

HB4095



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4095

Introduced 5/16/2023, by Rep. Tom Weber

SYNOPSIS AS INTRODUCED:

20 ILCS 505/5

from Ch. 23, par. 5005

Amends the Children and Family Services Act. Provides that final approval for placement of a child with a prospective foster or adoptive parent shall not be granted if a criminal records background check reveals the prospective foster or adoptive parent has a felony conviction for human trafficking or sex trafficking. Effective immediately.

LRB103 32481 KTG 61978 b

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Children and Family Services Act is amended
5 by changing 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 adoptive homes,
4 in cases where restoration to the biological family is
5 not safe, possible, or appropriate;

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

16 (G) (blank);

17 (H) (blank); and

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

- 1 (i) who are in a foster home, or
2 (ii) who are persons with a developmental
3 disability, as defined in the Mental Health and
4 Developmental Disabilities Code, or
5 (iii) who are female children who are
6 pregnant, pregnant and parenting, or parenting, or
7 (iv) who are siblings, in facilities that
8 provide separate living quarters for children 18
9 years of age and older and for children under 18
10 years of age.

11 (b) (Blank).

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

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

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

9 (e) (Blank).

10 (f) (Blank).

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

16 (1) adoption;

17 (2) foster care;

18 (3) family counseling;

19 (4) protective services;

20 (5) (blank);

21 (6) homemaker service;

22 (7) return of runaway children;

23 (8) (blank);

24 (9) placement under Section 5-7 of the Juvenile Court
25 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
26 Court Act of 1987 in accordance with the federal Adoption

1 Assistance and Child Welfare Act of 1980; and

2 (10) interstate services.

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

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

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

26 (1) case management;

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

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

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

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

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

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

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

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

25 (j-5) The Department shall not deny or delay the placement
26 of a child for adoption if an approved family is available

1 either outside of the Department region handling the case, or
2 outside of the State of Illinois.

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

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

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

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

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

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

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

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

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

21 (1-1) The legislature recognizes that the best interests
22 of the child require that the child be placed in the most
23 permanent living arrangement as soon as is practically
24 possible. To achieve this goal, the legislature directs the
25 Department of Children and Family Services to conduct
26 concurrent planning so that permanency may occur at the

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

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

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

24 A decision to place a child in substitute care shall be
25 made with considerations of the child's health, safety, and
26 best interests. At the time of placement, consideration should

1 also be given so that if reunification fails or is delayed, the
2 placement made is the best available placement to provide
3 permanency for the child.

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

8 (1) the likelihood of prompt reunification;

9 (2) the past history of the family;

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

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

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

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

17 (7) the age of the child;

18 (8) placement of siblings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (p) (Blank).

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

26 The Department shall set up and administer no-cost,

1 interest-bearing accounts in appropriate financial
2 institutions for children for whom the Department is legally
3 responsible and who have been determined eligible for
4 Veterans' Benefits, Social Security benefits, assistance
5 allotments from the armed forces, court ordered payments,
6 parental voluntary payments, Supplemental Security Income,
7 Railroad Retirement payments, Black Lung benefits, or other
8 miscellaneous payments. Interest earned by each account shall
9 be credited to the account, unless disbursed in accordance
10 with this subsection.

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

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

21 (2) Calculate on a monthly basis the amounts paid from
22 State funds for the child's board and care, medical care
23 not covered under Medicaid, and social services; and
24 utilize funds from the child's account, as covered by
25 regulation, to reimburse those costs. Monthly,
26 disbursements from all children's accounts, up to 1/12 of

1 \$13,000,000, shall be deposited by the Department into the
2 General Revenue Fund and the balance over 1/12 of
3 \$13,000,000 into the DCFS Children's Services Fund.

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

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

25 (s) The Department of Children and Family Services may
26 establish and implement a program to reimburse Department and

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

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

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

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

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

1 determined the parties are financially unable to pay. The
2 court may order additional periodic reports as appropriate.

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

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

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

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

23 The caretaker shall be informed of any known social or
24 behavioral information (including, but not limited to,
25 criminal background, fire setting, perpetuation of sexual
26 abuse, destructive behavior, and substance abuse) necessary to

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

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

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

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

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

7 (v-1) Prior to final approval for placement of a child,
8 the Department shall conduct a criminal records background
9 check of the prospective foster or adoptive parent, including
10 fingerprint-based checks of national crime information
11 databases. Final approval for placement shall not be granted
12 if the record check reveals a felony conviction for child
13 abuse or neglect, for spousal abuse, for a crime against
14 children, or for a crime involving violence, including human
15 trafficking, sex trafficking, rape, sexual assault, or
16 homicide, but not including other physical assault or battery,
17 or if there is a felony conviction for physical assault,
18 battery, or a drug-related offense committed within the past 5
19 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 Section 99. Effective date. This Act takes effect upon
20 becoming law.