



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3367

Introduced 2/7/2024, by Sen. Lakesia Collins

SYNOPSIS AS INTRODUCED:

20 ILCS 505/9.1 from Ch. 23, par. 5009.1
20 ILCS 505/9.3 from Ch. 23, par. 5009.3

Amends the Children and Family Services Act. In a provision concerning children accepted for care and training under the Juvenile Court Act of 1987 or through a voluntary placement agreement, provides that the parents or guardians of such children (rather than the parents or guardians of the estates of such children) shall only be liable for the sums representing the charges for such care and training. Requires the Department of Children and Family Services to establish a standard by which the ability of parents or guardians to pay for the care and training of the child shall be measured on an individual basis. Requires such standards and rules to provide: (i) that no liability exists if the family's annual income is under \$100,000 or 400% of the federal poverty guidelines, whichever is greater; and (ii) that any liability shall not be contrary to the best interests of the child and shall not negatively impact the family's ability to participate in services to achieve reunification or in parent or child visitation. Requires the Department to adopt rules no later than July 1, 2025. In a provision concerning the referral of Title IV-E foster care maintenance cases to the Department of Healthcare and Family Services for child support enforcement services, provides that such cases shall only be referred if the Department of Children and Family Services has conducted a thorough individualized review of the family's circumstances, including, but not limited to, the impact the referral may have on the child's best interest and the ability to achieve permanency or participate in visitation. In a provision concerning liability for parents or guardians who make false written declarations to the Department concerning their income or ability to pay for their children's Department-sponsored care and training, provides that such parents and guardians will be liable to Department to the extent liability is consistent with the standards and rules set forth in the amendatory Act.

LRB103 37280 KTG 67401 b

1 AN ACT concerning State government.

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

4 Section 5. The Children and Family Services Act is amended
5 by changing Sections 9.1 and 9.3 as follows:

6 (20 ILCS 505/9.1) (from Ch. 23, par. 5009.1)

7 Sec. 9.1. The parents or guardians ~~of the estates~~ of
8 children accepted for care and training under the Juvenile
9 Court Act or the Juvenile Court Act of 1987, or through a
10 voluntary placement agreement with the parents or guardians
11 shall only be liable for the payment to the Department, or to a
12 licensed or approved child care facility designated by the
13 Department of sums representing charges for the care and
14 training of those children at a rate to be determined by the
15 Department if the Department has conducted a thorough
16 individual review of the circumstances. The Department shall
17 establish a standard by which the ability of parents or
18 guardians to pay for the care and training of the child shall
19 be measured on an individual basis ~~the ability of parents or~~
20 ~~guardians to pay for the care and training of their children,~~
21 and shall implement the standard by rules governing its
22 application. The standard and rules shall provide that no
23 liability exists if the family's annual income is under

1 \$100,000 or 400% of the federal poverty guidelines, whichever
2 is greater. The standard and the rules shall take into account
3 ability to pay as measured by annual income and family size.
4 The standards and rules shall provide that any liability shall
5 not be contrary to the best interests of the child and shall
6 not negatively impact the family's ability to participate in
7 services to achieve reunification or in parent or child
8 visitation. Medical or other treatment provided on behalf of
9 the family may also be taken into account in determining
10 ability to pay if the Department concludes that such treatment
11 is appropriate. The Department shall adopt rules to implement
12 this provision no later than July 1, 2025.

13 In addition, the Department may provide by rule for
14 referral of Title IV-E foster care maintenance cases to the
15 Department of Healthcare and Family Services for child support
16 enforcement services under Title IV-D of the Social Security
17 Act. Cases shall only be so referred if the Department has
18 conducted a thorough individualized review of the family's
19 circumstances, including, but not limited to, the impact the
20 referral may have on the child's best interest and the ability
21 to achieve permanency or participate in visitation. The
22 Department shall consider "good cause" as defined in
23 regulations promulgated under Title IV-A of the Social
24 Security Act, among other criteria, when determining whether
25 to refer a case and, upon referral, the parent or guardian ~~of~~
26 ~~the estate~~ of a child who is receiving Title IV-E foster care

1 maintenance payments shall be deemed to have made an
2 assignment to the Department of any and all rights, title and
3 interest in any support obligation on behalf of a child. The
4 rights to support assigned to the Department shall constitute
5 an obligation owed the State by the person who is responsible
6 for providing the support, and shall be collectible under all
7 applicable processes.

8 The acceptance of children for services or care shall not
9 be limited or conditioned in any manner on the financial
10 status or ability of parents or guardians to make such
11 payments.

12 (Source: P.A. 95-331, eff. 8-21-07.)

13 (20 ILCS 505/9.3) (from Ch. 23, par. 5009.3)

14 Sec. 9.3. Declarations by parents and guardians.
15 Information requested of parents and guardians shall be
16 submitted on forms or questionnaires prescribed by the
17 Department or units of local government as the case may be and
18 shall contain a written declaration to be signed by the parent
19 or guardian in substantially the following form:

20 "I declare under penalties of perjury that I have examined
21 this form or questionnaire and all accompanying statements or
22 documents pertaining to my income, or any other matter having
23 bearing upon my status and ability to provide payment for care
24 and training of my child, and to the best of my knowledge and
25 belief the information supplied is true, correct, and

1 complete".

2 A person who makes and subscribes a form or questionnaire
3 which contains, as herein above provided, a written
4 declaration that it is made under the penalties of perjury,
5 knowing it to be false, incorrect or incomplete, in respect to
6 any material statement or representative bearing upon the
7 parent's or guardian's status as a parent or guardian, or upon
8 the parent's or guardian's income, resources, or other matter
9 concerning the parent's or guardian's ability to provide
10 parental payment, shall be subject to the penalties for
11 perjury provided for in Section 32-2 of the Criminal Code of
12 2012.

13 Parents who refuse to provide such information after three
14 written requests from the Department will be liable to the
15 extent liability is consistent with those standards and rules
16 described in Section 9.1 ~~for the full cost of care provided,~~
17 ~~from the commencement of such care until the required~~
18 ~~information is received.~~

19 (Source: P.A. 103-22, eff. 8-8-23.)