



Rep. Lakesia Collins

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1 AMENDMENT TO SENATE BILL 3470

2 AMENDMENT NO. _____. Amend Senate Bill 3470 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is
5 amended by changing Sections 5 and 35.10 and by adding Section
6 5.46 as 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

1 the Juvenile Court Act or the Juvenile Court Act of
2 1987 and who continue under the jurisdiction of the
3 court; or

4 (B) were accepted for care, service and training
5 by the Department prior to the age of 18 and whose best
6 interest in the discretion of the Department would be
7 served by continuing that care, service and training
8 because of severe emotional disturbances, physical
9 disability, social adjustment or any combination
10 thereof, or because of the need to complete an
11 educational or vocational training program.

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

16 (3) "Child welfare services" means public social
17 services which are directed toward the accomplishment of
18 the following purposes:

19 (A) protecting and promoting the health, safety
20 and welfare of children, including homeless,
21 dependent, or neglected children;

22 (B) remedying, or assisting in the solution of
23 problems which may result in, the neglect, abuse,
24 exploitation, or delinquency of children;

25 (C) preventing the unnecessary separation of
26 children from their families by identifying family

1 problems, assisting families in resolving their
2 problems, and preventing the breakup of the family
3 where the prevention of child removal is desirable and
4 possible when the child can be cared for at home
5 without endangering the child's health and safety;

6 (D) restoring to their families children who have
7 been removed, by the provision of services to the
8 child and the families when the child can be cared for
9 at home without endangering the child's health and
10 safety;

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

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

24 (G) (blank);

25 (H) (blank); and

26 (I) placing and maintaining children in facilities

1 that provide separate living quarters for children
2 under the age of 18 and for children 18 years of age
3 and older, unless a child 18 years of age is in the
4 last year of high school education or vocational
5 training, in an approved individual or group treatment
6 program, in a licensed shelter facility, or secure
7 child care facility. The Department is not required to
8 place or maintain children:

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

10 (ii) who are persons with a developmental
11 disability, as defined in the Mental Health and
12 Developmental Disabilities Code, or

13 (iii) who are female children who are
14 pregnant, pregnant and parenting, or parenting, or

15 (iv) who are siblings, in facilities that
16 provide separate living quarters for children 18
17 years of age and older and for children under 18
18 years of age.

19 (b) (Blank).

20 (c) The Department shall establish and maintain
21 tax-supported child welfare services and extend and seek to
22 improve voluntary services throughout the State, to the end
23 that services and care shall be available on an equal basis
24 throughout the State to children requiring such services.

25 (d) The Director may authorize advance disbursements for
26 any new program initiative to any agency contracting with the

1 Department. As a prerequisite for an advance disbursement, the
2 contractor must post a surety bond in the amount of the advance
3 disbursement and have a purchase of service contract approved
4 by the Department. The Department may pay up to 2 months
5 operational expenses in advance. The amount of the advance
6 disbursement shall be prorated over the life of the contract
7 or the remaining months of the fiscal year, whichever is less,
8 and the installment amount shall then be deducted from future
9 bills. Advance disbursement authorizations for new initiatives
10 shall not be made to any agency after that agency has operated
11 during 2 consecutive fiscal years. The requirements of this
12 Section concerning advance disbursements shall not apply with
13 respect to the following: payments to local public agencies
14 for child day care services as authorized by Section 5a of this
15 Act; and youth service programs receiving grant funds under
16 Section 17a-4.

17 (e) (Blank).

18 (f) (Blank).

19 (g) The Department shall establish rules and regulations
20 concerning its operation of programs designed to meet the
21 goals of child safety and protection, family preservation,
22 family reunification, and adoption, including, but not limited
23 to:

24 (1) adoption;

25 (2) foster care;

26 (3) family counseling;

- 1 (4) protective services;
- 2 (5) (blank);
- 3 (6) homemaker service;
- 4 (7) return of runaway children;
- 5 (8) (blank);
- 6 (9) placement under Section 5-7 of the Juvenile Court
- 7 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
- 8 Court Act of 1987 in accordance with the federal Adoption
- 9 Assistance and Child Welfare Act of 1980; and
- 10 (10) interstate services.

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

22 (h) If the Department finds that there is no appropriate
23 program or facility within or available to the Department for
24 a youth in care and that no licensed private facility has an
25 adequate and appropriate program or none agrees to accept the
26 youth in care, the Department shall create an appropriate

1 individualized, program-oriented plan for such youth in care.
2 The plan may be developed within the Department or through
3 purchase of services by the Department to the extent that it is
4 within its statutory authority to do.

5 (i) Service programs shall be available throughout the
6 State and shall include but not be limited to the following
7 services:

- 8 (1) case management;
- 9 (2) homemakers;
- 10 (3) counseling;
- 11 (4) parent education;
- 12 (5) day care; and
- 13 (6) emergency assistance and advocacy.

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

- 16 (1) comprehensive family-based services;
- 17 (2) assessments;
- 18 (3) respite care; and
- 19 (4) in-home health services.

20 The Department shall provide transportation for any of the
21 services it makes available to children or families or for
22 which it refers children or families.

23 (j) The Department may provide categories of financial
24 assistance and education assistance grants, and shall
25 establish rules and regulations concerning the assistance and
26 grants, to persons who adopt children with physical or mental

1 disabilities, children who are older, or other hard-to-place
2 children who (i) immediately prior to their adoption were
3 youth in care or (ii) were determined eligible for financial
4 assistance with respect to a prior adoption and who become
5 available for adoption because the prior adoption has been
6 dissolved and the parental rights of the adoptive parents have
7 been terminated or because the child's adoptive parents have
8 died. The Department may continue to provide financial
9 assistance and education assistance grants for a child who was
10 determined eligible for financial assistance under this
11 subsection (j) in the interim period beginning when the
12 child's adoptive parents died and ending with the finalization
13 of the new adoption of the child by another adoptive parent or
14 parents. The Department may also provide categories of
15 financial assistance and education assistance grants, and
16 shall establish rules and regulations for the assistance and
17 grants, to persons appointed guardian of the person under
18 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
19 4-25, or 5-740 of the Juvenile Court Act of 1987 for children
20 who were youth in care for 12 months immediately prior to the
21 appointment of the guardian.

22 The amount of assistance may vary, depending upon the
23 needs of the child and the adoptive parents, as set forth in
24 the annual assistance agreement. Special purpose grants are
25 allowed where the child requires special service but such
26 costs may not exceed the amounts which similar services would

1 cost the Department if it were to provide or secure them as
2 guardian of the child.

3 Any financial assistance provided under this subsection is
4 inalienable by assignment, sale, execution, attachment,
5 garnishment, or any other remedy for recovery or collection of
6 a judgment or debt.

7 (j-5) The Department shall not deny or delay the placement
8 of a child for adoption if an approved family is available
9 either outside of the Department region handling the case, or
10 outside of the State of Illinois.

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

15 (l) The Department shall offer family preservation
16 services, as defined in Section 8.2 of the Abused and
17 Neglected Child Reporting Act, to help families, including
18 adoptive and extended families. Family preservation services
19 shall be offered (i) to prevent the placement of children in
20 substitute care when the children can be cared for at home or
21 in the custody of the person responsible for the children's
22 welfare, (ii) to reunite children with their families, or
23 (iii) to maintain an adoptive placement. Family preservation
24 services shall only be offered when doing so will not endanger
25 the children's health or safety. With respect to children who
26 are in substitute care pursuant to the Juvenile Court Act of

1 1987, family preservation services shall not be offered if a
2 goal other than those of subdivisions (A), (B), or (B-1) of
3 subsection (2) of Section 2-28 of that Act has been set, except
4 that reunification services may be offered as provided in
5 paragraph (F) of subsection (2) of Section 2-28 of that Act.
6 Nothing in this paragraph shall be construed to create a
7 private right of action or claim on the part of any individual
8 or child welfare agency, except that when a child is the
9 subject of an action under Article II of the Juvenile Court Act
10 of 1987 and the child's service plan calls for services to
11 facilitate achievement of the permanency goal, the court
12 hearing the action under Article II of the Juvenile Court Act
13 of 1987 may order the Department to provide the services set
14 out in the plan, if those services are not provided with
15 reasonable promptness and if those services are available.

16 The Department shall notify the child and his family of
17 the Department's responsibility to offer and provide family
18 preservation services as identified in the service plan. The
19 child and his family shall be eligible for services as soon as
20 the report is determined to be "indicated". The Department may
21 offer services to any child or family with respect to whom a
22 report of suspected child abuse or neglect has been filed,
23 prior to concluding its investigation under Section 7.12 of
24 the Abused and Neglected Child Reporting Act. However, the
25 child's or family's willingness to accept services shall not
26 be considered in the investigation. The Department may also

1 provide services to any child or family who is the subject of
2 any report of suspected child abuse or neglect or may refer
3 such child or family to services available from other agencies
4 in the community, even if the report is determined to be
5 unfounded, if the conditions in the child's or family's home
6 are reasonably likely to subject the child or family to future
7 reports of suspected child abuse or neglect. Acceptance of
8 such services shall be voluntary. The Department may also
9 provide services to any child or family after completion of a
10 family assessment, as an alternative to an investigation, as
11 provided under the "differential response program" provided
12 for in subsection (a-5) of Section 7.4 of the Abused and
13 Neglected Child Reporting Act.

14 The Department may, at its discretion except for those
15 children also adjudicated neglected or dependent, accept for
16 care and training any child who has been adjudicated addicted,
17 as a truant minor in need of supervision or as a minor
18 requiring authoritative intervention, under the Juvenile Court
19 Act or the Juvenile Court Act of 1987, but no such child shall
20 be committed to the Department by any court without the
21 approval of the Department. On and after January 1, 2015 (the
22 effective date of Public Act 98-803) and before January 1,
23 2017, a minor charged with a criminal offense under the
24 Criminal Code of 1961 or the Criminal Code of 2012 or
25 adjudicated delinquent shall not be placed in the custody of
26 or committed to the Department by any court, except (i) a minor

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

1 As soon as is possible after August 7, 2009 (the effective
2 date of Public Act 96-134), the Department shall develop and
3 implement a special program of family preservation services to
4 support intact, foster, and adoptive families who are
5 experiencing extreme hardships due to the difficulty and
6 stress of caring for a child who has been diagnosed with a
7 pervasive developmental disorder if the Department determines
8 that those services are necessary to ensure the health and
9 safety of the child. The Department may offer services to any
10 family whether or not a report has been filed under the Abused
11 and Neglected Child Reporting Act. The Department may refer
12 the child or family to services available from other agencies
13 in the community if the conditions in the child's or family's
14 home are reasonably likely to subject the child or family to
15 future reports of suspected child abuse or neglect. Acceptance
16 of these services shall be voluntary. The Department shall
17 develop and implement a public information campaign to alert
18 health and social service providers and the general public
19 about these special family preservation services. The nature
20 and scope of the services offered and the number of families
21 served under the special program implemented under this
22 paragraph shall be determined by the level of funding that the
23 Department annually allocates for this purpose. The term
24 "pervasive developmental disorder" under this paragraph means
25 a 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, except that the benefits described in Section
6 5.46 must be used and conserved consistent with the provisions
7 under Section 5.46.

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

19 In disbursing funds from children's accounts, the
20 Department shall:

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

1 records of all disbursements for each account for any
2 purpose.

3 (2) Calculate on a monthly basis the amounts paid from
4 State funds for the child's board and care, medical care
5 not covered under Medicaid, and social services; and
6 utilize funds from the child's account, as covered by
7 regulation, to reimburse those costs. Monthly,
8 disbursements from all children's accounts, up to 1/12 of
9 \$13,000,000, shall be deposited by the Department into the
10 General Revenue Fund and the balance over 1/12 of
11 \$13,000,000 into the DCFS Children's Services Fund.

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

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

1 adoption agency in the State to assist the agencies in placing
2 such children for adoption. The Department may delegate to an
3 agent its duty to maintain and make available such lists. The
4 Department shall ensure that such agent maintains the
5 confidentiality of the person seeking to adopt the child and
6 of the child.

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

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

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

25 (2) the court has ordered one or both of the parties to
26 the proceeding to reimburse the Department for its

1 reasonable costs for providing such services in accordance
2 with Department rules, or has determined that neither
3 party is financially able to pay.

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

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

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

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

1 and

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

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

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

1 signed verification of receipt of the information provided.
2 Within 10 business days after placement, the Department shall
3 provide to the child's guardian ad litem a copy of the
4 information provided to the prospective adoptive parent or
5 parents or other caretaker. The information provided to the
6 prospective adoptive parent or parents or other caretaker
7 shall be reviewed and approved regarding accuracy at the
8 supervisory level.

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

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

1 of 1969, and the Children and Family Services Act. The
2 Department shall provide for interactive computerized
3 communication and processing equipment that permits direct
4 on-line communication with the Illinois State Police's central
5 criminal history data repository. The Department shall comply
6 with all certification requirements and provide certified
7 operators who have been trained by personnel from the Illinois
8 State Police. In addition, one Office of the Inspector General
9 investigator shall have training in the use of the criminal
10 history information access system and have access to the
11 terminal. The Department of Children and Family Services and
12 its employees shall abide by rules and regulations established
13 by the Illinois State Police relating to the access and
14 dissemination of this information.

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

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

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

1 necessary geographic distribution of these facilities in
2 Illinois; and a proposed timetable for development of such
3 facilities.

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

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

26 (z) The Department shall access criminal history record

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

18 For purposes of this subsection:

19 "Background information" means all of the following:

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

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

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

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

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

23 (Source: P.A. 101-13, eff. 6-12-19; 101-79, eff. 7-12-19;
24 101-81, eff. 7-12-19; 102-538, eff. 8-20-21; 102-558, eff.
25 8-20-21.)

1 (20 ILCS 505/5.46 new)

2 Sec. 5.46. Application for Social Security benefits,
3 Supplemental Security Income, Veterans benefits, and Railroad
4 Retirement benefits.

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

6 "Benefits" means Social Security benefits, Supplemental
7 Security Income, Veterans benefits, and Railroad Retirement
8 benefits.

9 "Youth's attorney and guardian ad litem" means the person
10 appointed as the youth's attorney or guardian ad litem in
11 accordance with the Juvenile Court Act of 1987 in the
12 proceeding in which the Department is appointed as the youth's
13 guardian or custodian.

14 (b) Application for benefits.

15 (1) Upon receiving temporary custody or guardianship
16 of a youth in care, the Department shall assess the youth
17 to determine whether the youth may be eligible for
18 benefits. If, after the assessment, the Department
19 determines that the youth may be eligible for benefits,
20 the Department shall ensure that an application is filed
21 on behalf of the youth. The Department shall prescribe by
22 rule how it will review cases of youth in care at regular
23 intervals to determine whether the youth may have become
24 eligible for benefits after the initial assessment. The
25 Department shall make reasonable efforts to encourage
26 youth in care over the age of 18 who are likely eligible

1 for benefits to cooperate with the application process and
2 to assist youth with the application process.

3 (2) When applying for benefits under this Section for
4 a youth in care the Department shall identify a
5 representative payee in accordance with the requirements
6 of 20 CFR 404.2021 and 416.621. If the Department is
7 seeking to be appointed as the youth's representative
8 payee, the Department must consider input, if provided,
9 from the youth's attorney and guardian ad litem regarding
10 whether another representative payee, consistent with the
11 requirements of 20 CFR 404.2021 and 416.621, is available.
12 If the Department serves as the representative payee for a
13 youth over the age of 18, the Department shall request a
14 court order, as described in subparagraph (C) of paragraph
15 (1) of subsection (d) and in subparagraph (C) of paragraph
16 (2) of subsection (d).

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

21 (1) any application for or any application to become
22 representative payee for benefits on behalf of a youth in
23 care;

24 (2) any communications from the Social Security
25 Administration, the U.S. Department of Veterans Affairs,
26 or the Railroad Retirement Board pertaining to the

1 acceptance or denial of benefits or the selection of a
2 representative payee; and

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

5 (d) Use of benefits. Consistent with federal law, when the
6 Department serves as the representative payee for a youth
7 receiving benefits and receives benefits on the youth's
8 behalf, the Department shall:

9 (1) Beginning January 1, 2023, ensure that when the
10 youth attains the age of 14 years and until the Department
11 no longer serves as the representative payee, a minimum
12 percentage of the youth's Supplemental Security Income
13 benefits are conserved in accordance with paragraph (4) as
14 follows:

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

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

19 (C) From the age of 18 through 20, 100%, when a
20 court order has been entered expressly allowing the
21 Department to have the authority to establish and
22 serve as an authorized agent of the youth over the age
23 of 18 with respect to an account established in
24 accordance with paragraph (4).

25 (2) Beginning January 1, 2024, ensure that when the
26 youth attains the age of 14 years and until the Department

1 no longer serves as the representative payee a minimum
2 percentage of the youth's Social Security benefits,
3 Veterans benefits, or Railroad Retirement benefits are
4 conserved in accordance with paragraph (4) as follows:

5 (A) From the age of 14 through age 15, at least
6 40%.

7 (B) From the age of 16 through age 17, at least
8 80%.

9 (C) From the age of 18 through 20, 100%, when a
10 court order has been entered expressly allowing the
11 Department to have the authority to establish and
12 serve as an authorized agent of the youth over the age
13 of 18 with respect to an account established in
14 accordance with paragraph (4).

15 (3) Exercise discretion in accordance with federal law
16 and in the best interests of the youth when making
17 decisions to use or conserve the youth's benefits that are
18 less than or not subject to asset or resource limits under
19 federal law, including using the benefits to address the
20 youth's special needs and conserving the benefits for the
21 youth's reasonably foreseeable future needs.

22 (4) Appropriately monitor any federal asset or
23 resource limits for the benefits and ensure that the
24 youth's best interest is served by using or conserving the
25 benefits in a way that avoids violating any federal asset
26 or resource limits that would affect the youth's

1 eligibility to receive the benefits, including:

2 (A) applying to the Social Security Administration
3 to establish a Plan to Achieve Self-Support (PASS)
4 Account for the youth under the Social Security Act
5 and determining whether it is in the best interest of
6 the youth to conserve all or parts of the benefits in
7 the PASS account;

8 (B) establishing a 529 plan for the youth and
9 conserving the youth's benefits in that account in a
10 manner that appropriately avoids any federal asset or
11 resource limits;

12 (C) establishing an Individual Development Account
13 for the youth and conserving the youth's benefits in
14 that account in a manner that appropriately avoids any
15 federal asset or resource limits;

16 (D) establishing an ABLE account authorized by
17 Section 529A of the Internal Revenue Code of 1986, for
18 the youth and conserving the youth's benefits in that
19 account in a manner that appropriately avoids any
20 federal asset or resource limits;

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

25 (F) establishing a special needs trust for the
26 youth and conserving the youth's benefits in the trust

1 in a manner that is consistent with federal
2 requirements for special needs trusts and that
3 appropriately avoids any federal asset or resource
4 limits;

5 (G) if the Department determines that using the
6 benefits for services for current special needs not
7 already provided by the Department is in the best
8 interest of the youth, using the benefits for those
9 services;

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

14 (I) applying any other exclusions from federal
15 asset or resource limits available under federal law
16 and using or conserving the youth's benefits in a
17 manner that appropriately avoids any federal asset or
18 resource limits.

19 (e) By July 1, 2024, the Department shall provide a report
20 to the General Assembly regarding youth in care who receive
21 benefits who are not subject to this Act. The report shall
22 discuss a goal of expanding conservation of children's
23 benefits to all benefits of all children of any age for whom
24 the Department serves as representative payee. The report
25 shall include a description of any identified obstacles, steps
26 to be taken to address the obstacles, and a description of any

1 need for statutory, rule, or procedural changes.

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

10 (1) The amount of benefits received on the youth's
11 behalf since the most recent accounting and the date the
12 benefits were received.

13 (2) Information regarding the youth's benefits and
14 resources, including the youth's benefits, insurance, cash
15 assets, trust accounts, earnings, and other resources.

16 (3) An accounting of the disbursement of benefit
17 funds, including the date, amount, identification of
18 payee, and purpose.

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

24 When the Department's guardianship of the youth is being
25 terminated, the Department shall provide (i) a final
26 accounting to the Social Security Administration, to the

1 youth's attorney and guardian ad litem, and to either the
2 person or persons who will assume guardianship of the youth or
3 who is in the process of adopting the youth, if the youth is
4 under 18, or to the youth, if the youth is over 18 and (ii)
5 information to the parent, guardian, or youth regarding how to
6 apply to become the representative payee. The Department shall
7 adopt rules to ensure that the representative payee
8 transitions occur in a timely and appropriate manner.

9 (g) Financial literacy. The Department shall provide the
10 youth with financial literacy training and support, including
11 specific information regarding the existence, availability,
12 and use of funds conserved for the youth in accordance with
13 this subsection, beginning by age 14. The literacy program and
14 support services shall be developed in consultation with input
15 from the Department's Statewide Youth Advisory Board.

16 (h) Adoption of rules. The Department shall adopt rules to
17 implement the provisions of this Section by January 1, 2023.

18 (i) Reporting. No later than February 28, 2023, the
19 Department shall file a report with the General Assembly
20 providing the following information for State Fiscal Years
21 2019, 2020, 2021, and 2022 and annually beginning February 28,
22 2023, for the preceding fiscal year:

23 (1) The number of youth entering care.

24 (2) The number of youth entering care receiving each
25 of the following types of benefits: Social Security
26 benefits, Supplemental Security Income, Veterans benefits,

1 Railroad Retirement benefits.

2 (3) The number of youth entering care for whom the
3 Department filed an application for each of the following
4 types of benefits: Social Security benefits, Supplemental
5 Security Income, Veterans benefits, Railroad Retirement
6 benefits.

7 (4) The number of youth entering care who were awarded
8 each of the following types of benefits based on an
9 application filed by the Department: Social Security
10 benefits, Supplemental Security Income, Veterans benefits,
11 Railroad Retirement benefits.

12 (j) Annually beginning December 31, 2023, the Department
13 shall file a report with the General Assembly with the
14 following information regarding the preceding fiscal year:

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

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

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

19 (20 ILCS 505/35.10)

20 Sec. 35.10. Documents necessary for adult living. The
21 Department shall assist a youth in care in identifying and
22 obtaining documents necessary to function as an independent
23 adult prior to the closure of the youth's case to terminate
24 wardship as provided in Section 2-31 of the Juvenile Court Act
25 of 1987. These necessary documents shall include, but not be

1 limited to, any of the following:

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

3 (2) Social Security card.

4 (3) Medical records, including, but not limited to,
5 health passport, dental records, immunization records,
6 name and contact information for all current medical,
7 dental, and mental health providers, and a signed
8 certification that the Department provided the youth with
9 education on executing a healthcare power of attorney.

10 (4) Medicaid card or other health eligibility
11 documentation.

12 (5) Certified copy of birth certificate.

13 (6) Any applicable religious documents.

14 (7) Voter registration card.

15 (8) Immigration, citizenship, or naturalization
16 documentation, if applicable.

17 (9) Death certificates of parents, if applicable.

18 (10) Life book or compilation of personal history and
19 photographs.

20 (11) List of known relatives with relationships,
21 addresses, telephone numbers, and other contact
22 information, with the permission of the involved relative.

23 (12) Resume.

24 (13) Educational records, including list of schools
25 attended, and transcript, high school diploma, or high
26 school equivalency certificate.

1 (14) List of placements while in care.

2 (15) List of community resources with referral
3 information, including the Midwest Adoption Center for
4 search and reunion services for former youth in care,
5 whether or not they were adopted, and the Illinois Chapter
6 of Foster Care Alumni of America.

7 (16) All documents necessary to complete a Free
8 Application for Federal Student Aid form, if applicable,
9 or an application for State financial aid.

10 (17) If applicable, a final accounting of the account
11 maintained on behalf of the youth as provided under
12 Section 5.46.

13 If a court determines that a youth in care no longer requires
14 wardship of the court and orders the wardship terminated and
15 all proceedings under the Juvenile Court Act of 1987
16 respecting the youth in care finally closed and discharged,
17 the Department shall ensure that the youth in care receives a
18 copy of the court's order.

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."