

SB0689



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0689

Introduced 2/25/2021, 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 provide or refer a child or family to services available from other agencies, provides that if a 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.

LRB102 11430 KTG 16763 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
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. However, if a family chooses

1 to receive family preservation services and there are children
2 under the age of 6 living in the household, those children
3 shall be enrolled in appropriate early childhood education
4 services. The Department may also provide services to any
5 child or family after completion of a family assessment, as an
6 alternative to an investigation, as provided under the
7 "differential response program" provided for in subsection
8 (a-5) of Section 7.4 of the Abused and Neglected Child
9 Reporting Act.

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

1 minor for whom the court has granted a supplemental petition
2 to reinstate wardship pursuant to subsection (2) of Section
3 2-33 of the Juvenile Court Act of 1987. On and after January 1,
4 2017, a minor charged with a criminal offense under the
5 Criminal Code of 1961 or the Criminal Code of 2012 or
6 adjudicated delinquent shall not be placed in the custody of
7 or committed to the Department by any court, except (i) a minor
8 less than 15 years of age committed to the Department under
9 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor
10 for whom an independent basis of abuse, neglect, or dependency
11 exists, which must be defined by departmental rule, or (iii) a
12 minor for whom the court has granted a supplemental petition
13 to reinstate wardship pursuant to subsection (2) of Section
14 2-33 of the Juvenile Court Act of 1987. An independent basis
15 exists when the allegations or adjudication of abuse, neglect,
16 or dependency do not arise from the same facts, incident, or
17 circumstances which give rise to a charge or adjudication of
18 delinquency. The Department shall assign a caseworker to
19 attend any hearing involving a youth in the care and custody of
20 the Department who is placed on aftercare release, including
21 hearings involving sanctions for violation of aftercare
22 release conditions and aftercare release revocation hearings.

23 As soon as is possible after August 7, 2009 (the effective
24 date of Public Act 96-134), the Department shall develop and
25 implement a special program of family preservation services to
26 support intact, foster, and adoptive families who are

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

1 edition of the Diagnostic and Statistical Manual of Mental
2 Disorders of the American Psychiatric Association.

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

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

20 When a child is placed in foster care, the Department
21 shall ensure and document that reasonable efforts were made to
22 prevent or eliminate the need to remove the child from the
23 child's home. The Department must make reasonable efforts to
24 reunify the family when temporary placement of the child
25 occurs unless otherwise required, pursuant to the Juvenile
26 Court Act of 1987. At any time after the dispositional hearing

1 where the Department believes that further reunification
2 services would be ineffective, it may request a finding from
3 the court that reasonable efforts are no longer appropriate.
4 The Department is not required to provide further
5 reunification services after such a finding.

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

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

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

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

3 (1) it has received a written consent to such
4 temporary custody signed by the parents of the child or by
5 the parent having custody of the child if the parents are
6 not living together or by the guardian or custodian of the
7 child if the child is not in the custody of either parent,
8 or

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

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

1 5-415 of the Juvenile Court Act of 1987.

2 The Department shall have the authority, responsibilities
3 and duties that a legal custodian of the child would have
4 pursuant to subsection (9) of Section 1-3 of the Juvenile
5 Court Act of 1987. Whenever a child is taken into temporary
6 custody pursuant to an investigation under the Abused and
7 Neglected Child Reporting Act, or pursuant to a referral and
8 acceptance under the Juvenile Court Act of 1987 of a minor in
9 limited custody, the Department, during the period of
10 temporary custody and before the child is brought before a
11 judicial officer as required by Section 2-9, 3-11, 4-8, or
12 5-415 of the Juvenile Court Act of 1987, shall have the
13 authority, responsibilities and duties that a legal custodian
14 of the child would have under subsection (9) of Section 1-3 of
15 the Juvenile Court Act of 1987.

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

19 A parent, guardian, or custodian of a child in the
20 temporary custody of the Department who would have custody of
21 the child if he were not in the temporary custody of the
22 Department may deliver to the Department a signed request that
23 the Department surrender the temporary custody of the child.
24 The Department may retain temporary custody of the child for
25 10 days after the receipt of the request, during which period
26 the Department may cause to be filed a petition pursuant to the

1 Juvenile Court Act of 1987. If a petition is so filed, the
2 Department shall retain temporary custody of the child until
3 the court orders otherwise. If a petition is not filed within
4 the 10-day period, the child shall be surrendered to the
5 custody of the requesting parent, guardian, or custodian not
6 later than the expiration of the 10-day period, at which time
7 the authority and duties of the Department with respect to the
8 temporary custody of the child shall terminate.

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

23 (n) The Department may place children under 18 years of
24 age in licensed child care facilities when in the opinion of
25 the Department, appropriate services aimed at family
26 preservation have been unsuccessful and cannot ensure the

1 child's health and safety or are unavailable and such
2 placement would be for their best interest. Payment for board,
3 clothing, care, training and supervision of any child placed
4 in a licensed child care facility may be made by the
5 Department, by the parents or guardians of the estates of
6 those children, or by both the Department and the parents or
7 guardians, except that no payments shall be made by the
8 Department for any child placed in a licensed child care
9 facility for board, clothing, care, training and supervision
10 of such a child that exceed the average per capita cost of
11 maintaining and of caring for a child in institutions for
12 dependent or neglected children operated by the Department.
13 However, such restriction on payments does not apply in cases
14 where children require specialized care and treatment for
15 problems of severe emotional disturbance, physical disability,
16 social adjustment, or any combination thereof and suitable
17 facilities for the placement of such children are not
18 available at payment rates within the limitations set forth in
19 this Section. All reimbursements for services delivered shall
20 be absolutely inalienable by assignment, sale, attachment, or
21 garnishment or otherwise.

22 (n-1) The Department shall provide or authorize child
23 welfare services, aimed at assisting minors to achieve
24 sustainable self-sufficiency as independent adults, for any
25 minor eligible for the reinstatement of wardship pursuant to
26 subsection (2) of Section 2-33 of the Juvenile Court Act of

1 1987, whether or not such reinstatement is sought or allowed,
2 provided that the minor consents to such services and has not
3 yet attained the age of 21. The Department shall have
4 responsibility for the development and delivery of services
5 under this Section. An eligible youth may access services
6 under this Section through the Department of Children and
7 Family Services or by referral from the Department of Human
8 Services. Youth participating in services under this Section
9 shall cooperate with the assigned case manager in developing
10 an agreement identifying the services to be provided and how
11 the youth will increase skills to achieve self-sufficiency. A
12 homeless shelter is not considered appropriate housing for any
13 youth receiving child welfare services under this Section. The
14 Department shall continue child welfare services under this
15 Section to any eligible minor until the minor becomes 21 years
16 of age, no longer consents to participate, or achieves
17 self-sufficiency as identified in the minor's service plan.
18 The Department of Children and Family Services shall create
19 clear, readable notice of the rights of former foster youth to
20 child welfare services under this Section and how such
21 services may be obtained. The Department of Children and
22 Family Services and the Department of Human Services shall
23 disseminate this information statewide. The Department shall
24 adopt regulations describing services intended to assist
25 minors in achieving sustainable self-sufficiency as
26 independent adults.

1 (o) The Department shall establish an administrative
2 review and appeal process for children and families who
3 request or receive child welfare services from the Department.
4 Youth in care who are placed by private child welfare
5 agencies, and foster families with whom those youth are
6 placed, shall be afforded the same procedural and appeal
7 rights as children and families in the case of placement by the
8 Department, including the right to an initial review of a
9 private agency decision by that agency. The Department shall
10 ensure that any private child welfare agency, which accepts
11 youth in care for placement, affords those rights to children
12 and foster families. The Department shall accept for
13 administrative review and an appeal hearing a complaint made
14 by (i) a child or foster family concerning a decision
15 following an initial review by a private child welfare agency
16 or (ii) a prospective adoptive parent who alleges a violation
17 of subsection (j-5) of this Section. An appeal of a decision
18 concerning a change in the placement of a child shall be
19 conducted in an expedited manner. A court determination that a
20 current foster home placement is necessary and appropriate
21 under Section 2-28 of the Juvenile Court Act of 1987 does not
22 constitute a judicial determination on the merits of an
23 administrative appeal, filed by a former foster parent,
24 involving a change of placement decision.

25 (p) (Blank).

26 (q) The Department may receive and use, in their entirety,

1 for the benefit of children any gift, donation, or bequest of
2 money or other property which is received on behalf of such
3 children, or any financial benefits to which such children are
4 or may become entitled while under the jurisdiction or care of
5 the Department.

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

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

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

1 (2) Calculate on a monthly basis the amounts paid from
2 State funds for the child's board and care, medical care
3 not covered under Medicaid, and social services; and
4 utilize funds from the child's account, as covered by
5 regulation, to reimburse those costs. Monthly,
6 disbursements from all children's accounts, up to 1/12 of
7 \$13,000,000, shall be deposited by the Department into the
8 General Revenue Fund and the balance over 1/12 of
9 \$13,000,000 into the DCFS Children's Services Fund.

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

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

1 agent its duty to maintain and make available such lists. The
2 Department shall ensure that such agent maintains the
3 confidentiality of the person seeking to adopt the child and
4 of the child.

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

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

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

23 (2) the court has ordered one or both of the parties to
24 the proceeding to reimburse the Department for its
25 reasonable costs for providing such services in accordance
26 with Department rules, or has determined that neither

1 party is financially able to pay.

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

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

15 (1) available detailed information concerning the
16 child's educational and health history, copies of
17 immunization records (including insurance and medical card
18 information), a history of the child's previous
19 placements, if any, and reasons for placement changes
20 excluding any information that identifies or reveals the
21 location of any previous caretaker;

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

26 (3) information containing details of the child's

1 individualized educational plan when the child is
2 receiving special education services.

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

18 The information described in this subsection shall be
19 provided in writing. In the case of emergency placements when
20 time does not allow prior review, preparation, and collection
21 of written information, the Department shall provide such
22 information as it becomes available. Within 10 business days
23 after placement, the Department shall obtain from the
24 prospective adoptive parent or parents or other caretaker a
25 signed verification of receipt of the information provided.
26 Within 10 business days after placement, the Department shall

1 provide to the child's guardian ad litem a copy of the
2 information provided to the prospective adoptive parent or
3 parents or other caretaker. The information provided to the
4 prospective adoptive parent or parents or other caretaker
5 shall be reviewed and approved regarding accuracy at the
6 supervisory level.

7 (u-5) Effective July 1, 1995, only foster care placements
8 licensed as foster family homes pursuant to the Child Care Act
9 of 1969 shall be eligible to receive foster care payments from
10 the Department. Relative caregivers who, as of July 1, 1995,
11 were approved pursuant to approved relative placement rules
12 previously promulgated by the Department at 89 Ill. Adm. Code
13 335 and had submitted an application for licensure as a foster
14 family home may continue to receive foster care payments only
15 until the Department determines that they may be licensed as a
16 foster family home or that their application for licensure is
17 denied or until September 30, 1995, whichever occurs first.

18 (v) The Department shall access criminal history record
19 information as defined in the Illinois Uniform Conviction
20 Information Act and information maintained in the adjudicatory
21 and dispositional record system as defined in Section 2605-355
22 of the Department of State Police Law (20 ILCS 2605/2605-355)
23 if the Department determines the information is necessary to
24 perform its duties under the Abused and Neglected Child
25 Reporting Act, the Child Care Act of 1969, and the Children and
26 Family Services Act. The Department shall provide for

1 interactive computerized communication and processing
2 equipment that permits direct on-line communication with the
3 Department of State Police's central criminal history data
4 repository. The Department shall comply with all certification
5 requirements and provide certified operators who have been
6 trained by personnel from the Department of State Police. In
7 addition, one Office of the Inspector General investigator
8 shall have training in the use of the criminal history
9 information access system and have access to the terminal. The
10 Department of Children and Family Services and its employees
11 shall abide by rules and regulations established by the
12 Department of State Police relating to the access and
13 dissemination of this information.

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

26 (v-2) Prior to final approval for placement of a child,

1 the Department shall check its child abuse and neglect
2 registry for information concerning prospective foster and
3 adoptive parents, and any adult living in the home. If any
4 prospective foster or adoptive parent or other adult living in
5 the home has resided in another state in the preceding 5 years,
6 the Department shall request a check of that other state's
7 child abuse and neglect registry.

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

1 Illinois; and a proposed timetable for development of such
2 facilities.

3 (x) The Department shall conduct annual credit history
4 checks to determine the financial history of children placed
5 under its guardianship pursuant to the Juvenile Court Act of
6 1987. The Department shall conduct such credit checks starting
7 when a youth in care turns 12 years old and each year
8 thereafter for the duration of the guardianship as terminated
9 pursuant to the Juvenile Court Act of 1987. The Department
10 shall determine if financial exploitation of the child's
11 personal information has occurred. If financial exploitation
12 appears to have taken place or is presently ongoing, the
13 Department shall notify the proper law enforcement agency, the
14 proper State's Attorney, or the Attorney General.

15 (y) Beginning on July 22, 2010 (the effective date of
16 Public Act 96-1189), a child with a disability who receives
17 residential and educational services from the Department shall
18 be eligible to receive transition services in accordance with
19 Article 14 of the School Code from the age of 14.5 through age
20 21, inclusive, notwithstanding the child's residential
21 services arrangement. For purposes of this subsection, "child
22 with a disability" means a child with a disability as defined
23 by the federal Individuals with Disabilities Education
24 Improvement Act of 2004.

25 (z) The Department shall access criminal history record
26 information as defined as "background information" in this

1 subsection and criminal history record information as defined
2 in the Illinois Uniform Conviction Information Act for each
3 Department employee or Department applicant. Each Department
4 employee or Department applicant shall submit his or her
5 fingerprints to the Department of State Police in the form and
6 manner prescribed by the Department of State Police. These
7 fingerprints shall be checked against the fingerprint records
8 now and hereafter filed in the Department of State Police and
9 the Federal Bureau of Investigation criminal history records
10 databases. The Department of State Police shall charge a fee
11 for conducting the criminal history record check, which shall
12 be deposited into the State Police Services Fund and shall not
13 exceed the actual cost of the record check. The Department of
14 State Police shall furnish, pursuant to positive
15 identification, all Illinois conviction information to the
16 Department of Children and Family Services.

17 For purposes of this subsection:

18 "Background information" means all of the following:

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

26 (ii) Information obtained by the Department of

1 Children and Family Services after performing a check of
2 the Department of State Police's Sex Offender Database, as
3 authorized by Section 120 of the Sex Offender Community
4 Notification Law, concerning a Department employee or
5 Department applicant.

6 (iii) Information obtained by the Department of
7 Children and Family Services after performing a check of
8 the Child Abuse and Neglect Tracking System (CANTS)
9 operated and maintained by the Department.

10 "Department employee" means a full-time or temporary
11 employee coded or certified within the State of Illinois
12 Personnel System.

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

22 (Source: P.A. 100-159, eff. 8-18-17; 100-522, eff. 9-22-17;
23 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-978, eff.
24 8-19-18; 101-13, eff. 6-12-19; 101-79, eff. 7-12-19; 101-81,
25 eff. 7-12-19; revised 8-1-19.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.