

SB2296



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2296

Introduced 10/30/2019, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

20 ILCS 505/5

from Ch. 23, par. 5005

Amends the Children and Family Services Act. In a provision permitting the Department of Children and Family Services to refer any child or family to services available from other agencies in the community 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, provides that if the family chooses to receive family preservation services and there are children under the age of 6 living in the household, those children shall be enrolled in appropriate early childhood education services. Effective immediately.

LRB101 14933 KTG 64267 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Children and Family Services Act is amended
5 by changing Section 5 as follows:

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

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

11 (a) For purposes of this Section:

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (G) (blank);

17 (H) (blank); and

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

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

11 (b) (Blank).

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

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

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

9 (e) (Blank).

10 (f) (Blank).

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

15 (1) adoption;

16 (2) foster care;

17 (3) family counseling;

18 (4) protective services;

19 (5) (blank);

20 (6) homemaker service;

21 (7) return of runaway children;

22 (8) (blank);

23 (9) placement under Section 5-7 of the Juvenile Court
24 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
25 Court Act of 1987 in accordance with the federal Adoption
26 Assistance and Child Welfare Act of 1980; and

1 (10) interstate services.

2 Rules and regulations established by the Department shall
3 include provisions for training Department staff and the staff
4 of Department grantees, through contracts with other agencies
5 or resources, in screening techniques to identify substance use
6 disorders, as defined in the Substance Use Disorder Act,
7 approved by the Department of Human Services, as a successor to
8 the Department of Alcoholism and Substance Abuse, for the
9 purpose of identifying children and adults who should be
10 referred for an assessment at an organization appropriately
11 licensed by the Department of Human Services for substance use
12 disorder treatment.

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

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

25 (1) case management;

26 (2) homemakers;

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

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

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

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

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

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

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

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

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

1 outside of the State of Illinois.

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

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

1 of 1987 and the child's service plan calls for services to
2 facilitate achievement of the permanency goal, the court
3 hearing the action under Article II of the Juvenile Court Act
4 of 1987 may order the Department to provide the services set
5 out in the plan, if those services are not provided with
6 reasonable promptness and if those services are available.

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

1 assessment, as an alternative to an investigation, as provided
2 under the "differential response program" provided for in
3 subsection (a-5) of Section 7.4 of the Abused and Neglected
4 Child Reporting Act.

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

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

18 As soon as is possible after August 7, 2009 (the effective
19 date of Public Act 96-134), the Department shall develop and
20 implement a special program of family preservation services to
21 support intact, foster, and adoptive families who are
22 experiencing extreme hardships due to the difficulty and stress
23 of caring for a child who has been diagnosed with a pervasive
24 developmental disorder if the Department determines that those
25 services are necessary to ensure the health and safety of the
26 child. The Department may offer services to any family whether

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

24 (1-1) The legislature recognizes that the best interests of
25 the child require that the child be placed in the most
26 permanent living arrangement as soon as is practically

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

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

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

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

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

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

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

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

1 together or by the guardian or custodian of the child if
2 the child is not in the custody of either parent, or

3 (2) the child is found in the State and neither a
4 parent, guardian nor custodian of the child can be located.

5 If the child is found in his or her residence without a parent,
6 guardian, custodian, or responsible caretaker, the Department
7 may, instead of removing the child and assuming temporary
8 custody, place an authorized representative of the Department
9 in that residence until such time as a parent, guardian, or
10 custodian enters the home and expresses a willingness and
11 apparent ability to ensure the child's health and safety and
12 resume permanent charge of the child, or until a relative
13 enters the home and is willing and able to ensure the child's
14 health and safety and assume charge of the child until a
15 parent, guardian, or custodian enters the home and expresses
16 such willingness and ability to ensure the child's safety and
17 resume permanent charge. After a caretaker has remained in the
18 home for a period not to exceed 12 hours, the Department must
19 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
20 5-415 of the Juvenile Court Act of 1987.

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

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

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

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

1 temporary custody of the child shall terminate.

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

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

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

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

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

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

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

15 (p) (Blank).

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

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

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

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

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

17 (2) Calculate on a monthly basis the amounts paid from
18 State funds for the child's board and care, medical care
19 not covered under Medicaid, and social services; and
20 utilize funds from the child's account, as covered by
21 regulation, to reimburse those costs. Monthly,
22 disbursements from all children's accounts, up to 1/12 of
23 \$13,000,000, shall be deposited by the Department into the
24 General Revenue Fund and the balance over 1/12 of
25 \$13,000,000 into the DCFS Children's Services Fund.

26 (3) Maintain any balance remaining after reimbursing

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

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

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

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

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

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

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

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

25 (u) In addition to other information that must be provided,
26 whenever the Department places a child with a prospective

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

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

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

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

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

1 parent may review the supporting documents in the child's file
2 in the presence of casework staff. In the case of an emergency
3 placement, casework staff shall at least provide known
4 information verbally, if necessary, and must subsequently
5 provide the information in writing as required by this
6 subsection.

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

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

1 previously promulgated by the Department at 89 Ill. Adm. Code
2 335 and had submitted an application for licensure as a foster
3 family home may continue to receive foster care payments only
4 until the Department determines that they may be licensed as a
5 foster family home or that their application for licensure is
6 denied or until September 30, 1995, whichever occurs first.

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

1 Department of State Police relating to the access and
2 dissemination of this information.

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

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

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

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

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

1 appears to have taken place or is presently ongoing, the
2 Department shall notify the proper law enforcement agency, the
3 proper State's Attorney, or the Attorney General.

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

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

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

6 For purposes of this subsection:

7 "Background information" means all of the following:

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

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

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

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

1 Personnel System.

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

11 (Source: P.A. 100-159, eff. 8-18-17; 100-522, eff. 9-22-17;
12 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-978, eff.
13 8-19-18; 101-13, eff. 6-12-19; 101-79, eff. 7-12-19; 101-81,
14 eff. 7-12-19; revised 8-1-19.)

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