

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 adding Section 4e as follows:

6 (20 ILCS 505/4e new)

7 Sec. 4e. Prohibited restraints for youth in care during
8 transport.

9 (a) Purpose and policy. It is the policy of this State to
10 treat youth in the care of the Department with dignity and
11 respect at all times, including during transport of the youth.

12 (b) Definitions. As used in this Section:

13 "Chemical restraint" means the use of medication that
14 restricts a youth's freedom during a behavioral crisis or
15 emergency and that is not a part of the youth's standard
16 treatment or dosage for a behavioral, emotional, or
17 psychiatric condition.

18 "Manual restraint" means a behavior management technique
19 involving the use of physical contact or force, characterized
20 by measures such as arm or body holds.

21 "Mechanical restraints" means any device, material, or
22 equipment (including, but not limited to, straight jacket, arm
23 or leg restraints, four-point restraints, and zip ties), other

1 than personal physical force, used to immobilize or directly
2 restrict the limbs, head, or body of a youth.

3 "Residential treatment center" has the meaning ascribed to
4 that term in paragraph (12.3) of Section 1-3 of the Juvenile
5 Court Act of 1987.

6 "Restraints" means chemical restraints, manual restraints,
7 and mechanical restraints, but does not include child
8 restraint systems as defined in the Child Passenger Protection
9 Act or devices, ordinarily worn by the youth during transport,
10 for medical immobilization, adaptive support, or medical
11 protection such as orthopedically prescribed devices, straps,
12 or protective helmets.

13 "Transport" means transportation of a youth provided or
14 arranged by the Department. "Transport" does not include the
15 emergency transportation of youth in care by an ambulance
16 service provider in an emergency situation.

17 "Youth" means a youth in care as defined in Section 4d of
18 this Act and youth in the protective custody of the
19 Department.

20 (c) Prohibition on the use of restraints during transport.
21 Notwithstanding any law to the contrary, no youth shall be
22 subjected to restraints during the provision of any
23 transportation services provided or arranged by the Department
24 or its contractual assigns.

25 (d) Violations. Any known, alleged, or suspected violation
26 of this Section shall immediately be reported to the

1 Department's Office of the Inspector General, the court
2 presiding over the youth's case in accordance with the
3 Juvenile Court Act of 1987, and the youth's attorney and
4 guardian ad litem. A known, alleged, or suspected violation of
5 this Section constitutes a "significant event" and requires a
6 significant event report by the Department as defined in
7 paragraph (14.2) of Section 1-3 of the Juvenile Court Act of
8 1987.

9 (e) Individualized trauma-sensitive transportation plans.

10 (1) The Department must prepare a written
11 individualized trauma-sensitive transportation plan for
12 any youth when:

13 (A) the youth is being transported to or from a
14 psychiatric hospital or residential treatment center;

15 (B) the youth's caseworker or clinical team
16 identifies the need for a transportation plan; or

17 (C) a court has ordered a transportation plan.

18 For youth who are psychiatrically hospitalized,
19 discharge and placement planning shall begin from the
20 moment of admission, including developing the
21 transportation plan required by this Section and seeking
22 court approval as necessary.

23 (2) The Department must obtain written approval from
24 its Chief Deputy Director and the Chief Deputy Director of
25 its Clinical Division and court approval of the
26 transportation plan in accordance with Section 1-4.2 of

1 the Juvenile Court Act of 1987 when:

2 (A) the youth is being transported to an
3 out-of-state residential treatment center;

4 (B) the youth is being transported from an
5 out-of-state residential treatment center to another
6 residential treatment center or psychiatric hospital
7 in any state;

8 (C) the youth is being transported from a
9 psychiatric hospital to a residential treatment center
10 in this State and the anticipated travel time is
11 greater than 3 hours; or

12 (D) a court has ordered that the transportation
13 plan be approved by the court.

14 (3) The written individualized trauma-sensitive
15 transportation plan must be developed in consultation
16 with: (i) the youth's caseworker; (ii) the youth's
17 clinical treatment teams at the location the youth is
18 leaving and the location the youth is being transported
19 to; and (iii) the youth, to the extent possible and
20 appropriate.

21 (4) The written individualized trauma-sensitive
22 transportation plan must at a minimum:

23 (A) State the purpose of the transport, the
24 location the youth is being transported from and to,
25 and the anticipated length of transport and time of
26 day the transport will occur, and, if applicable,

1 identify the plan for restroom and meal breaks and
2 provisions for overnight stays.

3 (B) Include a written assessment of the youth's
4 clinical condition and any safety concerns that may
5 arise during transport.

6 (C) Identify any measures that may be taken to
7 address the identified safety concerns, including a
8 description of specific, individualized steps and
9 techniques that will be used during transport to
10 maintain the well-being of the youth. The description
11 shall include specific de-escalation techniques that
12 have been effective with the youth.

13 (D) Include a written assessment of the youth's
14 medical condition and any concerns that may arise
15 during transport. If the youth needs to take regularly
16 prescribed medication during transport, the plan must
17 identify the person responsible for dispensing the
18 medication.

19 (E) Identify the caseworker or mental health
20 professional, known to the youth, who will accompany
21 the youth during transport. If the plan must be
22 approved by the court and the youth is being driven in
23 a passenger vehicle at any point during transport,
24 there must be at least one caseworker or mental health
25 professional known to the youth other than the person
26 driving the vehicle to ensure the youth's emotional

1 and physical well-being during transport. The plan
2 shall identify any additional individuals who will
3 accompany the youth to ensure the youth's emotional
4 and physical well-being during transport.

5 (F) Set forth the plan for handling emergencies
6 that may arise during transport.

7 (G) Identify when and how the plan will be
8 explained to the youth.

9 (f) Reporting.

10 (1) Any time a youth is transported in accordance with
11 a court-approved transportation plan, the transport
12 constitutes a "significant event" and requires a
13 significant event report by the Department as defined in
14 paragraph (14.2) of Section 1-3 of the Juvenile Court Act
15 of 1987.

16 (2) Beginning December 1, 2021, and annually
17 thereafter, the Department shall post on its website data
18 from the preceding fiscal year regarding:

19 (A) the number of transportation plans authorized
20 in accordance with Section 1-4.2 of the Juvenile Court
21 Act of 1987;

22 (B) whether there were any significant events,
23 excluding significant event reports required under
24 paragraph (1), and the number and description or type
25 of any significant events that occurred during each
26 transport made in accordance with this Section;

1 (C) the number of transportation plans modified or
2 denied in accordance with Section 1-4.2 of the
3 Juvenile Court Act of 1987, including information
4 regarding why the court modified or denied the
5 transportation plan; and

6 (D) the number of violations of this Section and
7 for each violation, a detailed description of the date
8 and circumstances.

9 Section 10. The Juvenile Court Act of 1987 is amended by
10 adding Section 1-4.2 as follows:

11 (705 ILCS 405/1-4.2 new)

12 Sec. 1-4.2. Trauma-sensitive transport.

13 (a) The Department of Children and Family Services shall
14 ensure the provision of trauma-sensitive transport to minors
15 placed in its care in accordance with this Act.
16 Notwithstanding any other law to the contrary, no minor shall
17 be subjected to restraints, as defined in Section 4e of the
18 Children and Family Services Act, during the provision of any
19 transportation services provided or arranged by the Department
20 of Children and Family Services or its contractual assigns.

21 (b) The Department of Children and Family Services'
22 application to the court for approval of an individualized
23 trauma-sensitive transportation plan must include a copy of
24 the plan developed in accordance with Section 4e of the

1 Children and Family Services Act and the written approval of
2 the Department as required by paragraph (2) of subsection (e)
3 of Section 4e of the Children and Family Services Act.

4 (c) When considering whether to approve the individualized
5 trauma-sensitive transportation plan, the court shall consider
6 the minor's best interest and the following additional
7 factors: the reason for the transport, the type of placement
8 the minor is being transported from and to, the anticipated
9 length of travel, the clinical needs of the minor, including
10 any medical or emotional needs, any available less restrictive
11 alternatives, and any other factor the court deems relevant.
12 The court may require amendments to the minor's
13 trauma-sensitive individualized transportation plan based on
14 written findings of fact that the plan, as written, is not in
15 the minor's best interest.

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