

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 Sections 5 and 35.10 and by adding Section 5.46 as  
6 follows:

7 (20 ILCS 505/5) (from Ch. 23, par. 5005)

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

12 (a) For purposes of this Section:

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

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

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

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

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

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

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

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

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

25                 (D) restoring to their families children who have  
26                 been removed, by the provision of services to the

1 child and the families when the child can be cared for  
2 at home without endangering the child's health and  
3 safety;

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

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

17 (G) (blank);

18 (H) (blank); and

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

1 place or maintain children:

2 (i) who are in a foster home, or

3 (ii) who are persons with a developmental  
4 disability, as defined in the Mental Health and  
5 Developmental Disabilities Code, or

6 (iii) who are female children who are  
7 pregnant, pregnant and parenting, or parenting, or

8 (iv) who are siblings, in facilities that  
9 provide separate living quarters for children 18  
10 years of age and older and for children under 18  
11 years of age.

12 (b) (Blank).

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

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

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

10 (e) (Blank).

11 (f) (Blank).

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

17 (1) adoption;

18 (2) foster care;

19 (3) family counseling;

20 (4) protective services;

21 (5) (blank);

22 (6) homemaker service;

23 (7) return of runaway children;

24 (8) (blank);

25 (9) placement under Section 5-7 of the Juvenile Court  
26 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile

1 Court Act of 1987 in accordance with the federal Adoption  
2 Assistance and Child Welfare Act of 1980; and

3 (10) interstate services.

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

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

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

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

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

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

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

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

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

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

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

26 (j-5) The Department shall not deny or delay the placement



1 of a child for adoption if an approved family is available  
2 either outside of the Department region handling the case, or  
3 outside of the State of Illinois.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 A decision to place a child in substitute care shall be  
26 made with considerations of the child's health, safety, and

1 best interests. At the time of placement, consideration should  
2 also be given so that if reunification fails or is delayed, the  
3 placement made is the best available placement to provide  
4 permanency for the child.

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

9 (1) the likelihood of prompt reunification;

10 (2) the past history of the family;

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

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

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

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

18 (7) the age of the child;

19 (8) placement of siblings.

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

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

1           or

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

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

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



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

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

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

1 temporary custody of the child shall terminate.

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

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

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

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

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

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

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

18 (p) (Blank).

19 (q) The Department may receive and use, in their entirety,  
20 for the benefit of children any gift, donation, or bequest of  
21 money or other property which is received on behalf of such  
22 children, or any financial benefits to which such children are  
23 or may become entitled while under the jurisdiction or care of  
24 the Department, except that the benefits described in Section  
25 5.46 must be used and conserved consistent with the provisions  
26 under Section 5.46.

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

12           In disbursing funds from children's accounts, the  
13 Department shall:

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

22           (2) Calculate on a monthly basis the amounts paid from  
23 State funds for the child's board and care, medical care  
24 not covered under Medicaid, and social services; and  
25 utilize funds from the child's account, as covered by  
26 regulation, to reimburse those costs. Monthly,

1 disbursements from all children's accounts, up to 1/12 of  
2 \$13,000,000, shall be deposited by the Department into the  
3 General Revenue Fund and the balance over 1/12 of  
4 \$13,000,000 into the DCFS Children's Services Fund.

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

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

26 (s) The Department of Children and Family Services may

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

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

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

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

23 The Department shall provide written notification to the  
24 court of the specific arrangements for supervised visitation  
25 and projected monthly costs within 60 days of the court order.  
26 The Department shall send to the court information related to



1 the costs incurred except in cases where the court has  
2 determined the parties are financially unable to pay. The  
3 court may order additional periodic reports as appropriate.

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

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

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

21 (3) information containing details of the child's  
22 individualized educational plan when the child is  
23 receiving special education services.

24 The caretaker shall be informed of any known social or  
25 behavioral information (including, but not limited to,  
26 criminal background, fire setting, perpetuation of sexual

1 abuse, destructive behavior, and substance abuse) necessary to  
2 care for and safeguard the children to be placed or currently  
3 in the home. The Department may prepare a written summary of  
4 the information required by this paragraph, which may be  
5 provided to the foster or prospective adoptive parent in  
6 advance of a placement. The foster or prospective adoptive  
7 parent may review the supporting documents in the child's file  
8 in the presence of casework staff. In the case of an emergency  
9 placement, casework staff shall at least provide known  
10 information verbally, if necessary, and must subsequently  
11 provide the information in writing as required by this  
12 subsection.

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

1 supervisory level.

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

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

1 State Police. In addition, one Office of the Inspector General  
2 investigator shall have training in the use of the criminal  
3 history information access system and have access to the  
4 terminal. The Department of Children and Family Services and  
5 its employees shall abide by rules and regulations established  
6 by the Illinois State Police relating to the access and  
7 dissemination of this information.

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

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

1 child abuse and neglect registry.

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

23 (x) The Department shall conduct annual credit history  
24 checks to determine the financial history of children placed  
25 under its guardianship pursuant to the Juvenile Court Act of  
26 1987. The Department shall conduct such credit checks starting

1 when a youth in care turns 12 years old and each year  
2 thereafter for the duration of the guardianship as terminated  
3 pursuant to the Juvenile Court Act of 1987. The Department  
4 shall determine if financial exploitation of the child's  
5 personal information has occurred. If financial exploitation  
6 appears to have taken place or is presently ongoing, the  
7 Department shall notify the proper law enforcement agency, the  
8 proper State's Attorney, or the Attorney General.

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

19 (z) The Department shall access criminal history record  
20 information as defined as "background information" in this  
21 subsection and criminal history record information as defined  
22 in the Illinois Uniform Conviction Information Act for each  
23 Department employee or Department applicant. Each Department  
24 employee or Department applicant shall submit his or her  
25 fingerprints to the Illinois State Police in the form and  
26 manner prescribed by the Illinois State Police. These

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

11 For purposes of this subsection:

12 "Background information" means all of the following:

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

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

26 (iii) Information obtained by the Department of

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

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

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

16 (Source: P.A. 101-13, eff. 6-12-19; 101-79, eff. 7-12-19;  
17 101-81, eff. 7-12-19; 102-538, eff. 8-20-21; 102-558, eff.  
18 8-20-21.)

19 (20 ILCS 505/5.46 new)

20 Sec. 5.46. Application for Social Security benefits,  
21 Supplemental Security Income, and Veterans benefits.

22 (a) Definitions. As used in this Section:

23 "Benefits" means Social Security benefits, Supplemental  
24 Security Income, and Veterans benefits.

25 "Youth's attorney and guardian ad litem" means the person



1 appointed as the youth's attorney or guardian ad litem in  
2 accordance with the Juvenile Court Act of 1987 in the  
3 proceeding in which the Department is appointed as the youth's  
4 guardian or custodian.

5 (b) Application for benefits.

6 (1) Upon receiving custody or guardianship of a youth  
7 in care, and at least annually thereafter, the Department  
8 shall determine whether the youth may be eligible for  
9 benefits. If it is determined that the youth may be  
10 eligible for benefits, the Department shall ensure that an  
11 application is filed on behalf of the youth. The  
12 Department shall ensure that any youth in care eligible  
13 for benefits beyond the age of 18 has a timely application  
14 filed.

15 (2) When applying for benefits under this Section for  
16 a youth in care the Department shall, in cooperation with  
17 the youth's attorney and guardian ad litem, identify a  
18 representative payee or fiduciary in accordance with the  
19 requirements of 20 CFR 404.2021 and 416.621.

20 (c) Notifications. The Department shall immediately notify  
21 a youth over the age of 16, the youth's attorney and guardian  
22 ad litem, and the youth's parent or legal guardian or another  
23 responsible adult of:

24 (1) any application for or any application to become  
25 representative payee for benefits on behalf of a youth in  
26 care;

1           (2) any decisions or communications from the Social  
2           Security Administration or the U.S. Department of Veterans  
3           Affairs regarding an application for benefits or for  
4           representative payee status; and

5           (3) any appeal or other action requested by the  
6           Department regarding an application for benefits.

7           (d) Use of benefits. Consistent with federal law, when the  
8           Department serves as the representative payee or in any other  
9           fiduciary capacity for a youth receiving benefits, the  
10          Department shall:

11           (1) Ensure that when the youth attains the age of 14  
12           years and until the Department no longer serves as the  
13           representative payee or fiduciary, a minimum percentage of  
14           the youth's benefits are conserved in accordance with  
15           paragraph (3) as follows:

16                   (A) From the age of 14 through age 15, at least  
17                   40%.

18                   (B) From the age of 16 through age 17, at least  
19                   80%.

20                   (C) From the age of 18 through 20, 100%.

21           (2) Exercise discretion in accordance with federal law  
22           and in the best interests of the youth when making  
23           decisions to use or conserve the youth's benefits that are  
24           less than or not subject to asset or resource limits under  
25           federal law, including using the benefits to address the  
26           youth's special needs and conserving the benefits for the

1 youth's reasonably foreseeable future needs.

2 (3) Appropriately monitor any federal asset or  
3 resource limits for the benefits and ensure that the  
4 youth's best interest is served by using or conserving the  
5 benefits in a way that avoids violating any federal asset  
6 or resource limits that would affect the youth's  
7 eligibility to receive the benefits, including:

8 (A) applying to the Social Security Administration  
9 to establish a Plan to Achieve Self-Support (PASS)  
10 Account for the youth under the Social Security Act  
11 and determining whether it is in the best interest of  
12 the youth to conserve all or parts of the benefits in  
13 the PASS account;

14 (B) establishing a 529A plan for the youth and  
15 conserving the youth's benefits in that account in a  
16 manner that appropriately avoids any federal asset or  
17 resource limits;

18 (C) establishing an Individual Development Account  
19 for the youth and conserving the youth's benefits in  
20 that account in a manner that appropriately avoids any  
21 federal asset or resource limits;

22 (D) establishing an ABLE account authorized by  
23 Section 529A of the Internal Revenue Code of 1986, for  
24 the youth and conserving the youth's benefits in that  
25 account in a manner that appropriately avoids any  
26 federal asset or resource limits;

1           (E) establishing a Social Security Plan to Achieve  
2           Self-Support account for the youth and conserving the  
3           youth's benefits in a manner that appropriately avoids  
4           any federal asset or resource limits;

5           (F) establishing a special needs trust for the  
6           youth and conserving the youth's benefits in the trust  
7           in a manner that is consistent with federal  
8           requirements for special needs trusts and that  
9           appropriately avoids any federal asset or resource  
10          limits;

11          (G) if the Department determines that using the  
12          benefits for services for current special needs not  
13          already provided by the Department is in the best  
14          interest of the youth, using the benefits for those  
15          services;

16          (H) if federal law requires certain back payments  
17          of benefits to be placed in a dedicated account,  
18          complying with the requirements for dedicated accounts  
19          under 20 CFR 416.640(e); and

20          (I) applying any other exclusions from federal  
21          asset or resource limits available under federal law  
22          and using or conserving the youth's benefits in a  
23          manner that appropriately avoids any federal asset or  
24          resource limits.

25          (e) Accounting. The Department shall provide an annual  
26          accounting to the youth's attorney and guardian ad litem of

1 how the youth's benefits have been used and conserved. In  
2 addition, within 10 business days of a request from a youth or  
3 the youth's attorney and guardian ad litem, the Department  
4 shall provide an accounting to the youth of how the youth's  
5 benefits have been used and conserved. The accounting shall  
6 include:

7 (1) The amount of benefits received on the youth's  
8 behalf since the most recent accounting and the date the  
9 benefits were received.

10 (2) Information regarding the youth's benefits and  
11 resources, including the youth's benefits, insurance, cash  
12 assets, trust accounts, earnings, and other resources.

13 (3) An accounting of the disbursement of benefit  
14 funds, including the date, amount, identification of  
15 payee, and purpose.

16 (4) Information regarding each request by the youth,  
17 the youth's attorney and guardian ad litem, or the youth's  
18 caregiver for disbursement of funds and a statement  
19 regarding the reason for not granting the request if the  
20 request was denied.

21 When the Department's guardianship of the youth is being  
22 terminated, the Department shall provide a final accounting to  
23 the Social Security Administration, to the youth's attorney  
24 and guardian ad litem, and to either the person or persons who  
25 will assume guardianship of the youth, if the youth is under  
26 18, or to the youth, if the youth is over 18.

1       (f) Financial literacy. Provide the youth with financial  
2 literacy training and support, including specific information  
3 regarding the existence, availability, and use of funds  
4 conserved for the youth in accordance with this subsection,  
5 beginning by age 14. The literary program and support services  
6 shall be developed in consultation with input from the  
7 Department's Statewide Youth Advisory Board.

8       (g) Adoption of rules. The Department shall adopt rules to  
9 implement the provisions of this Section by January 1, 2023.

10       (h) Reporting. No later than December 31, 2023, the  
11 Department shall file a report with the General Assembly  
12 providing the following information for State Fiscal Years  
13 2019, 2020, 2021, and 2022 and annually beginning December 31,  
14 2024, for the preceding fiscal year:

15           (1) The number of youth entering care.

16           (2) The number of youth entering care receiving each  
17 of the following types of benefits: Social Security  
18 benefits, Supplemental Security Income, Veterans benefits.

19           (3) The number of youth entering care for whom the  
20 Department filed an application of each of the following  
21 types of benefits: Social Security benefits, Supplemental  
22 Security Income, Veterans benefits.

23           (4) The number of youth entering care who were awarded  
24 each of the following types of benefits based on an  
25 application filed by the Department: Social Security  
26 benefits, Supplemental Security Income, Veterans benefits.

1       (i) Annually beginning December 31, 2022, the Department  
2       shall file a report with the General Assembly with the  
3       following information regarding the preceding fiscal year:

4               (1) the number of conserved accounts established and  
5               maintained for youth in care;

6               (2) the average amount conserved by age group; and

7               (3) the total amount conserved by age group.

8               (20 ILCS 505/35.10)

9               Sec. 35.10. Documents necessary for adult living. The  
10              Department shall assist a youth in care in identifying and  
11              obtaining documents necessary to function as an independent  
12              adult prior to the closure of the youth's case to terminate  
13              wardship as provided in Section 2-31 of the Juvenile Court Act  
14              of 1987. These necessary documents shall include, but not be  
15              limited to, any of the following:

16              (1) State identification card or driver's license.

17              (2) Social Security card.

18              (3) Medical records, including, but not limited to,  
19              health passport, dental records, immunization records,  
20              name and contact information for all current medical,  
21              dental, and mental health providers, and a signed  
22              certification that the Department provided the youth with  
23              education on executing a healthcare power of attorney.

24              (4) Medicaid card or other health eligibility  
25              documentation.

- 1 (5) Certified copy of birth certificate.
- 2 (6) Any applicable religious documents.
- 3 (7) Voter registration card.
- 4 (8) Immigration, citizenship, or naturalization  
5 documentation, if applicable.
- 6 (9) Death certificates of parents, if applicable.
- 7 (10) Life book or compilation of personal history and  
8 photographs.
- 9 (11) List of known relatives with relationships,  
10 addresses, telephone numbers, and other contact  
11 information, with the permission of the involved relative.
- 12 (12) Resume.
- 13 (13) Educational records, including list of schools  
14 attended, and transcript, high school diploma, or high  
15 school equivalency certificate.
- 16 (14) List of placements while in care.
- 17 (15) List of community resources with referral  
18 information, including the Midwest Adoption Center for  
19 search and reunion services for former youth in care,  
20 whether or not they were adopted, and the Illinois Chapter  
21 of Foster Care Alumni of America.
- 22 (16) All documents necessary to complete a Free  
23 Application for Federal Student Aid form, if applicable,  
24 or an application for State financial aid.
- 25 (17) If applicable, a final accounting of the account  
26 maintained on behalf of the youth as provided under



1           Section 5.46.

2           If a court determines that a youth in care no longer requires  
3           wardship of the court and orders the wardship terminated and  
4           all proceedings under the Juvenile Court Act of 1987  
5           respecting the youth in care finally closed and discharged,  
6           the Department shall ensure that the youth in care receives a  
7           copy of the court's order.

8           (Source: P.A. 102-70, eff. 1-1-22.)

9           Section 99. Effective date. This Act takes effect upon  
10          becoming law.