



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3705

Introduced 2/17/2023, by Rep. Norma Hernandez

SYNOPSIS AS INTRODUCED:

20 ILCS 505/5

from Ch. 23, par. 5005

20 ILCS 505/17a-11 rep.

Amends the Children and Family Services Act. In the definition of "child welfare services", provides that one of the purposes of the Department of Children and Family Services is to place children in suitable permanent family arrangements (rather than in suitable adoptive homes), in cases where restoration to the biological family is not safe, possible, or appropriate. Removes language providing that one of the purposes of the Department's child welfare services is to assure safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. Repeals a provision requiring the Department of Children and Family Services to establish the Governor's Youth Services Initiative.

LRB103 24994 KTG 51328 b

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 1. The Children and Family Services Act is amended
5 by changing Section 5 as follows:

6 (20 ILCS 505/5) (from Ch. 23, par. 5005)

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

11 (a) For purposes of this Section:

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

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

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

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

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

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

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

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

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

24 (D) restoring to their families children who have
25 been removed, by the provision of services to the
26 child and the families when the child can be cared for

1 at home without endangering the child's health and
2 safety;

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

7 (F) ~~at 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, conducting ~~the Department shall~~
11 ~~consider~~ concurrent planning, as described in
12 subsection (1-1) of this Section so that permanency
13 may occur at the earliest opportunity. Consideration
14 should be given so that if reunification fails or is
15 delayed, the placement made is the best available
16 placement to 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; 102-1014, eff. 5-27-22.)

19 (20 ILCS 505/17a-11 rep.)

20 Section 5. The Children and Family Services Act is amended
21 by repealing Section 17a-11.