**Section 300.120 Taking Children Into Temporary Protective Custody**

a) Local law enforcement officers, Department child protection staff, and physicians treating a child may take temporary protective custody of a child without the consent of the persons responsible for the child's welfare, if they have reason to believe that:

1) leaving the child in the home or in the care and custody of the child's caregiver presents an imminent danger to the child's life or health. The child shall not be taken into protective custody for the sole reason that the child was left with a relative, so long as the relative is willing to keep the child, and the Department has reason to believe that the relative can adequately and safely care for the child; and

2) there is insufficient time to obtain a Juvenile Court order authorizing temporary custody.

b) In addition to the above requirements, Department child protection staff shall ensure and document that reasonable efforts were made to prevent or eliminate the need to remove a child from the child's home. However, it may be that due to the individual circumstances of the family and the child's best interest, safety and well-being, no efforts reasonably can be made to maintain the child in the child's home. Reasonable efforts shall not be required if there exists any of the grounds for expedited termination of parental rights as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services Is Legally Responsible). Such a determination that no efforts reasonably can be made must be documented. If no efforts reasonably can be made to safely prevent or eliminate the removal of the child, the child shall be taken into protective custody.

c) Local law enforcement officers or physicians who take temporary protective custody of a child must immediately notify the Department of their action.

d) When taking temporary protective custody of a child or receiving a child who was taken into temporary protective custody by the local law enforcement officer or by a physician, Department child protection staff shall:

1) immediately notify the State Central Register of this action;

2) make every reasonable effort to notify the child's parents, personal guardian, legal custodian, and any relative caregiver from whom the child was removed, of the action;

3) request that the Guardianship Administrator or designee authorize any ordinary medical care or treatment necessary for those children taken into temporary protective custody;

4) if the child needs treatment of an emergency nature and the parent or guardian is unavailable or unwilling to provide consent, the physician or hospital shall be asked to proceed under the Consent by Minors to Medical Procedures Act [410 ILCS 210], which allows treatment to be given to minors without consent; and

5) obtain a shelter care hearing under the provisions of the Juvenile Court Act within 48 hours, excluding Saturdays, Sundays, and holidays, in order to retain custody for more than 48 hours.

e) The Department recognizes the importance of maintaining sibling relationships in those situations in which children must be placed away from their parents. The Department shall provide training for child protection specialists, their supervisors and managers regarding the importance of maintaining sibling relationships and the child's sense of attachment to his/her siblings, the importance of maintaining sibling relationships over the child's lifespan, and the impact on the child if those relationships are severed.

f) At any time during the investigation, but no later than 30 days prior to the date of the scheduled adjudicatory hearing, the child protection specialist shall request a legal screening to determine whether the State's Attorney should be asked to file a petition for expedited termination of parental rights, if:

1) it becomes known that there is present one or more of the grounds for seeking expedited termination of parental rights described in 89 Ill. Adm. Code 309.50 (Identification of Children for Potential Adoption Planning); and

2) the parents are unwilling to voluntarily surrender the child for adoption or consent to the adoption of the child by a specified person.

(Source: Amended at 40 Ill. Reg. 648, effective December 31, 2015)