

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 or inter-hospital  
17 non-emergency transportation.

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

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

26 (d) Violations. Any known, alleged, or suspected violation

1 of this Section shall immediately be reported to the  
2 Department's Office of the Inspector General, the court  
3 presiding over the youth's case in accordance with the  
4 Juvenile Court Act of 1987, and the youth's attorney and  
5 guardian ad litem. A known, alleged, or suspected violation of  
6 this Section constitutes a "significant event" and requires a  
7 significant event report by the Department as defined in  
8 paragraph (14.2) of Section 1-3 of the Juvenile Court Act of  
9 1987.

10 (e) Individualized trauma-sensitive transportation plans.

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

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

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

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

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

24 (2) The Department must obtain written approval from  
25 its Chief Deputy Director and the Chief Deputy Director of  
26 its Clinical Division and court approval of the

1 transportation plan in accordance with Section 1-4.2 of  
2 the Juvenile Court Act of 1987 when:

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

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

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

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

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

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

24 (A) State the purpose of the transport, the  
25 location the youth is being transported from and to,  
26 and the anticipated length of transport and time of

1 day the transport will occur, and, if applicable,  
2 identify the plan for restroom and meal breaks and  
3 provisions for overnight stays.

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

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

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

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

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

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

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

10 (f) Reporting.

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

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

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

23 (B) whether there were any significant events,  
24 excluding significant event reports required under  
25 paragraph (1), and the number and description or type  
26 of any significant events that occurred during each

1 transport made in accordance with this Section;

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

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

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

12 (705 ILCS 405/1-4.2 new)

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

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

22 (b) The Department of Children and Family Services'  
23 application to the court for approval of an individualized  
24 trauma-sensitive transportation plan must include a copy of

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

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

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