



Rep. Norma Hernandez

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1 AMENDMENT TO HOUSE BILL 3705

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3705 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. The Children and Family Services Act is  
5 amended 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

1 1987 and who continue under the jurisdiction of the  
2 court; or

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

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

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

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

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

24 (C) preventing the unnecessary separation of  
25 children from their families by identifying family  
26 problems, assisting families in resolving their

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

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

10 (E) placing children in suitable permanent family  
11 arrangements, through guardianship or adoption  
12 ~~adoptive homes,~~ in cases where restoration to the  
13 biological family is not safe, possible, or  
14 appropriate;

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

25 (G) (blank);

26 (H) (blank); and

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

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

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

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

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

20 (b) (Blank).

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

26 (d) The Director may authorize advance disbursements for

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

18 (e) (Blank).

19 (f) (Blank).

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

25 (1) adoption;

26 (2) foster care;

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

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

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

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

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

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

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

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

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

24 (j) The Department may provide categories of financial  
25 assistance and education assistance grants, and shall  
26 establish rules and regulations concerning the assistance and

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

23 The amount of assistance may vary, depending upon the  
24 needs of the child and the adoptive parents, as set forth in  
25 the annual assistance agreement. Special purpose grants are  
26 allowed where the child requires special service but such



1 costs may not exceed the amounts which similar services would  
2 cost the Department if it were to provide or secure them as  
3 guardian of the child.

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

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

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

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

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

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

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

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

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

1 release conditions and aftercare release revocation hearings.

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

1 Asperger's Syndrome and autism, as defined in the most recent  
2 edition of the Diagnostic and Statistical Manual of Mental  
3 Disorders of the American Psychiatric Association.

4 (1-1) The legislature recognizes that the best interests  
5 of the child require that the child be placed in the most  
6 permanent living arrangement as soon as is practically  
7 possible. To achieve this goal, the legislature directs the  
8 Department of Children and Family Services to conduct  
9 concurrent planning so that permanency may occur at the  
10 earliest opportunity. Permanent living arrangements may  
11 include prevention of placement of a child outside the home of  
12 the family when the child can be cared for at home without  
13 endangering the child's health or safety; reunification with  
14 the family, when safe and appropriate, if temporary placement  
15 is necessary; or movement of the child toward the most  
16 permanent living arrangement and permanent legal status.

17 When determining reasonable efforts to be made with  
18 respect to a child, as described in this subsection, and in  
19 making such reasonable efforts, the child's health and safety  
20 shall be the paramount concern.

21 When a child is placed in foster care, the Department  
22 shall ensure and document that reasonable efforts were made to  
23 prevent or eliminate the need to remove the child from the  
24 child's home. The Department must make reasonable efforts to  
25 reunify the family when temporary placement of the child  
26 occurs unless otherwise required, pursuant to the Juvenile

1 Court Act of 1987. At any time after the dispositional hearing  
2 where the Department believes that further reunification  
3 services would be ineffective, it may request a finding from  
4 the court that reasonable efforts are no longer appropriate.  
5 The Department is not required to provide further  
6 reunification services after such a finding.

7 A decision to place a child in substitute care shall be  
8 made with considerations of the child's health, safety, and  
9 best interests. At the time of placement, consideration should  
10 also be given so that if reunification fails or is delayed, the  
11 placement made is the best available placement to provide  
12 permanency for the child.

13 The Department shall adopt rules addressing concurrent  
14 planning for reunification and permanency. The Department  
15 shall consider the following factors when determining  
16 appropriateness of concurrent planning:

- 17 (1) the likelihood of prompt reunification;
- 18 (2) the past history of the family;
- 19 (3) the barriers to reunification being addressed by  
20 the family;
- 21 (4) the level of cooperation of the family;
- 22 (5) the foster parents' willingness to work with the  
23 family to reunite;
- 24 (6) the willingness and ability of the foster family  
25 to provide an adoptive home or long-term placement;
- 26 (7) the age of the child;

1 (8) placement of siblings.

2 (m) The Department may assume temporary custody of any  
3 child if:

4 (1) it has received a written consent to such  
5 temporary custody signed by the parents of the child or by  
6 the parent having custody of the child if the parents are  
7 not living together or by the guardian or custodian of the  
8 child if the child is not in the custody of either parent,  
9 or

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

13 If the child is found in his or her residence without a parent,  
14 guardian, custodian, or responsible caretaker, the Department  
15 may, instead of removing the child and assuming temporary  
16 custody, place an authorized representative of the Department  
17 in that residence until such time as a parent, guardian, or  
18 custodian enters the home and expresses a willingness and  
19 apparent ability to ensure the child's health and safety and  
20 resume permanent charge of the child, or until a relative  
21 enters the home and is willing and able to ensure the child's  
22 health and safety and assume charge of the child until a  
23 parent, guardian, or custodian enters the home and expresses  
24 such willingness and ability to ensure the child's safety and  
25 resume permanent charge. After a caretaker has remained in the  
26 home for a period not to exceed 12 hours, the Department must



1 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
2 5-415 of the Juvenile Court Act of 1987.

3 The Department shall have the authority, responsibilities  
4 and duties that a legal custodian of the child would have  
5 pursuant to subsection (9) of Section 1-3 of the Juvenile  
6 Court Act of 1987. Whenever a child is taken into temporary  
7 custody pursuant to an investigation under the Abused and  
8 Neglected Child Reporting Act, or pursuant to a referral and  
9 acceptance under the Juvenile Court Act of 1987 of a minor in  
10 limited custody, the Department, during the period of  
11 temporary custody and before the child is brought before a  
12 judicial officer as required by Section 2-9, 3-11, 4-8, or  
13 5-415 of the Juvenile Court Act of 1987, shall have the  
14 authority, responsibilities and duties that a legal custodian  
15 of the child would have under subsection (9) of Section 1-3 of  
16 the Juvenile Court Act of 1987.

17 The Department shall ensure that any child taken into  
18 custody is scheduled for an appointment for a medical  
19 examination.

20 A parent, guardian, or custodian of a child in the  
21 temporary custody of the Department who would have custody of  
22 the child if he were not in the temporary custody of the  
23 Department may deliver to the Department a signed request that  
24 the Department surrender the temporary custody of the child.  
25 The Department may retain temporary custody of the child for  
26 10 days after the receipt of the request, during which period

1 the Department may cause to be filed a petition pursuant to the  
2 Juvenile Court Act of 1987. If a petition is so filed, the  
3 Department shall retain temporary custody of the child until  
4 the court orders otherwise. If a petition is not filed within  
5 the 10-day period, the child shall be surrendered to the  
6 custody of the requesting parent, guardian, or custodian not  
7 later than the expiration of the 10-day period, at which time  
8 the authority and duties of the Department with respect to the  
9 temporary custody of the child shall terminate.

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

24 (n) The Department may place children under 18 years of  
25 age in licensed child care facilities when in the opinion of  
26 the Department, appropriate services aimed at family

1 preservation have been unsuccessful and cannot ensure the  
2 child's health and safety or are unavailable and such  
3 placement would be for their best interest. Payment for board,  
4 clothing, care, training and supervision of any child placed  
5 in a licensed child care facility may be made by the  
6 Department, by the parents or guardians of the estates of  
7 those children, or by both the Department and the parents or  
8 guardians, except that no payments shall be made by the  
9 Department for any child placed in a licensed child care  
10 facility for board, clothing, care, training and supervision  
11 of such a child that exceed the average per capita cost of  
12 maintaining and of caring for a child in institutions for  
13 dependent or neglected children operated by the Department.  
14 However, such restriction on payments does not apply in cases  
15 where children require specialized care and treatment for  
16 problems of severe emotional disturbance, physical disability,  
17 social adjustment, or any combination thereof and suitable  
18 facilities for the placement of such children are not  
19 available at payment rates within the limitations set forth in  
20 this Section. All reimbursements for services delivered shall  
21 be absolutely inalienable by assignment, sale, attachment, or  
22 garnishment or otherwise.

23 (n-1) The Department shall provide or authorize child  
24 welfare services, aimed at assisting minors to achieve  
25 sustainable self-sufficiency as independent adults, for any  
26 minor eligible for the reinstatement of wardship pursuant to

1 subsection (2) of Section 2-33 of the Juvenile Court Act of  
2 1987, whether or not such reinstatement is sought or allowed,  
3 provided that the minor consents to such services and has not  
4 yet attained the age of 21. The Department shall have  
5 responsibility for the development and delivery of services  
6 under this Section. An eligible youth may access services  
7 under this Section through the Department of Children and  
8 Family Services or by referral from the Department of Human  
9 Services. Youth participating in services under this Section  
10 shall cooperate with the assigned case manager in developing  
11 an agreement identifying the services to be provided and how  
12 the youth will increase skills to achieve self-sufficiency. A  
13 homeless shelter is not considered appropriate housing for any  
14 youth receiving child welfare services under this Section. The  
15 Department shall continue child welfare services under this  
16 Section to any eligible minor until the minor becomes 21 years  
17 of age, no longer consents to participate, or achieves  
18 self-sufficiency as identified in the minor's service plan.  
19 The Department of Children and Family Services shall create  
20 clear, readable notice of the rights of former foster youth to  
21 child welfare services under this Section and how such  
22 services may be obtained. The Department of Children and  
23 Family Services and the Department of Human Services shall  
24 disseminate this information statewide. The Department shall  
25 adopt regulations describing services intended to assist  
26 minors in achieving sustainable self-sufficiency as

1 independent adults.

2 (o) The Department shall establish an administrative  
3 review and appeal process for children and families who  
4 request or receive child welfare services from the Department.  
5 Youth in care who are placed by private child welfare  
6 agencies, and foster families with whom those youth are  
7 placed, shall be afforded the same procedural and appeal  
8 rights as children and families in the case of placement by the  
9 Department, including the right to an initial review of a  
10 private agency decision by that agency. The Department shall  
11 ensure that any private child welfare agency, which accepts  
12 youth in care for placement, affords those rights to children  
13 and foster families. The Department shall accept for  
14 administrative review and an appeal hearing a complaint made  
15 by (i) a child or foster family concerning a decision  
16 following an initial review by a private child welfare agency  
17 or (ii) a prospective adoptive parent who alleges a violation  
18 of subsection (j-5) of this Section. An appeal of a decision  
19 concerning a change in the placement of a child shall be  
20 conducted in an expedited manner. A court determination that a  
21 current foster home placement is necessary and appropriate  
22 under Section 2-28 of the Juvenile Court Act of 1987 does not  
23 constitute a judicial determination on the merits of an  
24 administrative appeal, filed by a former foster parent,  
25 involving a change of placement decision.

26 (p) (Blank).

1           (q) The Department may receive and use, in their entirety,  
2 for the benefit of children any gift, donation, or bequest of  
3 money or other property which is received on behalf of such  
4 children, or any financial benefits to which such children are  
5 or may become entitled while under the jurisdiction or care of  
6 the Department, except that the benefits described in Section  
7 5.46 must be used and conserved consistent with the provisions  
8 under Section 5.46.

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

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

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

1 Department shall be responsible for keeping complete  
2 records of all disbursements for each account for any  
3 purpose.

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

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

18 (r) The Department shall promulgate regulations  
19 encouraging all adoption agencies to voluntarily forward to  
20 the Department or its agent names and addresses of all persons  
21 who have applied for and have been approved for adoption of a  
22 hard-to-place child or child with a disability and the names  
23 of such children who have not been placed for adoption. A list  
24 of such names and addresses shall be maintained by the  
25 Department or its agent, and coded lists which maintain the  
26 confidentiality of the person seeking to adopt the child and

1 of the child shall be made available, without charge, to every  
2 adoption agency in the State to assist the agencies in placing  
3 such children for adoption. The Department may delegate to an  
4 agent its duty to maintain and make available such lists. The  
5 Department shall ensure that such agent maintains the  
6 confidentiality of the person seeking to adopt the child and  
7 of the child.

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

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

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

26 (2) the court has ordered one or both of the parties to



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

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

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

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

25 (2) a copy of the child's portion of the client  
26 service plan, including any visitation arrangement, and

1 all amendments or revisions to it as related to the child;  
2 and

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

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

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

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

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

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

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

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

1 within the past 5 years.

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

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

1 out-of-state who are projected to be returned to Illinois; the  
2 necessary geographic distribution of these facilities in  
3 Illinois; and a proposed timetable for development of such  
4 facilities.

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

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

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

19           For purposes of this subsection:

20           "Background information" means all of the following:

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

1 a Department employee or Department applicant.

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

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

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

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

24 (Source: P.A. 101-13, eff. 6-12-19; 101-79, eff. 7-12-19;  
25 101-81, eff. 7-12-19; 102-538, eff. 8-20-21; 102-558, eff.  
26 8-20-21; 102-1014, eff. 5-27-22.)



1           (20 ILCS 505/17a-11 rep.)

2           Section 5. The Children and Family Services Act is amended

3           by repealing Section 17a-11."