage Area (NHA) and the Great Migration Centennial will serve as one of the benchmarks for the National Heritage Area which focuses on preservation, tourism & economic development, conservation, recreation, education & interpretation; and

WHEREAS, The Black Metropolis National Heritage Area Project Steering Committee has identified 10 Major Promise Programs for the next century which include:

1. Great Migration Public Art;
2. In Motion: African American Migration Experience;
3. Great Migration Trail: Rails to Trails Conservancy Project;
4. The Rosenwald Building;
5. The Chicago Blues Museum;
6. The Pullman Porter Great Migration Blues Trail;

7. Leadership Development Institute;
8. Faith-based and Neighborhood Partnerships;
9. Black Metropolis Social Innovation Fund; and
10. Bronzeville Postmark and Postal Sub-station; and

WHEREAS, The Great Migration Centennial celebrates the promise that Chicago once offered a people in search of a better life 100 years ago; and

WHEREAS, The theme adopted by the Black Metropolis National Heritage Project Steering Committee, "Creating a New Promise", acknowledges the hope that has been restored through the new political administration and addresses the need for the greater Chicagoland region to deliver on its promise and create a new social compact for the future; and

WHEREAS, To succeed in the 21st century global competition for jobs, prosperity, and quality of life for all, we must have inspiring and well-accepted plans to produce action; and

WHEREAS, The Great Migration Centennial will challenge children and adults throughout the region to make choices today that will define the way we live for the next century; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Illinois Great Migration Centennial Commission is created; and be it further

RESOLVED, That the members of the Commission shall include the President of the Senate or his designee and the Speaker of the House of Representatives or his designee, each serving as one of the co-chairpersons, the Governor or his designee, one vice-chairperson appointed by the co-chairpersons, all of whom shall serve as the Executive Committee and 25 appointed members, with the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives appointing 5 members each; and be it further

RESOLVED, That the appointed members shall serve without compensation, but shall be reimbursed for their reasonable and necessary expenses if funds allow; and be it further

RESOLVED, That the appointed members shall be from diverse backgrounds so as to reflect the diverse citizenry of Illinois working together for a common democratic cause, and that their individual qualifications shall include varying educational, professional, and civic experiences that bring different perspectives and cooperative outlooks to the Commission; and be it further

RESOLVED, That the purpose of the Commission is to plan for the Great Migration Centennial to be commemorated and celebrated from January to December 2016 and to:

1. Elevate the centennial of the Great Migration to a high profile bi-partisan event;
2. Recognize the Great Migration as the largest migration to ever occur in North America;
3. Stimulate and encourage the creation and growth of programs about the Great Migration;
4. Highlight and publicize the institutions in the State that are connected to the Great Migration and their impact;
5. Work with coordinated statewide groups commemorating the 100th Anniversary of the Great Migration; and
6. Encourage communities and citizens to support and get involved in the commemoration; and be it further

RESOLVED, The Great Migration Centennial Commission serves to promote a deeper knowledge, understanding and engagement in the life and times of the African American Migration Experience, through conferences, publications, preservation of historic sites, and local, statewide and national observances as well as arts projects, forum, travel & tourism promotions and year long celebration activities; and be it further

RESOLVED, That the Commission's preliminary goals are to develop:

1. a national honorary committee of historians, educators, authors, politicians,

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- celebrities and other notables;
2. educational curriculum, events, tours, exhibits and programs at the elementary, high school, secondary, graduate and post-graduate level;
 3. a signature entertainment event for fundraising and broadcast purposes;
 4. an educational symposium with university partners, the National Endowment for the Arts, the National Endowment for the Humanities, the Illinois Arts Council, as well as private foundations and other philanthropic organizations;
 5. a year-long cultural promotional event calendar supported by travel packages and other travel or tourism incentives; and
 6. a logo and trademark design for official use on all Centennial commissioned related merchandise, apparel and products officially licensed; and be it further

RESOLVED, That the Commission shall meet as frequently as necessary, at the call of the co-chairpersons; and be it further

RESOLVED, The Commission shall have the option of creating a Council of Advisors and any working groups or committees it deems necessary; and, be it further

RESOLVED, The Commission shall have the option to collaborate with any Federal or local commissions designated to recognize the Great Migration Centennial commemoration via internet links, shared exhibits, activities and programs; and be it further

RESOLVED, The Commission shall work with and establish opportunities with the Chicago Department of Cultural Affairs and the Mayor's Office of Special Events and Cultural Olympiad 2016; and be it further

RESOLVED, That the Commission shall, while working in coordination with and with the assistance of Black Metropolis National Heritage Area Project Steering Committee, broaden outreach by using established channels, including publicly supported media and electronic, computer-assisted communication systems, and elicit voluntary assistance from educational, legal, civic, and professional organizations and institutions, as well as, notable individuals; and be it further

RESOLVED, That no later than December 31, 2010, the Commission shall report to the General Assembly and the Governor on its planning progress to commemorate and celebrate the Great Migration Centennial; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Governor of the State of Illinois.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Link moved that **Senate Resolution No. 99**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Link moved that Senate Resolution No. 99 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Hendon moved that **Senate Resolution No. 129**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Hendon moved that Senate Resolution No. 129 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Hunter moved that **Senate Resolution No. 137**, on the Secretary's Desk, be taken up for immediate consideration.

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The motion prevailed.
 Senator Hunter moved that Senate Resolution No. 137 be adopted.
 The motion prevailed.
 And the resolution was adopted.

Senator Raoul moved that **Senate Resolution No. 231**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
 Senator Raoul moved that Senate Resolution No. 231 be adopted.
 The motion prevailed.
 And the resolution was adopted.

Senator Lauzen moved that **Senate Joint Resolution No. 34**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
 Senator Lauzen moved that Senate Joint Resolution No. 34 be adopted.
 The motion prevailed.
 And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Steans moved that **Senate Joint Resolution No. 51**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
 Senator Steans moved that Senate Joint Resolution No. 51 be adopted.
 The motion prevailed.
 And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Garrett moved that **Senate Joint Resolution No. 54**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
 Senator Garrett moved that Senate Joint Resolution No. 54 be adopted.
 The motion prevailed.
 And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Demuzio moved that **Senate Joint Resolution No. 55**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
 Senator Demuzio moved that Senate Joint Resolution No. 55 be adopted.
 The motion prevailed.
 And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Cronin moved that **House Joint Resolution No. 1**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.
 Senator Cronin moved that House Joint Resolution No. 1 be adopted.
 The motion prevailed.
 And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Kotowski moved that **Senate Joint Resolution No. 56**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Kotowski moved that Senate Joint Resolution No. 56 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

REPORT FROM STANDING COMMITTEE

Senator Muñoz, Chairperson of the Committee on Executive Appointments, moved that the Senate resolve itself into Executive Session to consider the report of that Committee relative to the Governor's Message appointments.

The motion prevailed.

EXECUTIVE SESSION

Senator Muñoz, Chairperson of the Committee on Executive Appointments, to which was referred the Governor's Message to the Senate of March, 9, 2009, reported the same back with the recommendation that the Senate advise and consent to the following appointments:

COMMERCE AND ECONOMIC OPPORTUNITY, DEPARTMENT OF

To be Director of the Department of Commerce and Economic Opportunity for a term commencing March 2, 2009 and ending January 17, 2011:

Warren Ribley of Springfield

Salaried

TRANSPORTATION, DEPARTMENT OF

To be Director of the Department of Transportation for a term commencing February 28, 2009 and ending January 17, 2011:

Gary Hannig of Litchfield

Salaried

Senator Muñoz moved that the Senate advise and consent to the foregoing appointments.

And on that motion, a call of the roll was had resulting as follows:

YEAS 56; NAYS None.

The following voted in the affirmative:

Althoff	Forby	Lauzen	Risinger
Bivins	Frerichs	Lightford	Rutherford
Bomke	Garrett	Link	Sandoval
Brady	Haine	Luechtefeld	Schoenberg
Burzynski	Harmon	Maloney	Silverstein
Clayborne	Hendon	Martinez	Steans
Collins	Holmes	McCarter	Sullivan
Cronin	Hultgren	Millner	Syverson
Crotty	Hunter	Muñoz	Trotter
Dahl	Hutchinson	Murphy	Viverito
DeLeo	Jacobs	Noland	Mr. President
Delgado	Jones, E.	Pankau	
Demuzio	Jones, J.	Radogno	

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Dillard
Duffy

Koehler
Kotowski

Raoul
Righter

The motion prevailed.

Whereupon the President of the Senate announced confirmation of the foregoing appointments.

On motion of Senator Muñoz, the Executive Session arose and the Senate resumed consideration of business.

Senator DeLeo, presiding.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Dahl, **House Bill No. 9** was taken up, read by title a second time. Senate Committee Amendment No. 1 was postponed in the Committee on Public Health. There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 30** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 35** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sullivan, **House Bill No. 36** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **House Bill No. 38** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 39** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 43** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 49** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 52** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 59** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **House Bill No. 71** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 72** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 72

AMENDMENT NO. 1. Amend House Bill 72 on page 2, line 22, by replacing "entity, or" with "entity."; and

on page 2, line 24, after "duties", by inserting ", or (iv) to a person using a wireless telephone in voice-activated mode".

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There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator J. Jones, **House Bill No. 75** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 77** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 78** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **House Bill No. 146** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 151** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 159** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 163** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 170** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **House Bill No. 192** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Risinger, **House Bill No. 204** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **House Bill No. 229** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 236** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 236

AMENDMENT NO. 1. Amend House Bill 236 by replacing everything after the enacting clause with the following:

"Section 5. The Mechanics Lien Act is amended by changing Section 7 as follows:
(770 ILCS 60/7) (from Ch. 82, par. 7)

Sec. 7. Claim for lien; third parties; errors or overcharges; multiple buildings or lots.

(a) No contractor shall be allowed to enforce such lien against or to the prejudice of any other creditor or incumbrancer or purchaser, unless within 4 months after completion, or if extra or additional work is done or labor, services, material, fixtures, apparatus or machinery, forms or form work is delivered therefor within 4 months after the completion of such extra or additional work or the final delivery of such extra or additional labor, services, material, fixtures, apparatus or machinery, forms or form work, he or she shall either bring an action to enforce his or her lien therefor or shall file in the office of the recorder of the county in which the building, erection or other improvement to be charged with the lien is situated, a claim for lien, verified by the affidavit of himself or herself, or his or her agent or employee, which shall consist of a brief statement of the claimant's contract, the balance due after allowing all credits, and a sufficiently correct description of the lot, lots or tracts of land to identify the same. Such claim for lien may be filed at any time after the claimant's contract is made, and as to the

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owner may be filed at any time after the contract is made and within 2 years after the completion of the contract, or the completion of any extra work or the furnishing of any extra labor, services, material, fixtures, apparatus or machinery, forms or form work thereunder, and as to such owner may be amended at any time before the final judgment. No such lien shall be defeated to the proper amount thereof because of an error or overcharging on the part of any person claiming a lien therefor under this Act, unless it shall be shown that such error or overcharge is made with intent to defraud; nor shall any such lien for material be defeated because of lack of proof that the material after the delivery thereof, actually entered into the construction of such building or improvement, although it be shown that such material was not actually used in the construction of such building or improvement; provided, that it is shown that such material was delivered either to the owner or his or her agent for that building or improvement, to be used in that building or improvement, or at the place where said building or improvement was being constructed, for the purpose of being used in construction or for the purpose of being employed in the process of construction as a means for assisting in the erection of the building or improvement in what is commonly termed forms or form work where concrete, cement or like material is used, in whole or in part.

(b) In case of the construction of a number of buildings under contract between the same parties, it shall be sufficient in order to establish such lien for material, if it be shown that such material was in good faith delivered at one of these buildings for the purpose of being used in the construction of any one or all of such buildings, or delivered to the owner or his or her agent for such buildings, to be used therein; and such lien for such material shall attach to all of said buildings, together with the land upon which the same are being constructed, the same as in a single building or improvement. In the event the contract relates to 2 or more buildings on 2 or more lots or tracts of land, then all of these buildings and lots or tracts of land may be included in one statement of claims for a lien.

(c) A statement that a party is a subcontractor shall not constitute an admission by the lien claimant that its status is that of subcontractor if it is later determined that the party with whom the lien claimant contracted was the owner or an agent of the owner.

(d) A contractor for improvements of an owner-occupied single-family residence must give the owner written notice within 10 days after recording a lien against any property of the owner. The notice is served when it is sent or personally delivered. If timely notice is not given and, as a result, the owner has suffered damages before notice is given, the lien is extinguished to the extent of the damages. The mere recording of the lien claim is not considered damages. This subsection does not apply to subcontractors, and it applies only to contracts entered into after the effective date of this amendatory Act of the 96th General Assembly.

(Source: P.A. 94-627, eff. 1-1-06)."

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Hultgren, **House Bill No. 238** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rutherford, **House Bill No. 241** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 242** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **House Bill No. 244** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 253** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 255** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 265** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Garrett, **House Bill No. 272** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 281** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 282** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 301** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hultgren, **House Bill No. 325** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 336** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 338** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 348** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **House Bill No. 353** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Delgado, **House Bill No. 363** was taken up, read by title a second time. Senate Committee Amendment No. 1 was held in the Committee on Education. There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 364** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 366** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **House Bill No. 370** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, **House Bill No. 379** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government and Veterans Affairs, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 379

AMENDMENT NO. 1. Amend House Bill 379 on page 2, in line 24, by inserting after "services" the following: ", including but not limited to telecommunications services, communications services, Internet services, and information services."; and

on page 6, in line 26, by inserting after "services" the following: ", including but not limited to telecommunications services, communications services, Internet services, and information services.".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 380** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **House Bill No. 382** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 392** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 394** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Brady, **House Bill No. 396** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 399** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 402** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 404** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 404

AMENDMENT NO. 1. Amend House Bill 404 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-433 as follows:

(20 ILCS 2310/2310-433 new)

Sec. 2310-433. COPD issues.

(a) Subject to appropriation, the Department shall designate a member of its staff to handle issues related to Chronic Obstructive Pulmonary Disease (COPD), which are not currently or adequately addressed by the Department.

(b) The staff person's duties must include, without limitation, the following:

(1) the improvement of data-collection systems and surveillance systems with respect to COPD;

(2) the increase of Department programs related to education about COPD and to the diagnosis and treatment of the disease;

(3) the identification and removal of barriers to medical care, diagnostic services, and treatment of COPD; and

(4) the promotion of the awareness of COPD concerns and the advocacy for the establishment of COPD patient services.

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

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Haine, **House Bill No. 437** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Higher Education, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 437

AMENDMENT NO. 1. Amend House Bill 437 on page 2, lines 4 and 5, by deleting "resource efficiency or sustainability".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Link, **House Bill No. 442** having been printed, was taken up and read by title a second time.

The following amendments were offered in the Committee on Commerce, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 442

AMENDMENT NO. 1. Amend House Bill 442 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 11-208.6, and 11-612 as follows:

(625 ILCS 5/11-208.6)

Sec. 11-208.6. Automated traffic law enforcement system.

(a) As used in this Section, "automated traffic law enforcement system" means (1) a device with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a red signal indication in violation of Section 11-306 of this Code or a similar provision of a local ordinance, or (2) a device used in a school zone, park district, or hospital district, as determined by the unit of local government, that produces a recorded image of a motor vehicle and the vehicle's registration plate while the driver is operating a motor vehicle in violation of Section 11-601(b) of the Illinois Vehicle Code, or a similar provision of a local ordinance.

An automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

- (1) 2 or more photographs;
- (2) 2 or more microphotographs;
- (3) 2 or more electronic images; or
- (4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.

~~(c) (Blank). A county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to provide recorded images of a motor vehicle for the purpose of recording its speed. The regulation of the use of automated traffic law enforcement systems to record vehicle speeds is an exclusive power and function of the State. This subsection (c) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.~~

(d) For each violation of a provision of this Code or a local ordinance recorded by an automatic traffic law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

The notice shall include:

- (1) the name and address of the registered owner of the vehicle;
- (2) the registration number of the motor vehicle involved in the violation;
- (3) the violation charged;
- (4) the location where the violation occurred;
- (5) the date and time of the violation;
- (6) a copy of the recorded images;
- (7) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;
- (8) a statement that recorded images are evidence of a violation of a red light signal;
- (9) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in a suspension of the driving privileges of the registered owner of the vehicle; and
- (10) a statement that the person may elect to proceed by:
 - (A) paying the fine; or
 - (B) challenging the charge in court, by mail, or by administrative hearing.

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(e) If a person charged with a traffic violation, as a result of an automated traffic law enforcement system, does not pay or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5 of this Code for failing to pay any fine or penalty due and owing as a result of 5 violations of the automated traffic law enforcement system.

(f) Based on inspection of recorded images produced by an automated traffic law enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(g) Recorded images made by an automatic traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(h) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner at the time of the violation;

(2) that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession; and

(3) any other evidence or issues provided by municipal or county ordinance.

(i) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(j) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding \$100, plus an additional penalty of not more than \$100 for failure to pay the original penalty in a timely manner, if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle.

(k) A location ~~An intersection~~ equipped with an automated traffic law enforcement system must be posted with a sign visible to approaching traffic indicating that the ~~location intersection~~ is being monitored by an automated traffic law enforcement system.

(k-5) An automated traffic law enforcement system shall utilize in-ground or above-ground detection technology to accurately capture violations.

(l) The compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(m) Automated traffic law enforcement systems described in item (1) of subsection (a) of this Section are authorized only in the counties of Cook, DuPage, Kane, Lake, Madison, Macon, McHenry, St. Clair, Will, and Winnebago and municipalities located within those counties.

(n) Automated traffic law enforcement systems described in item (2) of subsection (a) of this Section are authorized only in the counties of Cook, DuPage, Kane, Lake, Macon, McHenry, Will, and Winnebago and municipalities located within those counties.

(m) This Section applies only to the counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and to municipalities located within those counties.

(Source: P.A. 94-795, eff. 5-22-06.)

(625 ILCS 5/11-612)

Sec. 11-612. Certain systems to record vehicle speeds prohibited.

(a) Except as authorized in the Automated Traffic Control Systems in Highway Construction or Maintenance Zones Act and Section 11-208.6 of this Code, no photographic, video, or other imaging system may be used in this State to record vehicle speeds for the purpose of enforcing any law or ordinance regarding a maximum or minimum speed limit unless a law enforcement officer is present at the scene and witnesses the event. No State or local governmental entity, including a home rule county or municipality, may use such a system in a way that is prohibited by this Section. The regulation of the use of such systems is an exclusive power and function of the State. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

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(b) When a State or local governmental entity is authorized by the General Assembly to use photographic, video, or other imaging systems to capture speed, the authorized State or local governmental entity may utilize fixed or non-fixed cameras with in-ground or above-ground detection technology.

(Source: P.A. 94-771, eff. 1-1-07; 94-795, eff. 5-22-06; 94-814, eff. 1-1-07.)

Section 99. Effective date. This Act takes effect January 1, 2010."

AMENDMENT NO. 2 TO HOUSE BILL 442

AMENDMENT NO. 2. Amend House Bill 442, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1 on page 8, by replacing lines 5 through 6 with "governmental entity may utilize fixed cameras with in-ground detection technology.".

Senate Committee Amendment Nos. 3 and 4 and Senate Floor Amendment No. 5 were held in the Committee on Assignments.

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 446** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 457** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 461** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 466** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **House Bill No. 471** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 472** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **House Bill No. 475** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **House Bill No. 477** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 480** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **House Bill No. 483** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **House Bill No. 488** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, **House Bill No. 490** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **House Bill No. 493** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hutchinson, **House Bill No. 516** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 520** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Delgado, **House Bill No. 529** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 529

AMENDMENT NO. 1. Amend House Bill 529 by replacing everything after the enacting clause with the following:

"Section 5. The Children and Family Services Act is amended by changing Section 5 as follows:
(20 ILCS 505/5) (from Ch. 23, par. 5005)

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

(a) For purposes of this Section:

(1) "Children" means persons found within the State who are under the age of 18 years.

The term also includes persons under age 19 who:

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

(B) were accepted for care, service and training by the Department prior to the age of 18 and whose best interest in the discretion of the Department would be served by continuing that care, service and training because of severe emotional disturbances, physical disability, social adjustment or any combination thereof, or because of the need to complete an educational or vocational training program.

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

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

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

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

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

(D) restoring to their families children who have been removed, by the provision of services to the child and the families when the child can be cared for at home without endangering the child's health and safety;

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

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

(G) (blank);

(H) (blank); and

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

(i) who are in a foster home, or

(ii) who are persons with a developmental disability, as defined in the Mental

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Health and Developmental Disabilities Code, or

(iii) who are female children who are pregnant, pregnant and parenting or parenting, or

(iv) who are siblings, in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age.

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

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

(d) The Director may authorize advance disbursements for any new program initiative to any agency contracting with the Department. As a prerequisite for an advance disbursement, the contractor must post a surety bond in the amount of the advance disbursement and have a purchase of service contract approved by the Department. The Department may pay up to 2 months operational expenses in advance. The amount of the advance disbursement shall be prorated over the life of the contract or the remaining months of the fiscal year, whichever is less, and the installment amount shall then be deducted from future bills. Advance disbursement authorizations for new initiatives shall not be made to any agency after that agency has operated during 2 consecutive fiscal years. The requirements of this Section concerning advance disbursements shall not apply with respect to the following: payments to local public agencies for child day care services as authorized by Section 5a of this Act; and youth service programs receiving grant funds under Section 17a-4.

(e) (Blank).

(f) (Blank).

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

(1) adoption;

(2) foster care;

(3) family counseling;

(4) protective services;

(5) (blank);

(6) homemaker service;

(7) return of runaway children;

(8) (blank);

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

or 5-740 of the Juvenile Court Act of 1987 in accordance with the federal Adoption Assistance and Child Welfare Act of 1980; and

(10) interstate services.

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

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

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

(1) case management;

(2) homemakers;

(3) counseling;

(4) parent education;

(5) day care; and

(6) emergency assistance and advocacy.

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

(1) comprehensive family-based services;

- (2) assessments;
- (3) respite care; and
- (4) in-home health services.

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

(j) The Department may provide categories of financial assistance and education assistance grants, and shall establish rules and regulations concerning the assistance and grants, to persons who adopt physically or mentally handicapped, older and other hard-to-place children who (i) immediately prior to their adoption were legal wards of the Department or (ii) were determined eligible for financial assistance with respect to a prior adoption and who become available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died. The Department may continue to provide financial assistance and education assistance grants for a child who was determined eligible for financial assistance under this subsection (j) in the interim period beginning when the child's adoptive parents died and ending with the finalization of the new adoption of the child by another adoptive parent or parents. The Department may also provide categories of financial assistance and education assistance grants, and shall establish rules and regulations for the assistance and grants, to persons appointed guardian of the person under Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile Court Act of 1987 for children who were wards of the Department for 12 months immediately prior to the appointment of the guardian.

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

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

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

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

(l) ~~The Department may provide, and beginning July 1, 2000, the Department shall offer family preservation services, as defined in Section 8.2 of the Abused and Neglected Child Reporting Act, to help families, including adoptive and extended families. Family preservation services shall be offered (i) to prevent the placement of children in substitute care when the children can be cared for at home or in the custody of the person responsible for the children's welfare, (ii) to reunite children with their families, or (iii) to maintain an adoptive placement. Family preservation services shall only be offered when doing so will not endanger the children's health or safety. With respect to children who are in substitute care pursuant to the Juvenile Court Act of 1987, family preservation services shall not be offered if a goal other than those of subdivisions (A), (B), or (B-1) of subsection (2) of Section 2-28 of that Act has been set. Nothing in this paragraph shall be construed to create a private right of action or claim on the part of any individual or child welfare agency, except that when a child is the subject of an action under Article II of the Juvenile Court Act of 1987 and the child's service plan calls for services to facilitate achievement of the permanency goal, the court hearing the action under Article II of the Juvenile Court Act of 1987 may order the Department to provide the services set out in the plan, if those services are not provided with reasonable promptness and if those services are available.~~

The Department shall notify the child and his family of the Department's responsibility to offer and provide family preservation services as identified in the service plan. The child and his family shall be eligible for services as soon as the report is determined to be "indicated". The Department may offer services to any child or family with respect to whom a report of suspected child abuse or neglect has been filed, prior to concluding its investigation under Section 7.12 of the Abused and Neglected Child Reporting Act. However, the child's or family's willingness to accept services shall not be considered in the investigation. The Department may also provide services to any child or family who is the subject of any report of suspected child abuse or neglect or may refer such child or family to services available from other agencies in the community, even if the report is determined to be unfounded, if the conditions in the child's or family's home are reasonably likely to subject the child or family to future reports of suspected child abuse or neglect. Acceptance of such services shall be voluntary.

The Department may, at its discretion except for those children also adjudicated neglected or

dependent, accept for care and training any child who has been adjudicated addicted, as a truant minor in need of supervision or as a minor requiring authoritative intervention, under the Juvenile Court Act or the Juvenile Court Act of 1987, but no such child shall be committed to the Department by any court without the approval of the Department. A minor charged with a criminal offense under the Criminal Code of 1961 or adjudicated delinquent shall not be placed in the custody of or committed to the Department by any court, except a minor less than 15 years of age committed to the Department under Section 5-710 of the Juvenile Court Act of 1987 or a minor for whom an independent basis of abuse, neglect, or dependency exists, which must be defined by departmental rule. An independent basis exists when the allegations or adjudication of abuse, neglect, or dependency do not arise from the same facts, incident, or circumstances which give rise to a charge or adjudication of delinquency.

(l-1) The legislature recognizes that the best interests of the child require that the child be placed in the most permanent living arrangement as soon as is practically possible. To achieve this goal, the legislature directs the Department of Children and Family Services to conduct concurrent planning so that permanency may occur at the earliest opportunity. Permanent living arrangements may include prevention of placement of a child outside the home of the family when the child can be cared for at home without endangering the child's health or safety; reunification with the family, when safe and appropriate, if temporary placement is necessary; or movement of the child toward the most permanent living arrangement and permanent legal status.

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

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

A decision to place a child in substitute care shall be made with considerations of the child's health, safety, and best interests. At the time of placement, consideration should also be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child.

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

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

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

- (1) it has received a written consent to such temporary custody signed by the parents of the child or by the parent having custody of the child if the parents are not living together or by the guardian or custodian of the child if the child is not in the custody of either parent, or
- (2) the child is found in the State and neither a parent, guardian nor custodian of the child can be located.

If the child is found in his or her residence without a parent, guardian, custodian or responsible caretaker, the Department may, instead of removing the child and assuming temporary custody, place an authorized representative of the Department in that residence until such time as a parent, guardian or custodian enters the home and expresses a willingness and apparent ability to ensure the child's health and safety and resume permanent charge of the child, or until a relative enters the home and is willing and able to ensure the child's health and safety and assume charge of the child until a parent, guardian or custodian enters the home and expresses such willingness and ability to ensure the child's safety and resume permanent charge. After a caretaker has remained in the home for a period not to exceed 12 hours, the Department must follow those procedures outlined in Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile

Court Act of 1987.

The Department shall have the authority, responsibilities and duties that a legal custodian of the child would have pursuant to subsection (9) of Section 1-3 of the Juvenile Court Act of 1987. Whenever a child is taken into temporary custody pursuant to an investigation under the Abused and Neglected Child Reporting Act, or pursuant to a referral and acceptance under the Juvenile Court Act of 1987 of a minor in limited custody, the Department, during the period of temporary custody and before the child is brought before a judicial officer as required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987, shall have the authority, responsibilities and duties that a legal custodian of the child would have under subsection (9) of Section 1-3 of the Juvenile Court Act of 1987.

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

A parent, guardian or custodian of a child in the temporary custody of the Department who would have custody of the child if he were not in the temporary custody of the Department may deliver to the Department a signed request that the Department surrender the temporary custody of the child. The Department may retain temporary custody of the child for 10 days after the receipt of the request, during which period the Department may cause to be filed a petition pursuant to the Juvenile Court Act of 1987. If a petition is so filed, the Department shall retain temporary custody of the child until the court orders otherwise. If a petition is not filed within the 10 day period, the child shall be surrendered to the custody of the requesting parent, guardian or custodian not later than the expiration of the 10 day period, at which time the authority and duties of the Department with respect to the temporary custody of the child shall terminate.

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

(n) The Department may place children under 18 years of age in licensed child care facilities when in the opinion of the Department, appropriate services aimed at family preservation have been unsuccessful and cannot ensure the child's health and safety or are unavailable and such placement would be for their best interest. Payment for board, clothing, care, training and supervision of any child placed in a licensed child care facility may be made by the Department, by the parents or guardians of the estates of those children, or by both the Department and the parents or guardians, except that no payments shall be made by the Department for any child placed in a licensed child care facility for board, clothing, care, training and supervision of such a child that exceed the average per capita cost of maintaining and of caring for a child in institutions for dependent or neglected children operated by the Department. However, such restriction on payments does not apply in cases where children require specialized care and treatment for problems of severe emotional disturbance, physical disability, social adjustment, or any combination thereof and suitable facilities for the placement of such children are not available at payment rates within the limitations set forth in this Section. All reimbursements for services delivered shall be absolutely inalienable by assignment, sale, attachment, garnishment or otherwise.

(o) The Department shall establish an administrative review and appeal process for children and families who request or receive child welfare services from the Department. Children who are wards of the Department and are placed by private child welfare agencies, and foster families with whom those children are placed, shall be afforded the same procedural and appeal rights as children and families in the case of placement by the Department, including the right to an initial review of a private agency decision by that agency. The Department shall insure that any private child welfare agency, which accepts wards of the Department for placement, affords those rights to children and foster families. The Department shall accept for administrative review and an appeal hearing a complaint made by (i) a child or foster family concerning a decision following an initial review by a private child welfare agency or (ii) a prospective adoptive parent who alleges a violation of subsection (j-5) of this Section. An appeal of a decision concerning a change in the placement of a child shall be conducted in an expedited manner.

(p) There is hereby created the Department of Children and Family Services Emergency Assistance Fund from which the Department may provide special financial assistance to families which are in economic crisis when such assistance is not available through other public or private sources and the assistance is deemed necessary to prevent dissolution of the family unit or to reunite families which have

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been separated due to child abuse and neglect. The Department shall establish administrative rules specifying the criteria for determining eligibility for and the amount and nature of assistance to be provided. The Department may also enter into written agreements with private and public social service agencies to provide emergency financial services to families referred by the Department. Special financial assistance payments shall be available to a family no more than once during each fiscal year and the total payments to a family may not exceed \$500 during a fiscal year.

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

The Department shall set up and administer no-cost, interest-bearing accounts in appropriate financial institutions for children for whom the Department is legally responsible and who have been determined eligible for Veterans' Benefits, Social Security benefits, assistance allotments from the armed forces, court ordered payments, parental voluntary payments, Supplemental Security Income, Railroad Retirement payments, Black Lung benefits, or other miscellaneous payments. Interest earned by each account shall be credited to the account, unless disbursed in accordance with this subsection.

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

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

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

(3) Maintain any balance remaining after reimbursing for the child's costs of care, as specified in item (2). The balance shall accumulate in accordance with relevant State and federal laws and shall be disbursed to the child or his or her guardian, or to the issuing agency.

(r) The Department shall promulgate regulations encouraging all adoption agencies to voluntarily forward to the Department or its agent names and addresses of all persons who have applied for and have been approved for adoption of a hard-to-place or handicapped child and the names of such children who have not been placed for adoption. A list of such names and addresses shall be maintained by the Department or its agent, and coded lists which maintain the confidentiality of the person seeking to adopt the child and of the child shall be made available, without charge, to every adoption agency in the State to assist the agencies in placing such children for adoption. The Department may delegate to an agent its duty to maintain and make available such lists. The Department shall ensure that such agent maintains the confidentiality of the person seeking to adopt the child and of the child.

(s) The Department of Children and Family Services may establish and implement a program to reimburse Department and private child welfare agency foster parents licensed by the Department of Children and Family Services for damages sustained by the foster parents as a result of the malicious or negligent acts of foster children, as well as providing third party coverage for such foster parents with regard to actions of foster children to other individuals. Such coverage will be secondary to the foster parent liability insurance policy, if applicable. The program shall be funded through appropriations from the General Revenue Fund, specifically designated for such purposes.

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

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

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

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

(u) In addition to other information that must be provided, whenever the Department places a child with a prospective adoptive parent or parents or in a licensed foster home, group home, child care institution, or in a relative home, the Department shall provide to the prospective adoptive parent or parents or other caretaker:

- (1) available detailed information concerning the child's educational and health history, copies of immunization records (including insurance and medical card information), a history of the child's previous placements, if any, and reasons for placement changes excluding any information that identifies or reveals the location of any previous caretaker;
- (2) a copy of the child's portion of the client service plan, including any visitation arrangement, and all amendments or revisions to it as related to the child; and
- (3) information containing details of the child's individualized educational plan when the child is receiving special education services.

The caretaker shall be informed of any known social or behavioral information (including, but not limited to, criminal background, fire setting, perpetuation of sexual abuse, destructive behavior, and substance abuse) necessary to care for and safeguard the children to be placed or currently in the home. The Department may prepare a written summary of the information required by this paragraph, which may be provided to the foster or prospective adoptive parent in advance of a placement. The foster or prospective adoptive parent may review the supporting documents in the child's file in the presence of casework staff. In the case of an emergency placement, casework staff shall at least provide known information verbally, if necessary, and must subsequently provide the information in writing as required by this subsection.

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

(u-5) Effective July 1, 1995, only foster care placements licensed as foster family homes pursuant to the Child Care Act of 1969 shall be eligible to receive foster care payments from the Department. Relative caregivers who, as of July 1, 1995, were approved pursuant to approved relative placement rules previously promulgated by the Department at 89 Ill. Adm. Code 335 and had submitted an application for licensure as a foster family home may continue to receive foster care payments only until the Department determines that they may be licensed as a foster family home or that their application for licensure is denied or until September 30, 1995, whichever occurs first.

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

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

(v-2) Prior to final approval for placement of a child, the Department shall check its child abuse and neglect registry for information concerning prospective foster and adoptive parents, and any adult living

in the home. If any prospective foster or adoptive parent or other adult living in the home has resided in another state in the preceding 5 years, the Department shall request a check of that other state's child abuse and neglect registry.

(w) Within 120 days of August 20, 1995 (the effective date of Public Act 89-392), the Department shall prepare and submit to the Governor and the General Assembly, a written plan for the development of in-state licensed secure child care facilities that care for children who are in need of secure living arrangements for their health, safety, and well-being. For purposes of this subsection, secure care facility shall mean a facility that is designed and operated to ensure that all entrances and exits from the facility, a building or a distinct part of the building, are under the exclusive control of the staff of the facility, whether or not the child has the freedom of movement within the perimeter of the facility, building, or distinct part of the building. The plan shall include descriptions of the types of facilities that are needed in Illinois; the cost of developing these secure care facilities; the estimated number of placements; the potential cost savings resulting from the movement of children currently out-of-state who are projected to be returned to Illinois; the necessary geographic distribution of these facilities in Illinois; and a proposed timetable for development of such facilities.

(Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06; 95-10, eff. 6-30-07; 95-601, eff. 9-11-07; 95-642, eff. 6-1-08; 95-876, eff. 8-21-08.)

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

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

Sec. 8.2. If the Child Protective Service Unit determines, following an investigation made pursuant to Section 7.4 of this Act, that there is credible evidence that the child is abused or neglected, the Department shall assess the family's need for services, and, as necessary, develop, with the family, an appropriate service plan for the family's voluntary acceptance or refusal. In any case where there is evidence that the perpetrator of the abuse or neglect is an addict or alcoholic as defined in the Alcoholism and Other Drug Abuse and Dependency Act, the Department, when making referrals for drug or alcohol abuse services, shall make such referrals to facilities licensed by the Department of Human Services or the Department of Public Health. The Department shall comply with Section 8.1 by explaining its lack of legal authority to compel the acceptance of services and may explain its concomitant authority to petition the Circuit court under the Juvenile Court Act of 1987 or refer the case to the local law enforcement authority or State's attorney for criminal prosecution.

For purposes of this Act, the term "family preservation services" refers to all services to help families, including adoptive and extended families. Family preservation services shall be offered, where safe and appropriate, to prevent the placement of children in substitute care when the children can be cared for at home or in the custody of the person responsible for the children's welfare without endangering the children's health or safety, to reunite them with their families if so placed when reunification is an appropriate goal, or to maintain an adoptive placement. The term "homemaker" includes emergency caretakers, homemakers, caretakers, housekeepers and chore services. The term "counseling" includes individual therapy, infant stimulation therapy, family therapy, group therapy, self-help groups, drug and alcohol abuse counseling, vocational counseling and post-adoptive services. The term "day care" includes protective day care and day care to meet educational, prevocational or vocational needs. The term "emergency assistance and advocacy" includes coordinated services to secure emergency cash, food, housing and medical assistance or advocacy for other subsistence and family protective needs.

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

The Department shall provide a preliminary report to the General Assembly no later than January 1, 1991, in regard to the provision of services authorized pursuant to this Section. The report shall include:

- (a) the number of families and children served, by type of services;
- (b) the outcome from the provision of such services, including the number of families which remained intact at least 6 months following the termination of services;
- (c) the number of families which have been subjects of founded reports of abuse following the termination of services;
- (d) an analysis of general family circumstances in which family preservation services have been determined to be an effective intervention;
- (e) information regarding the number of families in need of services but unserved due to budget or program criteria guidelines;
- (f) an estimate of the time necessary for and the annual cost of statewide implementation of such services;
- (g) an estimate of the length of time before expansion of these services will be made to include families with children over the age of 6; and
- (h) recommendations regarding any proposed legislative changes to this program.

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

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

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

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

(Source: P.A. 89-21, eff. 6-6-95; 89-507, eff. 7-1-97; 90-14, eff. 7-1-97; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98.)

Section 15. The Juvenile Court Act of 1987 is amended by changing Sections 2-23 and 2-28 and by adding Section 2-34 as follows:

(705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

Sec. 2-23. Kinds of dispositional orders.

(1) The following kinds of orders of disposition may be made in respect of wards of the court:

(a) A minor under 18 years of age found to be neglected or abused under Section 2-3 or dependent under Section 2-4 may be (1) continued in the custody of his or her parents, guardian or legal custodian; (2) placed in accordance with Section 2-27; (3) restored to the custody of the parent, parents, guardian, or legal custodian, provided the court shall order the parent, parents, guardian, or legal custodian to cooperate with the Department of Children and Family Services and comply with the terms of an after-care plan or risk the loss of custody of the child and the possible termination of their parental rights; or (4) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Minors Act.

However, in any case in which a minor is found by the court to be neglected or abused under Section 2-3 of this Act, custody of the minor shall not be restored to any parent, guardian or legal custodian whose acts or omissions or both have been identified, pursuant to subsection (1) of Section 2-21, as forming the basis for the court's finding of abuse or neglect, until such time as a hearing is held on the issue of the best interests of the minor and the fitness of such parent, guardian or legal custodian to care for the minor without endangering the minor's health or safety, and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.

(b) A minor under 18 years of age found to be dependent under Section 2-4 may be (1) placed in accordance with Section 2-27 or (2) ordered partially or completely emancipated in accordance with the provisions of the Emancipation of Minors Act.

However, in any case in which a minor is found by the court to be dependent under Section 2-4 of this Act, custody of the minor shall not be restored to any parent, guardian or legal custodian whose acts or omissions or both have been identified, pursuant to subsection (1) of Section 2-21, as forming the basis for the court's finding of dependency, until such time as a hearing is held on the issue of the fitness of such parent, guardian or legal custodian to care for the minor without endangering the minor's health or safety, and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.

(c) When the court awards guardianship to the Department of Children and Family

Services, the court shall order the parents to cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions that require the child to be in care, or risk termination of their parental rights.

(2) Any order of disposition may provide for protective supervision under Section 2-24 and may include an order of protection under Section 2-25.

Unless the order of disposition expressly so provides, it does not operate to close proceedings on the pending petition, but is subject to modification, not inconsistent with Section 2-28, until final closing and discharge of the proceedings under Section 2-31.

(3) The court also shall enter any other orders necessary to fulfill the service plan, including, but not limited to, (i) orders requiring parties to cooperate with services, (ii) restraining orders controlling the conduct of any party likely to frustrate the achievement of the goal, and (iii) visiting orders. Unless otherwise specifically authorized by law, the court is not empowered under this subsection (3) to order specific placements, specific services, or specific service providers to be included in the plan. If, after receiving evidence, the court determines that the services contained in the plan are not reasonably calculated to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the evidence. The court also shall enter an order for the Department to develop and implement a new service plan or to implement changes to the current service plan consistent with the court's findings. The new service plan shall be filed with the court and served on all parties within 45 days after the date of the order. The court shall continue the matter until the new service plan is filed. Unless otherwise specifically authorized by law, the court is not empowered under this subsection (3) or under subsection (2) to order specific placements, specific services, or specific service providers to be included in the plan. If the court concludes that the Department of Children and Family Services has abused its discretion in setting the current service plan or permanency goal for the minor, the court shall enter specific findings in writing based on the evidence and shall enter an order for the Department to develop and implement a new permanency goal and service plan consistent with the court's findings. The new service plan shall be filed with the court and served on all parties. The court shall continue the matter until the new service plan is filed.

(4) In addition to any other order of disposition, the court may order any minor adjudicated neglected with respect to his or her own injurious behavior to make restitution, in monetary or non-monetary form, under the terms and conditions of Section 5-5-6 of the Unified Code of Corrections, except that the "presentence hearing" referred to therein shall be the dispositional hearing for purposes of this Section. The parent, guardian or legal custodian of the minor may pay some or all of such restitution on the minor's behalf.

(5) Any order for disposition where the minor is committed or placed in accordance with Section 2-27 shall provide for the parents or guardian of the estate of such minor to pay to the legal custodian or guardian of the person of the minor such sums as are determined by the custodian or guardian of the person of the minor as necessary for the minor's needs. Such payments may not exceed the maximum amounts provided for by Section 9.1 of the Children and Family Services Act.

(6) Whenever the order of disposition requires the minor to attend school or participate in a program of training, the truant officer or designated school official shall regularly report to the court if the minor is a chronic or habitual truant under Section 26-2a of the School Code.

(7) The court may terminate the parental rights of a parent at the initial dispositional hearing if all of the conditions in subsection (5) of Section 2-21 are met.

(Source: P.A. 95-331, eff. 8-21-07.)

(705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

Sec. 2-28. Court review.

(1) The court may require any legal custodian or guardian of the person appointed under this Act to report periodically to the court or may cite him into court and require him or his agency, to make a full and accurate report of his or its doings in behalf of the minor. The custodian or guardian, within 10 days after such citation, shall make the report, either in writing verified by affidavit or orally under oath in open court, or otherwise as the court directs. Upon the hearing of the report the court may remove the custodian or guardian and appoint another in his stead or restore the minor to the custody of his parents or former guardian or custodian. However, custody of the minor shall not be restored to any parent, guardian or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering the minor's health or safety and it is in the best interests of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of

the fitness of such parent, guardian or legal custodian to care for the minor and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor.

(2) The first permanency hearing shall be conducted by the judge. Subsequent permanency hearings may be heard by a judge or by hearing officers appointed or approved by the court in the manner set forth in Section 2-28.1 of this Act. The initial hearing shall be held (a) within 12 months from the date temporary custody was taken, (b) if the parental rights of both parents have been terminated in accordance with the procedure described in subsection (5) of Section 2-21, within 30 days of the order for termination of parental rights and appointment of a guardian with power to consent to adoption, or (c) in accordance with subsection (2) of Section 2-13.1. Subsequent permanency hearings shall be held every 6 months or more frequently if necessary in the court's determination following the initial permanency hearing, in accordance with the standards set forth in this Section, until the court determines that the plan and goal have been achieved. Once the plan and goal have been achieved, if the minor remains in substitute care, the case shall be reviewed at least every 6 months thereafter, subject to the provisions of this Section, unless the minor is placed in the guardianship of a suitable relative or other person and the court determines that further monitoring by the court does not further the health, safety or best interest of the child and that this is a stable permanent placement. The permanency hearings must occur within the time frames set forth in this subsection and may not be delayed in anticipation of a report from any source or due to the agency's failure to timely file its written report (this written report means the one required under the next paragraph and does not mean the service plan also referred to in that paragraph).

The public agency that is the custodian or guardian of the minor, or another agency responsible for the minor's care, shall ensure that all parties to the permanency hearings are provided a copy of the most recent service plan prepared within the prior 6 months at least 14 days in advance of the hearing. If not contained in the plan, the agency shall also include a report setting forth (i) any special physical, psychological, educational, medical, emotional, or other needs of the minor or his or her family that are relevant to a permanency or placement determination and (ii) for any minor age 16 or over, a written description of the programs and services that will enable the minor to prepare for independent living. The agency's written report must detail what progress or lack of progress the parent has made in correcting the conditions requiring the child to be in care; whether the child can be returned home without jeopardizing the child's health, safety, and welfare, and if not, what permanency goal is recommended to be in the best interests of the child, and why the other permanency goals are not appropriate. The caseworker must appear and testify at the permanency hearing. If a permanency hearing has not previously been scheduled by the court, the moving party shall move for the setting of a permanency hearing and the entry of an order within the time frames set forth in this subsection.

At the permanency hearing, the court shall determine the future status of the child. The court shall set one of the following permanency goals:

(A) The minor will be returned home by a specific date within 5 months.

(B) The minor will be in short-term care with a continued goal to return home within a period not to exceed one year, where the progress of the parent or parents is substantial giving particular consideration to the age and individual needs of the minor.

(B-1) The minor will be in short-term care with a continued goal to return home pending a status hearing. When the court finds that a parent has not made reasonable efforts or reasonable progress to date, the court shall identify what actions the parent and the Department must take in order to justify a finding of reasonable efforts or reasonable progress and shall set a status hearing to be held not earlier than 9 months from the date of adjudication nor later than 11 months from the date of adjudication during which the parent's progress will again be reviewed.

(C) The minor will be in substitute care pending court determination on termination of parental rights.

(D) Adoption, provided that parental rights have been terminated or relinquished.

(E) The guardianship of the minor will be transferred to an individual or couple on a permanent basis provided that goals (A) through (D) have been ruled out.

(F) The minor over age 15 will be in substitute care pending independence.

(G) The minor will be in substitute care because he or she cannot be provided for in a home environment due to developmental disabilities or mental illness or because he or she is a danger to self or others, provided that goals (A) through (D) have been ruled out.

In selecting any permanency goal, the court shall indicate in writing the reasons the goal was selected and why the preceding goals were ruled out. Where the court has selected a permanency goal other than (A), (B), or (B-1), the Department of Children and Family Services shall not provide further reunification services, but shall provide services consistent with the goal selected.

(H) Notwithstanding any other provision in this Section, the court may select the goal of continuing foster care as a permanency goal if:

(1) The Department of Children and Family Services has custody and guardianship of the minor;

(2) The court has ruled out all other permanency goals based on the child's best interest;

(3) The court has found compelling reasons, based on written documentation reviewed by the court, to place the minor in continuing foster care. Compelling reasons include:

(a) the child does not wish to be adopted or to be placed in the guardianship of his or her relative or foster care placement;

(b) the child exhibits an extreme level of need such that the removal of the child from his or her placement would be detrimental to the child; or

(c) the child who is the subject of the permanency hearing has existing close and strong bonds with a sibling, and achievement of another permanency goal would substantially interfere with the subject child's sibling relationship, taking into consideration the nature and extent of the relationship, and whether ongoing contact is in the subject child's best interest, including long-term emotional interest, as compared with the legal and emotional benefit of permanence;

(4) The child has lived with the relative or foster parent for at least one year; and

(5) The relative or foster parent currently caring for the child is willing and capable of providing the child with a stable and permanent environment.

The court shall set a permanency goal that is in the best interest of the child. In determining that goal, the court shall consult with the minor in an age-appropriate manner regarding the proposed permanency or transition plan for the minor. The court's determination shall include the following factors:

(1) Age of the child.

(2) Options available for permanence, including both out-of-State and in-State placement options.

(3) Current placement of the child and the intent of the family regarding adoption.

(4) Emotional, physical, and mental status or condition of the child.

(5) Types of services previously offered and whether or not the services were successful and, if not successful, the reasons the services failed.

(6) Availability of services currently needed and whether the services exist.

(7) Status of siblings of the minor.

The court shall consider (i) the permanency goal contained in the service plan, (ii) the appropriateness of the services contained in the plan and whether those services have been provided, (iii) whether reasonable efforts have been made by all the parties to the service plan to achieve the goal, and (iv) whether the plan and goal have been achieved. All evidence relevant to determining these questions, including oral and written reports, may be admitted and may be relied on to the extent of their probative value.

The court shall make findings as to whether, in violation of Section 8.2 of the Abused and Neglected Child Reporting Act, any portion of the service plan compels a child or parent to engage in any activity or refrain from any activity that is not reasonably related to remedying a condition or conditions that gave rise or which could give rise to any finding of child abuse or neglect.

If the permanency goal is to return home, the court shall make findings that identify any problems that are causing continued placement of the children away from the home and identify what outcomes would be considered a resolution to these problems. The court shall explain to the parents that these findings are based on the information that the court has at that time and may be revised, should additional evidence be presented to the court.

If the goal has been achieved, the court shall enter orders that are necessary to conform the minor's legal custody and status to those findings.

If, after receiving evidence, the court determines that the services contained in the plan are not reasonably calculated to facilitate achievement of the permanency goal, the court shall put in writing the factual basis supporting the determination and enter specific findings based on the evidence. The court also shall enter an order for the Department to develop and implement a new service plan or to implement changes to the current service plan consistent with the court's findings. The new service plan shall be filed with the court and served on all parties within 45 days of the date of the order. The court shall continue the matter until the new service plan is filed. Unless otherwise specifically authorized by law, the court is not empowered under this subsection (2) or under subsection (3) to order specific placements, specific services, or specific service providers to be included in the plan.

A guardian or custodian appointed by the court pursuant to this Act shall file updated case plans with the court every 6 months.

Rights of wards of the court under this Act are enforceable against any public agency by complaints

for relief by mandamus filed in any proceedings brought under this Act.

(3) Following the permanency hearing, the court shall enter a written order that includes the determinations required under subsection (2) of this Section and sets forth the following:

(a) The future status of the minor, including the permanency goal, and any order necessary to conform the minor's legal custody and status to such determination; or

(b) If the permanency goal of the minor cannot be achieved immediately, the specific reasons for continuing the minor in the care of the Department of Children and Family Services or other agency for short term placement, and the following determinations:

(i) (Blank).

(ii) Whether the services required by the court and by any service plan prepared within the prior 6 months have been provided and (A) if so, whether the services were reasonably calculated to facilitate the achievement of the permanency goal or (B) if not provided, why the services were not provided.

(iii) Whether the minor's placement is necessary, and appropriate to the plan and goal, recognizing the right of minors to the least restrictive (most family-like) setting available and in close proximity to the parents' home consistent with the health, safety, best interest and special needs of the minor and, if the minor is placed out-of-State, whether the out-of-State placement continues to be appropriate and consistent with the health, safety, and best interest of the minor.

(iv) (Blank).

(v) (Blank).

(4) The minor or any person interested in the minor may apply to the court for a change in custody of the minor and the appointment of a new custodian or guardian of the person or for the restoration of the minor to the custody of his parents or former guardian or custodian.

When return home is not selected as the permanency goal:

(a) The Department, the minor, or the current foster parent or relative caregiver

seeking private guardianship may file a motion for private guardianship of the minor. Appointment of a guardian under this Section requires approval of the court.

(b) The State's Attorney may file a motion to terminate parental rights of any parent who has failed to make reasonable efforts to correct the conditions which led to the removal of the child or reasonable progress toward the return of the child, as defined in subdivision (D)(m) of Section 1 of the Adoption Act or for whom any other unfitness ground for terminating parental rights as defined in subdivision (D) of Section 1 of the Adoption Act exists.

When parental rights have been terminated for a minimum of 3 years and the child who is the subject of the permanency hearing is 13 years old or older and is not currently placed in a placement likely to achieve permanency, the Department of Children and Family Services shall make reasonable efforts to locate parents whose rights have been terminated, except when the Court determines that those efforts would be futile or inconsistent with the subject child's best interests. The Department of Children and Family Services shall assess the appropriateness of the parent whose rights have been terminated, and shall, as appropriate, foster and support connections between the parent whose rights have been terminated and the youth. The Department of Children and Family Services shall document its determinations and efforts to foster connections in the child's case plan.

Custody of the minor shall not be restored to any parent, guardian or legal custodian in any case in which the minor is found to be neglected or abused under Section 2-3 or dependent under Section 2-4 of this Act, unless the minor can be cared for at home without endangering his or her health or safety and it is in the best interest of the minor, and if such neglect, abuse, or dependency is found by the court under paragraph (1) of Section 2-21 of this Act to have come about due to the acts or omissions or both of such parent, guardian or legal custodian, until such time as an investigation is made as provided in paragraph (5) and a hearing is held on the issue of the health, safety and best interest of the minor and the fitness of such parent, guardian or legal custodian to care for the minor and the court enters an order that such parent, guardian or legal custodian is fit to care for the minor. In the event that the minor has attained 18 years of age and the guardian or custodian petitions the court for an order terminating his guardianship or custody, guardianship or custody shall terminate automatically 30 days after the receipt of the petition unless the court orders otherwise. No legal custodian or guardian of the person may be removed without his consent until given notice and an opportunity to be heard by the court.

When the court orders a child restored to the custody of the parent or parents, the court shall order the parent or parents to cooperate with the Department of Children and Family Services and comply with the terms of an after-care plan, or risk the loss of custody of the child and possible termination of their parental rights. The court may also enter an order of protective supervision in accordance with Section 2-24.

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(5) Whenever a parent, guardian, or legal custodian files a motion for restoration of custody of the minor, and the minor was adjudicated neglected, abused, or dependent as a result of physical abuse, the court shall cause to be made an investigation as to whether the movant has ever been charged with or convicted of any criminal offense which would indicate the likelihood of any further physical abuse to the minor. Evidence of such criminal convictions shall be taken into account in determining whether the minor can be cared for at home without endangering his or her health or safety and fitness of the parent, guardian, or legal custodian.

(a) Any agency of this State or any subdivision thereof shall co-operate with the agent of the court in providing any information sought in the investigation.

(b) The information derived from the investigation and any conclusions or recommendations derived from the information shall be provided to the parent, guardian, or legal custodian seeking restoration of custody prior to the hearing on fitness and the movant shall have an opportunity at the hearing to refute the information or contest its significance.

(c) All information obtained from any investigation shall be confidential as provided in Section 5-150 of this Act.

(Source: P.A. 95-10, eff. 6-30-07; 95-182, eff. 8-14-07; 95-876, eff. 8-21-08.)

(705 ILCS 405/2-34 new)

Sec. 2-34. Motion to reinstate parental rights.

(1) For purposes of this subsection (1), the term "parent" refers to the person or persons whose rights were terminated as described in paragraph (a) of this subsection; and the term "minor" means a person under the age of 21 years subject to this Act for whom the Department of Children and Family Services Guardianship Administrator is appointed the temporary custodian or guardian.

A motion to reinstate parental rights may be filed only by the Department of Children and Family Services regarding any minor who is presently a ward of the court under Article II of this Act when all the conditions set out in paragraphs (a), (b), (c), (d), (e), (f), and (g) of this subsection (1) are met:

(a) while the minor was under the jurisdiction of the court under Article II of this Act, the minor's parent or parents surrendered the minor for adoption to an agency legally authorized to place children for adoption, or the minor's parent or parents consented to his or her adoption, or the minor's parent or parents consented to his or her adoption by a specified person or persons, or the parent or parents' rights were terminated pursuant to a finding of unfitness pursuant to Section 2-29 of this Act and a guardian was appointed with the power to consent to adoption pursuant to Section 2-29 of this Act; and

(b) (i) since the signing of the surrender, the signing of the consent, or the unfitness finding, the minor has remained a ward of the Court under Article II of this Act; or

(ii) the minor was made a ward of the Court, the minor was placed in the private guardianship of an individual or individuals, and after the appointment of a private guardian, the minor was again brought to the attention of the Juvenile Court and the private guardianship was vacated; or

(iii) the minor was made a ward of the Court, wardship was terminated after the minor was adopted, after the adoption the minor was again brought to the attention of the Juvenile Court and made a ward of the Court under Article II of this Act, and either (i) the adoptive parent or parents are deceased, (ii) the adoptive parent or parents signed a surrender of parental rights, or (iii) the parental rights of the adoptive parent or parents were terminated;

(c) the minor is not currently in a placement likely to achieve permanency;

(d) it is in the minor's best interest that parental rights be reinstated;

(e) the parent named in the motion wishes parental rights to be reinstated and is currently appropriate to have rights reinstated;

(f) more than 3 years have lapsed since the signing of the consent or surrender, or the entry of the order appointing a guardian with the power to consent to adoption;

(g) (i) the child is 13 years of age or older or (ii) the child is the younger sibling of such child, 13 years of age or older, for whom reinstatement of parental rights is being sought and the younger sibling independently meets the criteria set forth in paragraphs (a) through (h) of this subsection; and

(h) if the court has previously denied a motion to reinstate parental rights filed by the Department, there has been a substantial change in circumstances following the denial of the earlier motion.

(2) The motion may be filed only by the Department of Children and Family Services. Unless excused by the court for good cause shown, the movant shall give notice of the time and place of the hearing on the motion, in person or by mail, to the parties to the juvenile court proceeding. Notice shall be provided at least 14 days in advance of the hearing date. The motion shall include the allegations required in subsection (1) of this Section.

(3) Any party may file a motion to dismiss the motion with prejudice on the basis that the parent has intentionally acted to prevent the child from being adopted, after parental rights were terminated or the

parent intentionally acted to disrupt the child's adoption. If the court finds by a preponderance of the evidence that the parent has intentionally acted to prevent the child from being adopted, after parental rights were terminated or that the parent intentionally acted to disrupt the child's adoption, the court shall dismiss the petition with prejudice.

(4) The court shall not grant a motion for reinstatement of parental rights unless the court finds that the motion is supported by clear and convincing evidence. In ruling on a motion to reinstate parental rights, the court shall make findings consistent with the requirements in subsection (1) of this Section. The court shall consider the reasons why the child was initially brought to the attention of the court, the history of the child's case as it relates to the parent seeking reinstatement, and the current circumstances of the parent for whom reinstatement of rights is sought. If reinstatement is being considered subsequent to a finding of unfitness pursuant to Section 2-29 of this Act having been entered with respect to the parent whose rights are being restored, the court in determining the minor's best interest shall consider, in addition to the factors set forth in paragraph (4.05) of Section 1-3 of this Act, the specific grounds upon which the unfitness findings were made. Upon the entry of an order granting a motion to reinstate parental rights, parental rights of the parent named in the order shall be reinstated, any previous order appointing a guardian with the power to consent to adoption shall be void and with respect to the parent named in the order, any consent shall be void.

(5) If the case is post-disposition, the court, upon the entry of an order granting a motion to reinstate parental rights, shall schedule the matter for a permanency hearing pursuant to Section 2-28 of this Act within 45 days.

(6) Custody of the minor shall not be restored to the parent, except by order of court pursuant to subsection (4) of Section 2-28 of this Act.

(7) In any case involving a child over the age of 13 who meets the criteria established in this Section for reinstatement of parental rights, the Department of Children and Family Services shall conduct an assessment of the child's circumstances to assist in future planning for the child, including, but not limited to a determination regarding the appropriateness of filing a motion to reinstate parental rights.

(8) This Section is repealed 4 years after the effective date of this amendatory Act of the 96th General Assembly.

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

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Frerichs, **House Bill No. 546** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 548** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 562** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 567** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Elections, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 567

AMENDMENT NO. 1. Amend House Bill 567 on page 1, in lines 12 and 13, by replacing "by rule of the State Board of Elections" with "in Section 3 of the Community-Integrated Living Arrangements Licensure and Certification Act".

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Althoff, **House Bill No. 564** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **House Bill No. 571** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Althoff, **House Bill No. 585** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 594** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 604** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 605** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 607** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 610** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 615** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **House Bill No. 617** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **House Bill No. 624** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 628** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 629** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 645** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 655** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **House Bill No. 656** was taken up, read by title a second time. Senate Floor Amendment Nos. 1 and 2 were held in the Committee on Criminal Law. There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 658** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Holmes, **House Bill No. 667** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 675** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Risinger, **House Bill No. 680** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **House Bill No. 684** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 688** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 696** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Forby, **House Bill No. 704** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Kotowski, **House Bill No. 706** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Noland, **House Bill No. 710** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 719** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 721** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 722** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, **House Bill No. 726** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Steans, **House Bill No. 740** was taken up, read by title a second time. Senate Floor Amendment No. 1 was held in the Committee on Education. There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 743** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 745** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Koehler, **House Bill No. 746** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health, adopted and ordered printed:

AMENDMENT NO. 1 TO HOUSE BILL 746

AMENDMENT NO. 1. Amend House Bill 746 by replacing everything after the enacting clause with the following:

"Section 5. The Disabilities Services Act of 2003 is amended by adding the heading of Article IV and Section 60 as follows:

(20 ILCS 2407/Art. IV heading new)

ARTICLE IV. RAPID REINTEGRATION PILOT PROGRAM

(20 ILCS 2407/60 new)

Sec. 60. Rapid Reintegration Pilot Program.

(a) The Department of Human Services shall operate a Rapid Reintegration Pilot Program. The purpose of the pilot program is to demonstrate that, with appropriate support and services, individuals with physical disabilities and individuals with mental illness who need a short-term placement of 6 months or less in a nursing facility can successfully return to the community without experiencing unnecessary institutionalization. The initial pilot program sites shall be those initiated or operated by the Department in Fiscal Year 2009. The pilot program may be expanded to other sites as funding becomes

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available for that purpose.

(b) The Department of Human Services shall secure the cooperation of hospitals in the geographic areas served by the pilot program so that hospitals will coordinate with the Service Coordination Agencies and the Home Services Program to verify whether the individual is expected to have a short-term stay of 6 months or less in a nursing facility upon discharge from the hospital.

(c) The Service Coordination Agencies and the Home Services Program in the pilot areas shall make an initial assessment and a post-admission assessment to ascertain whether an individual needs a nursing facility level of care and whether the individual is expected to be in the nursing facility for a short-term stay of 6 months or less.

(d) The Service Coordination Agencies and the Home Services Program shall make necessary and appropriate efforts to reintegrate any individual who is found to need nursing facility level of care and is expected to be in a nursing home for a short-term stay of 6 months or less, including collaboration with local service providers, such as centers for independent living and community mental health agencies.

(e) If an individual who, through the pilot program, has been identified as needing a short-term stay of 6 months or less is admitted to a nursing facility, the individual shall be assessed for eligibility for an enhanced Community Home Maintenance Allowance to allow the individual to retain income for a period of up to 6 months in order to retain his or her home.

(f) The pilot program shall operate for not less than 3 years after the effective date of this amendatory Act of the 96th General Assembly. The Department of Human Services shall assess the effectiveness of the pilot program in preventing the unnecessary institutionalization of individuals with physical disabilities or mental illness and allowing them to successfully return to their pre-admission living arrangements.

(g) The pilot program established under this Article shall not apply to facilities that qualify under federal law as institutions for mental disease.

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

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 748** was taken up, read by title a second time and ordered to a third reading.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION NO. 250

Offered by Senator Clayborne and all Senators:
Mourns the death of Danny Turley.

SENATE RESOLUTION NO. 251

Offered by Senator Demuzio and all Senators:
Mourns the death of Becky A. Daggett of Carlinville.

SENATE RESOLUTION NO. 253

Offered by Senator Demuzio and all Senators:
Mourns the death of Donna C. Lakin of Carlinville.

SENATE RESOLUTION NO. 256

Offered by Senator Collins and all Senators:
Mourns the death of Alton L. Gill, Sr.

SENATE RESOLUTION NO. 257

Offered by Senator Collins and all Senators:
Mourns the death of Mae Anita Leverett of Chicago.

SENATE RESOLUTION NO. 258

Offered by Senator Haine and all Senators:
Mourns the death of Billie L. Schuler of Granite City.

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SENATE RESOLUTION NO. 259

Offered by Senator Haine and all Senators:
Mourns the death of John L. Holmes of Bethalto.

SENATE RESOLUTION NO. 262

Offered by Senator Schoenberg and all Senators:
Mourns the death of U.S. District Judge James B. Moran of Evanston.

SENATE RESOLUTION NO. 263

Offered by Senator Hunter and all Senators:
Mourns the death of Tyrone Kenner.

SENATE RESOLUTION NO. 264

Offered by Senator Demuzio and all Senators:
Mourns the death of John Bloomfield "J.B." Ryan of Carlinville.

SENATE RESOLUTION NO. 265

Offered by Senator Demuzio and all Senators:
Mourns the death of Marcus D. Nicholson of Benld, formerly of Carlinville.

SENATE RESOLUTION NO. 266

Offered by Senator Demuzio and all Senators:
Mourns the death of Linwood W. Turley of Carlinville.

SENATE RESOLUTION NO. 267

Offered by Senator Demuzio and all Senators:
Mourns the death of M. Keith "Red" Mefford of Carlinville.

SENATE RESOLUTION NO. 268

Offered by Senator Collins and all Senators:
Mourns the death of Reverend Frank Selby Lee, Jr., of Chicago.

The Chair moved the adoption of the Resolutions Consent Calendar. The motion prevailed, and the resolutions were adopted.

PRESENTATION OF RESOLUTION

Senator Lightford offered the following Senate Joint Resolution and, having asked and obtained unanimous consent to suspend the rules for its immediate consideration, moved its adoption:

SENATE JOINT RESOLUTION NO. 66

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Thursday, May 07, 2009, they stand adjourned until Tuesday, May 12, 2009 at 12:00 o'clock noon.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

ANNOUNCEMENTS

Senator Sullivan announced an informational budget briefing for the democratic caucus to begin at 2:00 o'clock p.m. in the sixth floor conference room.

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Senator Syverson announced a Republican caucus to begin immediately upon adjournment.

At the hour of 1:55 o'clock p.m., pursuant to **Senate Joint Resolution No. 66**, the Chair announced the Senate stand adjourned until Tuesday, May 12, 2009, at 12:00 o'clock noon.