



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3835

Introduced 2/22/2021, by Rep. Lindsey LaPointe

SYNOPSIS AS INTRODUCED:

20 ILCS 505/5	from Ch. 23, par. 5005
20 ILCS 1305/10-26	
20 ILCS 1705/11.3	
30 ILCS 500/45-35	
105 ILCS 5/14-8.03	from Ch. 122, par. 14-8.03
105 ILCS 5/14-11.02	from Ch. 122, par. 14-11.02

Amends the Department of Human Services Act. Provides that an individual who is added to the Department of Human Services's Prioritization of Urgency of Need for Services (PUNS) database before the age of 18 years must be selected from the PUNS database within 5 years after the individual is added. Amends the Children with Disabilities Article of the School Code. Provides that a person is eligible for transition services through age 23, which means the day before the person's 24th birthday, unless the person's 24th birthday occurs during the school year, in which case the person is eligible for transition services through the end of the school year (rather than providing that a public school's responsibility for delivering educational services does not extend beyond the time the student leaves school or when the student's eligibility ends due to age under the Article); makes related changes, including in the Children and Family Services Act, the Mental Health and Developmental Disabilities Administrative Act, and the Illinois Procurement Code. Effective immediately.

LRB102 15352 NHT 20712 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning persons with disabilities.

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
13 who 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
20 by 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
26 child and the families when the child can be cared for

1 at 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
25 or the remaining months of the fiscal year, whichever is less,
26 and 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
6 for 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
13 goals of child safety and protection, family preservation,
14 family reunification, and adoption, including, but not limited
15 to:

16 (1) adoption;

17 (2) foster care;

18 (3) family counseling;

19 (4) protective services;

20 (5) (blank);

21 (6) homemaker service;

22 (7) return of runaway children;

23 (8) (blank);

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

1 Assistance and Child Welfare Act of 1980; and

2 (10) interstate services.

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

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

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

26 (1) case management;

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

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

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

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

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

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

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

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

25 (j-5) The Department shall not deny or delay the placement
26 of a child for adoption if an approved family is available

1 either outside of the Department region handling the case, or
2 outside of the State of Illinois.

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

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

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

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

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

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

1 Criminal Code of 1961 or the Criminal Code of 2012 or
2 adjudicated delinquent shall not be placed in the custody of
3 or committed to the Department by any court, except (i) a minor
4 less than 15 years of age committed to the Department under
5 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor
6 for whom an independent basis of abuse, neglect, or dependency
7 exists, which must be defined by departmental rule, or (iii) a
8 minor for whom the court has granted a supplemental petition
9 to reinstate wardship pursuant to subsection (2) of Section
10 2-33 of the Juvenile Court Act of 1987. An independent basis
11 exists when the allegations or adjudication of abuse, neglect,
12 or dependency do not arise from the same facts, incident, or
13 circumstances which give rise to a charge or adjudication of
14 delinquency. The Department shall assign a caseworker to
15 attend any hearing involving a youth in the care and custody of
16 the Department who is placed on aftercare release, including
17 hearings involving sanctions for violation of aftercare
18 release conditions and aftercare release revocation hearings.

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

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

21 (1-1) The legislature recognizes that the best interests
22 of the child require that the child be placed in the most
23 permanent living arrangement as soon as is practically
24 possible. To achieve this goal, the legislature directs the
25 Department of Children and Family Services to conduct
26 concurrent planning so that permanency may occur at the

1 earliest opportunity. Permanent living arrangements may
2 include prevention of placement of a child outside the home of
3 the family when the child can be cared for at home without
4 endangering the child's health or safety; reunification with
5 the family, when safe and appropriate, if temporary placement
6 is necessary; or movement of the child toward the most
7 permanent living arrangement and permanent legal status.

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

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

24 A decision to place a child in substitute care shall be
25 made with considerations of the child's health, safety, and
26 best interests. At the time of placement, consideration should

1 also be given so that if reunification fails or is delayed, the
2 placement made is the best available placement to provide
3 permanency for the child.

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

8 (1) the likelihood of prompt reunification;

9 (2) the past history of the family;

10 (3) the barriers to reunification being addressed by
11 the family;

12 (4) the level of cooperation of the family;

13 (5) the foster parents' willingness to work with the
14 family to reunite;

15 (6) the willingness and ability of the foster family
16 to provide an adoptive home or long-term placement;

17 (7) the age of the child;

18 (8) placement of siblings.

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

21 (1) it has received a written consent to such
22 temporary custody signed by the parents of the child or by
23 the parent having custody of the child if the parents are
24 not living together or by the guardian or custodian of the
25 child if the child is not in the custody of either parent,
26 or

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

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

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

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

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

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

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

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

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

1 shall cooperate with the assigned case manager in developing
2 an agreement identifying the services to be provided and how
3 the 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.
10 The Department of Children and Family Services shall create
11 clear, readable notice of the rights of former foster youth to
12 child welfare services under this Section and how such
13 services may be obtained. The Department of Children and
14 Family Services and the Department of Human Services shall
15 disseminate this information statewide. The Department shall
16 adopt regulations describing services intended to assist
17 minors in achieving sustainable self-sufficiency as
18 independent adults.

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

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

17 (p) (Blank).

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

24 The Department shall set up and administer no-cost,
25 interest-bearing accounts in appropriate financial
26 institutions for children for whom the Department is legally

1 responsible and who have been determined eligible for
2 Veterans' Benefits, Social Security benefits, assistance
3 allotments from the armed forces, court ordered payments,
4 parental voluntary payments, Supplemental Security Income,
5 Railroad Retirement payments, Black Lung benefits, or other
6 miscellaneous payments. Interest earned by each account shall
7 be credited to the account, unless disbursed in accordance
8 with this subsection.

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

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

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

1 \$13,000,000 into the DCFS Children's Services Fund.

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

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

23 (s) The Department of Children and Family Services may
24 establish and implement a program to reimburse Department and
25 private child welfare agency foster parents licensed by the
26 Department of Children and Family Services for damages

1 sustained by the foster parents as a result of the malicious or
2 negligent acts of foster children, as well as providing third
3 party coverage for such foster parents with regard to actions
4 of foster children to other individuals. Such coverage will be
5 secondary to the foster parent liability insurance policy, if
6 applicable. The program shall be funded through appropriations
7 from the General Revenue Fund, specifically designated for
8 such purposes.

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

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

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

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

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

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

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

18 (3) information containing details of the child's
19 individualized educational plan when the child is
20 receiving special education services.

21 The caretaker shall be informed of any known social or
22 behavioral information (including, but not limited to,
23 criminal background, fire setting, perpetuation of sexual
24 abuse, destructive behavior, and substance abuse) necessary to
25 care for and safeguard the children to be placed or currently
26 in the home. The Department may prepare a written summary of

1 the information required by this paragraph, which may be
2 provided to the foster or prospective adoptive parent in
3 advance of a placement. The foster or prospective adoptive
4 parent may review the supporting documents in the child's file
5 in the presence of casework staff. In the case of an emergency
6 placement, casework staff shall at least provide known
7 information verbally, if necessary, and must subsequently
8 provide the information in writing as required by this
9 subsection.

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

25 (u-5) Effective July 1, 1995, only foster care placements
26 licensed as foster family homes pursuant to the Child Care Act

1 of 1969 shall be eligible to receive foster care payments from
2 the Department. Relative caregivers who, as of July 1, 1995,
3 were approved pursuant to approved relative placement rules
4 previously promulgated by the Department at 89 Ill. Adm. Code
5 335 and had submitted an application for licensure as a foster
6 family home may continue to receive foster care payments only
7 until the Department determines that they may be licensed as a
8 foster family home or that their application for licensure is
9 denied or until September 30, 1995, whichever occurs first.

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

1 information access system and have access to the terminal. The
2 Department of Children and Family Services and its employees
3 shall abide by rules and regulations established by the
4 Department of State Police relating to the access and
5 dissemination of this information.

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

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

26 (w) Within 120 days of August 20, 1995 (the effective date

1 of Public Act 89-392), the Department shall prepare and submit
2 to the Governor and the General Assembly, a written plan for
3 the development of in-state licensed secure child care
4 facilities that care for children who are in need of secure
5 living arrangements for their health, safety, and well-being.
6 For purposes of this subsection, secure care facility shall
7 mean a facility that is designed and operated to ensure that
8 all entrances and exits from the facility, a building or a
9 distinct part of the building, are under the exclusive control
10 of the staff of the facility, whether or not the child has the
11 freedom of movement within the perimeter of the facility,
12 building, or distinct part of the building. The plan shall
13 include descriptions of the types of facilities that are
14 needed in Illinois; the cost of developing these secure care
15 facilities; the estimated number of placements; the potential
16 cost savings resulting from the movement of children currently
17 out-of-state who are projected to be returned to Illinois; the
18 necessary geographic distribution of these facilities in
19 Illinois; and a proposed timetable for development of such
20 facilities.

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

1 pursuant to the Juvenile Court Act of 1987. The Department
2 shall determine if financial exploitation of the child's
3 personal information has occurred. If financial exploitation
4 appears to have taken place or is presently ongoing, the
5 Department shall notify the proper law enforcement agency, the
6 proper State's Attorney, or the Attorney General.

7 (y) ~~A Beginning on July 22, 2010 (the effective date of~~
8 ~~Public Act 96-1189), a~~ child with a disability who receives
9 residential and educational services from the Department shall
10 be eligible to receive transition services in accordance with
11 Article 14 of the School Code from the age of 14.5 through age
12 23, which, for purposes of this subsection, means the day
13 before a person's 24th birthday, unless the person's 24th
14 birthday occurs during the school year, in which case the
15 person is eligible for transition services through the end of
16 the school year, 21, inclusive, notwithstanding the child's
17 residential services arrangement. For purposes of this
18 subsection, "child with a disability" means a child with a
19 disability as defined by the federal Individuals with
20 Disabilities Education Improvement Act of 2004.

21 (z) The Department shall access criminal history record
22 information as defined as "background information" in this
23 subsection and criminal history record information as defined
24 in the Illinois Uniform Conviction Information Act for each
25 Department employee or Department applicant. Each Department
26 employee or Department applicant shall submit his or her

1 fingerprints to the Department of State Police in the form and
2 manner prescribed by the Department of State Police. These
3 fingerprints shall be checked against the fingerprint records
4 now and hereafter filed in the Department of State Police and
5 the Federal Bureau of Investigation criminal history records
6 databases. The Department of State Police shall charge a fee
7 for conducting the criminal history record check, which shall
8 be deposited into the State Police Services Fund and shall not
9 exceed the actual cost of the record check. The Department of
10 State Police shall furnish, pursuant to positive
11 identification, all Illinois conviction information to the
12 Department of Children and Family Services.

13 For purposes of this subsection:

14 "Background information" means all of the following:

15 (i) Upon the request of the Department of Children and
16 Family Services, conviction information obtained from the
17 Department of State Police as a result of a
18 fingerprint-based criminal history records check of the
19 Illinois criminal history records database and the Federal
20 Bureau of Investigation criminal history records database
21 concerning a Department employee or Department applicant.

22 (ii) Information obtained by the Department of
23 Children and Family Services after performing a check of
24 the Department of State Police's Sex Offender Database, as
25 authorized by Section 120 of the Sex Offender Community
26 Notification Law, concerning a Department employee or

1 Department applicant.

2 (iii) Information obtained by the Department of
3 Children and Family Services after performing a check of
4 the Child Abuse and Neglect Tracking System (CANTS)
5 operated and maintained by the Department.

6 "Department employee" means a full-time or temporary
7 employee coded or certified within the State of Illinois
8 Personnel System.

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

18 (Source: P.A. 100-159, eff. 8-18-17; 100-522, eff. 9-22-17;
19 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-978, eff.
20 8-19-18; 101-13, eff. 6-12-19; 101-79, eff. 7-12-19; 101-81,
21 eff. 7-12-19; revised 8-1-19.)

22 Section 10. The Department of Human Services Act is
23 amended by changing Section 10-26 as follows:

24 (20 ILCS 1305/10-26)

1 Sec. 10-26. The PUNS database.

2 (a) The Department of Human Services shall compile and
3 maintain a database of Illinois residents with an intellectual
4 disability or a developmental disability, including an autism
5 spectrum disorder, and Illinois residents with an intellectual
6 disability or a developmental disability who are also
7 diagnosed with a physical disability or mental illness and are
8 in need of developmental disability services funded by the
9 Department. The database shall be referred to as the
10 Prioritization of Urgency of Need for Services (PUNS) and
11 shall include, but not be limited to, children and youth,
12 individuals transitioning from special education to
13 post-secondary activities, individuals living at home or in
14 the community, individuals in private nursing and residential
15 facilities, and individuals in intermediate care facilities
16 for persons with developmental disabilities. Individuals who
17 are receiving services under any home and community-based
18 services waiver program authorized under Section 1915(c) of
19 the Social Security Act may remain on the PUNS database until
20 they are offered services through a PUNS selection or
21 demonstrate the need for and are awarded alternative services.
22 An individual who is added to the PUNS database before the age
23 of 18 years must be selected from the PUNS database within 5
24 years after the individual is added.

25 (b) The PUNS database shall be used to foster a fair and
26 orderly process for processing applications for developmental

1 disabilities services funded by the Department, verifying
2 information, keeping individuals and families who have applied
3 for services informed of available services and anticipated
4 wait times, determining unmet need, and informing the General
5 Assembly and the Governor of unmet need statewide and within
6 each representative district.

7 (c) Independent service coordination agencies shall be the
8 points of entry for individuals and families applying for
9 developmental disability services funded by the Department.
10 The information collected and maintained for PUNS shall
11 include, but is not limited to, the following: (i) the types of
12 services of which the individual is potentially in need; (ii)
13 demographic and identifying information about the individual;
14 (iii) factors indicating need, including diagnoses, assessment
15 information, ages of primary caregivers, and current living
16 situation; (iv) the date information about the individual is
17 submitted for inclusion in PUNS, and the types of services
18 sought by the individual; and (v) the representative district
19 in which the individual resides. In collecting and maintaining
20 information under this Section, the Department shall give
21 consideration to cost-effective appropriate services for
22 individuals.

23 (d) The Department shall respond to inquiries about
24 anticipated PUNS selection dates and make available a
25 Department e-mail address for such inquiries. Subject to
26 appropriation, the Department shall offer a web-based

1 verification and information-update application. The
2 Department shall make all reasonable efforts to contact
3 individuals on the PUNS database at least 2 times each year and
4 provide information about the PUNS process, information
5 regarding services that may be available to them prior to the
6 time they are selected from PUNS, and advice on preparing for
7 and seeking developmental disability services. At least one of
8 the contacts must be from an independent service coordination
9 agency. The Department may contact individuals on the PUNS
10 database through a newsletter prepared by the Division of
11 Developmental Disabilities. The Department shall provide
12 information about PUNS to the general public on its website.

13 (e) This amendatory Act of the 101st General Assembly does
14 not create any new entitlement to a service, program, or
15 benefit but shall not affect any entitlement to a service,
16 program, or benefit created by any other law. Except for a
17 service, program, or benefit that is an entitlement, a
18 service, program, or benefit provided as a result of the
19 collection and maintenance of PUNS shall be subject to
20 appropriations made by the General Assembly.

21 (f) The Department, consistent with applicable federal and
22 State law, shall make general information about PUNS available
23 to the public such as: (i) the number of individuals
24 potentially in need of each type of service, program, or
25 benefit; and (ii) the general characteristics of those
26 individuals. The Department shall protect the confidentiality

1 of each individual in PUNS when releasing database information
2 by not disclosing any personally identifying information.

3 (g) The Department shall allow an individual who is:

4 (1) a legal resident;

5 (2) a dependent of a military service member; and

6 (3) absent from the State due to the member's military
7 service;

8 to be added to PUNS to indicate the need for services upon
9 return to the State. If the individual is selected from PUNS to
10 receive services, the individual shall have 6 months from the
11 date of the selection notification to apply for services and
12 another 6 months to commence using the services. If an
13 individual is receiving services funded by the Department and
14 the services are disrupted due to the military service
15 member's need for the individual to leave the State because of
16 the member's military service, the services shall be resumed
17 upon the individual's return to the State if the individual is
18 otherwise eligible. No payment made in accordance with this
19 Section or Section 12-4.47 of the Illinois Public Aid Code
20 shall be made for home and community based services provided
21 outside the State of Illinois. The individual is required to
22 provide the following to the Department:

23 (i) a copy of the military service member's DD-214 or
24 other equivalent discharge paperwork; and

25 (ii) proof of the military service member's legal
26 residence in the State, as prescribed by the Department.

1 (Source: P.A. 101-284, eff. 8-9-19.)

2 Section 15. The Mental Health and Developmental
3 Disabilities Administrative Act is amended by changing Section
4 11.3 as follows:

5 (20 ILCS 1705/11.3)

6 Sec. 11.3. Transition services; children with
7 disabilities. A child with a disability who receives
8 residential and educational services directly from or paid by
9 the Department shall be eligible to receive transition
10 services in accordance with Article 14 of the School Code from
11 the age of 14.5 through age 23, which, for purposes of this
12 Section, means the day before a person's 24th birthday, unless
13 the person's 24th birthday occurs during the school year, in
14 which case the person is eligible for transition services
15 through the end of the school year, 21, inclusive,
16 notwithstanding the child's residential services arrangement.
17 Beginning on the effective date of this amendatory Act of the
18 96th General Assembly, the Department shall review its
19 policies and regulations that create obstacles to the
20 provision of these services and within the constraint of
21 existing federal or State law change or modify the policies
22 and regulations to support the provision of transition
23 services in accordance with Article 14 of the School Code. For
24 the purposes of this Section, "child with a disability" means

1 a child with a disability as defined by the federal
2 Individuals with Disabilities Education Improvement Act of
3 2004.

4 (Source: P.A. 96-1189, eff. 7-22-10.)

5 Section 20. The Illinois Procurement Code is amended by
6 changing Section 45-35 as follows:

7 (30 ILCS 500/45-35)

8 Sec. 45-35. Not-for-profit agencies for persons with
9 significant disabilities.

10 (a) Qualification. Supplies and services may be procured
11 without advertising or calling for bids from any qualified
12 not-for-profit agency for persons with significant
13 disabilities that:

14 (1) complies with Illinois laws governing private
15 not-for-profit organizations;

16 (2) is certified as a work center by the Wage and Hour
17 Division of the United States Department of Labor or is an
18 accredited vocational program that provides transition
19 services to youth from the age of 14 1/2 through age 23
20 ~~between the ages of 14 1/2 and 22~~ in accordance with
21 individualized education plans under Section 14-8.03 of
22 the School Code and that provides residential services at
23 a child care institution, as defined under Section 2.06 of
24 the Child Care Act of 1969, or at a group home, as defined

1 under Section 2.16 of the Child Care Act of 1969; and

2 (3) is accredited by a nationally-recognized
3 accrediting organization or certified as a developmental
4 training provider by the Department of Human Services.

5 (b) Participation. To participate, the not-for-profit
6 agency must have indicated an interest in providing the
7 supplies and services, must meet the specifications and needs
8 of the using agency, and must set a fair and reasonable price.

9 (c) Committee. There is created within the Department of
10 Central Management Services a committee to facilitate the
11 purchase of products and services of persons with a
12 significant physical, developmental, or mental disability or a
13 combination of any of those disabilities who cannot engage in
14 normal competitive employment due to the significant
15 disability or combination of those disabilities. This
16 committee is called the State Use Committee. The State Use
17 Committee shall consist of the Director of the Department of
18 Central Management Services or his or her designee, the
19 Secretary ~~Director~~ of the Department of Human Services or his
20 or her designee, one public member representing private
21 business who is knowledgeable of the employment needs and
22 concerns of persons with developmental disabilities, one
23 public member representing private business who is
24 knowledgeable of the needs and concerns of rehabilitation
25 facilities, one public member who is knowledgeable of the
26 employment needs and concerns of persons with developmental

1 disabilities, one public member who is knowledgeable of the
2 needs and concerns of rehabilitation facilities, and 2 public
3 members from a statewide association that represents
4 community-based rehabilitation facilities, all appointed by
5 the Governor. The public members shall serve 2 year terms,
6 commencing upon appointment and every 2 years thereafter. A
7 public member may be reappointed, and vacancies shall be
8 filled by appointment for the completion of the term. In the
9 event there is a vacancy on the State Use Committee, the
10 Governor must make an appointment to fill that vacancy within
11 30 calendar days after the notice of vacancy. The members
12 shall serve without compensation but shall be reimbursed for
13 expenses at a rate equal to that of State employees on a per
14 diem basis by the Department of Central Management Services.
15 All members shall be entitled to vote on issues before the
16 State Use Committee.

17 The State Use Committee shall have the following powers
18 and duties:

19 (1) To request from any State agency information as to
20 product specification and service requirements in order to
21 carry out its purpose.

22 (2) To meet quarterly or more often as necessary to
23 carry out its purposes.

24 (3) To request a quarterly report from each
25 participating qualified not-for-profit agency for persons
26 with significant disabilities describing the volume of

1 sales for each product or service sold under this Section.

2 (4) To prepare a report for the Governor and General
3 Assembly no later than December 31 of each year. The
4 requirement for reporting to the General Assembly shall be
5 satisfied by following the procedures set forth in Section
6 3.1 of the General Assembly Organization Act.

7 (5) To prepare a publication that lists all supplies
8 and services currently available from any qualified
9 not-for-profit agency for persons with significant
10 disabilities. This list and any revisions shall be
11 distributed to all purchasing agencies.

12 (6) To encourage diversity in supplies and services
13 provided by qualified not-for-profit agencies for persons
14 with significant disabilities and discourage unnecessary
15 duplication or competition among not-for-profit agencies.

16 (7) To develop guidelines to be followed by qualifying
17 agencies for participation under the provisions of this
18 Section. Guidelines shall include a list of national
19 accrediting organizations which satisfy the requirements
20 of item (3) of subsection (a) of this Section. The
21 guidelines shall be developed within 6 months after the
22 effective date of this Code and made available on a
23 nondiscriminatory basis to all qualifying agencies. The
24 new guidelines required under this item (7) by Public Act
25 100-203 ~~this amendatory Act of the 100th General Assembly~~
26 shall be developed within 6 months after August 18, 2017

1 (the effective date of Public Act 100-203) ~~this amendatory~~
2 ~~Act of the 100th General Assembly~~ and made available on a
3 non-discriminatory basis to all qualifying not-for-profit
4 agencies.

5 (8) To review all pricing submitted under the
6 provisions of this Section and may approve a proposed
7 agreement for supplies or services where the price
8 submitted is fair and reasonable.

9 (9) To, not less than every 3 years, adopt a strategic
10 plan for increasing the number of products and services
11 purchased from qualified not-for-profit agencies for
12 persons with significant disabilities, including the
13 feasibility of developing mandatory set-aside contracts.

14 (c-5) Conditions for Use. Each chief procurement officer
15 shall, in consultation with the State Use Committee, determine
16 which articles, materials, services, food stuffs, and supplies
17 that are produced, manufactured, or provided by persons with
18 significant disabilities in qualified not-for-profit agencies
19 shall be given preference by purchasing agencies procuring
20 those items.

21 (d) (Blank).

22 (e) Subcontracts. Subcontracts shall be permitted for
23 agreements authorized under this Section. For the purposes of
24 this subsection (e), "subcontract" means any acquisition from
25 another source of supplies, not including raw materials, or
26 services required by a qualified not-for-profit agency to

1 provide the supplies or services that are the subject of the
2 contract between the State and the qualified not-for-profit
3 agency.

4 The State Use Committee shall develop guidelines to be
5 followed by qualified not-for-profit agencies when seeking and
6 establishing subcontracts with other persons or not-for-profit
7 agencies in order to fulfill State contract requirements.
8 These guidelines shall include the following:

9 (i) The State Use Committee must approve all
10 subcontracts and substantive amendments to subcontracts
11 prior to execution or amendment of the subcontract.

12 (ii) A qualified not-for-profit agency shall not enter
13 into a subcontract, or any combination of subcontracts, to
14 fulfill an entire requirement, contract, or order without
15 written State Use Committee approval.

16 (iii) A qualified not-for-profit agency shall make
17 reasonable efforts to utilize subcontracts with other
18 not-for-profit agencies for persons with significant
19 disabilities.

20 (iv) For any subcontract not currently performed by a
21 qualified not-for-profit agency, the primary qualified
22 not-for-profit agency must provide to the State Use
23 Committee the following: (A) a written explanation as to
24 why the subcontract is not performed by a qualified
25 not-for-profit agency, and (B) a written plan to transfer
26 the subcontract to a qualified not-for-profit agency, as

1 reasonable.

2 (Source: P.A. 100-203, eff. 8-18-17; revised 7-18-19.)

3 Section 25. The School Code is amended by changing
4 Sections 14-8.03 and 14-11.02 as follows:

5 (105 ILCS 5/14-8.03) (from Ch. 122, par. 14-8.03)

6 Sec. 14-8.03. Transition services.

7 (a) For purposes of this Section, "transition services"
8 means a coordinated set of activities for a child with a
9 disability that (i) is designed to be within a
10 results-oriented process that is focused on improving the
11 academic and functional achievement of the child with a
12 disability to facilitate the child's movement from school to
13 post-school activities, including post-secondary education,
14 vocational education, integrated employment (including
15 supported employment), continuing and adult education, adult
16 services, independent living, or community participation; (ii)
17 is based on the individual child's needs, taking into account
18 the child's strengths, preferences, and interests; and (iii)
19 includes instruction, related services, community experiences,
20 the development of employment and other post-school adult
21 living objectives, and, if appropriate, acquisition of daily
22 living skills, benefits planning, work incentives education,
23 and the provision of a functional vocational evaluation.
24 Transition services for a child with a disability may be

1 special education, if provided as specially designed
2 instruction, or a related service if required to assist a
3 child with a disability to benefit from special education.

4 (a-5) Beginning no later than the first individualized
5 education plan (IEP) in effect when the student turns age 14
6 1/2 (or younger if determined appropriate by the IEP Team) and
7 updated annually thereafter, the IEP must include (i)
8 measurable post-secondary goals based upon age-appropriate
9 transition assessments and other information available
10 regarding the student that are related to training, education,
11 employment, and independent living skills and (ii) the
12 transition services needed to assist the student in reaching
13 those goals, including courses of study.

14 (b) Transition planning must be conducted as part of the
15 IEP process and must be governed by the procedures applicable
16 to the development, review, and revision of the IEP, including
17 notices to the parents and student, parent and student
18 participation, and annual review. To appropriately assess and
19 develop IEP transition goals and transition services for a
20 child with a disability, additional participants may be
21 necessary and may be invited by the school district, parent,
22 or student to participate in the transition planning process.
23 Additional participants may include without limitation a
24 representative from the Department of Human Services or
25 another State agency, a case coordinator, or persons
26 representing other public or community agencies or services,

1 such as adult service providers or public community colleges.
2 The IEP shall identify each person responsible for
3 coordinating and delivering transition services. If the IEP
4 team determines that the student requires transition services
5 from a public or private entity outside of the school
6 district, the IEP team shall identify potential outside
7 resources, assign one or more IEP team members to contact the
8 appropriate outside entities, make the necessary referrals,
9 provide any information and documents necessary to complete
10 the referral, follow up with the entity to ensure that the
11 student has been successfully linked to the entity, and
12 monitor the student's progress to determine if the student's
13 IEP transition goals and benchmarks are being met. The
14 student's IEP shall indicate one or more specific time periods
15 during the school year when the IEP team shall review the
16 services provided by the outside entity and the student's
17 progress in such activities. ~~The public school's~~
18 ~~responsibility for delivering educational services does not~~
19 ~~extend beyond the time the student leaves school or when the~~
20 ~~student's eligibility ends due to age under this Article.~~

21 (c) A school district shall submit annually a summary of
22 each eligible student's IEP transition goals and transition
23 services resulting from the IEP Team meeting to the
24 appropriate local Transition Planning Committee. If students
25 with disabilities who are ineligible for special education
26 services request transition services, local public school

1 districts shall assist those students by identifying
2 post-secondary school goals, delivering appropriate education
3 services, and coordinating with other agencies and services
4 for assistance.

5 (d) A person is eligible for services under this Section
6 through age 23, which, for purposes of this Section, means the
7 day before the person's 24th birthday, unless the person's
8 24th birthday occurs during the school year, in which case the
9 person is eligible for transition services through the end of
10 the school year.

11 (Source: P.A. 98-517, eff. 8-22-13.)

12 (105 ILCS 5/14-11.02) (from Ch. 122, par. 14-11.02)

13 Sec. 14-11.02. Notwithstanding any other Sections of this
14 Article, the State Board of Education shall develop and
15 operate or contract for the operation of a service center for
16 persons who are deaf-blind. For the purpose of this Section,
17 persons with deaf-blindness are persons who have both auditory
18 and visual impairments, the combination of which causes such
19 severe communication and other developmental, educational,
20 vocational and rehabilitation problems that such persons
21 cannot be properly accommodated in special education or
22 vocational rehabilitation programs solely for persons with
23 both hearing and visual disabilities.

24 To be eligible for deaf-blind services, a person must have
25 (i) a visual impairment and an auditory impairment, or (ii) a

1 condition in which there is a progressive loss of hearing or
2 vision or both that results in concomitant vision and hearing
3 impairments and that adversely affects educational performance
4 as determined by the multidisciplinary conference. For
5 purposes of this paragraph and Section:

6 (A) A visual impairment is defined to mean one or more
7 of the following: (i) corrected visual acuity poorer than
8 20/70 in the better eye; (ii) restricted visual field of
9 20 degrees or less in the better eye; (iii) cortical
10 blindness; (iv) does not appear to respond to visual
11 stimulation, which adversely affects educational
12 performance as determined by the multidisciplinary
13 conference.

14 (B) An auditory impairment is defined to mean one or
15 more of the following: (i) a sensorineural or ongoing or
16 chronic conductive hearing loss with aided sensitivity of
17 30dB HL or poorer; (ii) functional auditory behavior that
18 is significantly discrepant from the person's present
19 cognitive and/or developmental levels, which adversely
20 affects educational performance as determined by the
21 multidisciplinary conference.

22 The State Board of Education is empowered to establish,
23 maintain and operate or contract for the operation of a
24 permanent state-wide service center known as the Philip J.
25 Rock Center and School. The School serves eligible children
26 between the ages of 3 and 21; the Center serves eligible

1 persons of all ages. Services provided by the Center include,
2 but are not limited to:

3 (1) Identifying and case management of persons who are
4 auditorily and visually impaired;

5 (2) Providing families with appropriate counseling;

6 (3) Referring persons who are deaf-blind to
7 appropriate agencies for medical and diagnostic services;

8 (4) Referring persons who are deaf-blind to
9 appropriate agencies for educational, training and care
10 services;

11 (5) Developing and expanding services throughout the
12 State to persons who are deaf-blind. This will include
13 ancillary services, such as transportation so that the
14 individuals can take advantage of the expanded services;

15 (6) Maintaining a residential-educational training
16 facility in the Chicago metropolitan area located in an
17 area accessible to public transportation;

18 (7) Receiving, dispensing, and monitoring State and
19 Federal funds to the School and Center designated for
20 services to persons who are deaf-blind;

21 (8) Coordinating services to persons who are
22 deaf-blind through all appropriate agencies, including the
23 Department of Children and Family Services and the
24 Department of Human Services;

25 (9) Entering into contracts with other agencies to
26 provide services to persons who are deaf-blind;

1 (10) Operating on a no-reject basis. Any individual
2 referred to the Center for service and diagnosed as
3 deaf-blind, as defined in this Act, shall qualify for
4 available services;

5 (11) Serving as the referral clearinghouse for all
6 persons who are deaf-blind, age 21 and older; and

7 (12) Providing transition services for students of
8 Philip J. Rock School who are deaf-blind and are from the
9 age of 14 1/2 through age 23, which, for purposes of this
10 paragraph, means the day before a person's 24th birthday,
11 unless the person's 24th birthday occurs during the school
12 year, in which case the person is eligible for transition
13 services through the end of the school year ~~between the~~
14 ages of 14 1/2 and 21.

15 The Advisory Board for Services for Persons who are
16 Deaf-Blind shall provide advice to the State Superintendent of
17 Education, the Governor, and the General Assembly on all
18 matters pertaining to policy concerning persons who are
19 deaf-blind, including the implementation of legislation
20 enacted on their behalf.

21 Regarding the maintenance, operation and education
22 functions of the Philip J. Rock Center and School, the
23 Advisory Board shall also make recommendations pertaining to
24 but not limited to the following matters:

25 (1) Existing and proposed programs of all State
26 agencies that provide services for persons who are

1 deaf-blind;

2 (2) The State program and financial plan for
3 deaf-blind services and the system of priorities to be
4 developed by the State Board of Education;

5 (3) Standards for services in facilities serving
6 persons who are deaf-blind;

7 (4) Standards and rates for State payments for any
8 services purchased for persons who are deaf-blind;

9 (5) Services and research activities in the field of
10 deaf-blindness, including evaluation of services; and

11 (6) Planning for personnel/preparation, both
12 preservice and inservice.

13 The Advisory Board shall consist of 3 persons appointed by
14 the Governor; 2 persons appointed by the State Superintendent
15 of Education; 4 persons appointed by the Secretary of Human
16 Services; and 2 persons appointed by the Director of Children
17 and Family Services. The 3 appointments of the Governor shall
18 consist of a senior citizen 60 years of age or older, a
19 consumer who is deaf-blind, and a parent of a person who is
20 deaf-blind; provided that if any gubernatorial appointee
21 serving on the Advisory Board on the effective date of this
22 amendatory Act of 1991 is not either a senior citizen 60 years
23 of age or older or a consumer who is deaf-blind or a parent of
24 a person who is deaf-blind, then whenever that appointee's
25 term of office expires or a vacancy in that appointee's office
26 sooner occurs, the Governor shall make the appointment to fill

1 that office or vacancy in a manner that will result, at the
2 earliest possible time, in the Governor's appointments to the
3 Advisory Board being comprised of one senior citizen 60 years
4 of age or older, one consumer who is deaf-blind, and one parent
5 of a person who is deaf-blind. One person designated by each
6 agency other than the Department of Human Services may be an
7 employee of that agency. Two persons appointed by the
8 Secretary of Human Services may be employees of the Department
9 of Human Services. The appointments of each appointing
10 authority other than the Governor shall include at least one
11 parent of an individual who is deaf-blind or a person who is
12 deaf-blind.

13 Vacancies in terms shall be filled by the original
14 appointing authority. After the original terms, all terms
15 shall be for 3 years.

16 Except for those members of the Advisory Board who are
17 compensated for State service on a full-time basis, members
18 shall be reimbursed for all actual expenses incurred in the
19 performance of their duties. Each member who is not
20 compensated for State service on a full-time basis shall be
21 compensated at a rate of \$50 per day which he spends on
22 Advisory Board duties. The Advisory Board shall meet at least
23 4 times per year and not more than 12 times per year.

24 The Advisory Board shall provide for its own organization.

25 Six members of the Advisory Board shall constitute a
26 quorum. The affirmative vote of a majority of all members of

1 the Advisory Board shall be necessary for any action taken by
2 the Advisory Board.

3 (Source: P.A. 88-670, eff. 12-2-94; 89-397, eff. 8-20-95;
4 89-507, eff. 7-1-97.)

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