

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)

7 (Text of Section before amendment by P.A. 103-1061)

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

12 (a) For purposes of this Section:

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

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

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

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

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

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

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

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

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

25 (D) restoring to their families children who have
26 been removed, by the provision of services to the

1 child and the families when the child can be cared for
2 at home without endangering the child's health and
3 safety;

4 (E) placing children in suitable permanent family
5 arrangements, through guardianship or adoption, in
6 cases where restoration to the birth family is not
7 safe, possible, or appropriate;

8 (F) at the time of placement, conducting
9 concurrent planning, as described in subsection (1-1)
10 of this Section, so that permanency may occur at the
11 earliest opportunity. Consideration should be given so
12 that if reunification fails or is delayed, the
13 placement made is the best available placement to
14 provide permanency for the child;

15 (G) (blank);

16 (H) (blank); and

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

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

1 (ii) who are persons with a developmental
2 disability, as defined in the Mental Health and
3 Developmental Disabilities Code, or

4 (iii) who are female children who are
5 pregnant, pregnant and parenting, or parenting, or

6 (iv) who are siblings, in facilities that
7 provide separate living quarters for children 18
8 years of age and older and for children under 18
9 years of age.

10 (b) (Blank).

11 (b-5) The Department shall adopt rules to establish a
12 process for all licensed residential providers in Illinois to
13 submit data as required by the Department if they contract or
14 receive reimbursement for children's mental health, substance
15 use, and developmental disability services from the Department
16 of Human Services, the Department of Juvenile Justice, or the
17 Department of Healthcare and Family Services. The requested
18 data must include, but is not limited to, capacity, staffing,
19 and occupancy data for the purpose of establishing State need
20 and placement availability.

21 All information collected, shared, or stored pursuant to
22 this subsection shall be handled in accordance with all State
23 and federal privacy laws and accompanying regulations and
24 rules, including without limitation the federal Health
25 Insurance Portability and Accountability Act of 1996 (Public
26 Law 104-191) and the Mental Health and Developmental

1 Disabilities Confidentiality Act.

2 (c) The Department shall establish and maintain
3 tax-supported child welfare services and extend and seek to
4 improve voluntary services throughout the State, to the end
5 that services and care shall be available on an equal basis
6 throughout the State to children requiring such services.

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

25 (e) (Blank).

26 (f) (Blank).

1 (g) The Department shall establish rules and regulations
2 concerning its operation of programs designed to meet the
3 goals of child safety and protection, family preservation,
4 family reunification, and adoption, including, but not limited
5 to:

6 (1) adoption;

7 (2) foster care;

8 (3) family counseling;

9 (4) protective services;

10 (5) (blank);

11 (6) homemaker service;

12 (7) return of runaway children;

13 (8) (blank);

14 (9) placement under Section 5-7 of the Juvenile Court
15 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
16 Court Act of 1987 in accordance with the federal Adoption
17 Assistance and Child Welfare Act of 1980; and

18 (10) interstate services.

19 Rules and regulations established by the Department shall
20 include provisions for training Department staff and the staff
21 of Department grantees, through contracts with other agencies
22 or resources, in screening techniques to identify substance
23 use disorders, as defined in the Substance Use Disorder Act,
24 approved by the Department of Human Services, as a successor
25 to the Department of Alcoholism and Substance Abuse, for the
26 purpose of identifying children and adults who should be

1 referred for an assessment at an organization appropriately
2 licensed by the Department of Human Services for substance use
3 disorder treatment.

4 (h) If the Department finds that there is no appropriate
5 program or facility within or available to the Department for
6 a youth in care and that no licensed private facility has an
7 adequate and appropriate program or none agrees to accept the
8 youth in care, the Department shall create an appropriate
9 individualized, program-oriented plan for such youth in care.
10 The plan may be developed within the Department or through
11 purchase of services by the Department to the extent that it is
12 within its statutory authority to do.

13 (i) Service programs shall be available throughout the
14 State and shall include but not be limited to the following
15 services:

- 16 (1) case management;
- 17 (2) homemakers;
- 18 (3) counseling;
- 19 (4) parent education;
- 20 (5) day care; and
- 21 (6) emergency assistance and advocacy.

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

- 24 (1) comprehensive family-based services;
- 25 (2) assessments;
- 26 (3) respite care; and

1 (4) in-home health services.

2 The Department shall provide transportation for any of the
3 services it makes available to children or families or for
4 which it refers children or families.

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

1 4-25, or 5-740 of the Juvenile Court Act of 1987 for children
2 who were youth in care for 12 months immediately prior to the
3 appointment of the guardian.

4 The amount of assistance may vary, depending upon the
5 needs of the child and the adoptive parents, as set forth in
6 the annual assistance agreement. Special purpose grants are
7 allowed where the child requires special service but such
8 costs may not exceed the amounts which similar services would
9 cost the Department if it were to provide or secure them as
10 guardian of the child.

11 Any financial assistance provided under this subsection is
12 inalienable by assignment, sale, execution, attachment,
13 garnishment, or any other remedy for recovery or collection of
14 a judgment or debt.

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

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

23 (l) The Department shall offer family preservation
24 services, as defined in Section 8.2 of the Abused and
25 Neglected Child Reporting Act, to help families, including
26 adoptive and extended families. Family preservation services

1 shall be offered (i) to prevent the placement of children in
2 substitute care when the children can be cared for at home or
3 in the custody of the person responsible for the children's
4 welfare, (ii) to reunite children with their families, or
5 (iii) to maintain an adoptive placement. Family preservation
6 services shall only be offered when doing so will not endanger
7 the children's health or safety. With respect to children who
8 are in substitute care pursuant to the Juvenile Court Act of
9 1987, family preservation services shall not be offered if a
10 goal other than those of subdivisions (A), (B), or (B-1) of
11 subsection (2) of Section 2-28 of that Act has been set, except
12 that reunification services may be offered as provided in
13 paragraph (F) of subsection (2) of Section 2-28 of that Act.
14 Nothing in this paragraph shall be construed to create a
15 private right of action or claim on the part of any individual
16 or child welfare agency, except that when a child is the
17 subject of an action under Article II of the Juvenile Court Act
18 of 1987 and the child's service plan calls for services to
19 facilitate achievement of the permanency goal, the court
20 hearing the action under Article II of the Juvenile Court Act
21 of 1987 may order the Department to provide the services set
22 out in the plan, if those services are not provided with
23 reasonable promptness and if those services are available.

24 The Department shall notify the child and the child's
25 family of the Department's responsibility to offer and provide
26 family preservation services as identified in the service

1 plan. The child and the child's family shall be eligible for
2 services as soon as the report is determined to be
3 "indicated". The Department may offer services to any child or
4 family with respect to whom a report of suspected child abuse
5 or neglect has been filed, prior to concluding its
6 investigation under Section 7.12 of the Abused and Neglected
7 Child Reporting Act. However, the child's or family's
8 willingness to accept services shall not be considered in the
9 investigation. The Department may also provide services to any
10 child or family who is the subject of any report of suspected
11 child abuse or neglect or may refer such child or family to
12 services available from other agencies in the community, even
13 if the report is determined to be unfounded, if the conditions
14 in the child's or family's home are reasonably likely to
15 subject the child or family to future reports of suspected
16 child abuse or neglect. Acceptance of such services shall be
17 voluntary. The Department may also provide services to any
18 child or family after completion of a family assessment, as an
19 alternative to an investigation, as provided under the
20 "differential response program" provided for in subsection
21 (a-5) of Section 7.4 of the Abused and Neglected Child
22 Reporting Act.

23 The Department may, at its discretion except for those
24 children also adjudicated neglected or dependent, accept for
25 care and training any child who has been adjudicated addicted,
26 as a truant minor in need of supervision or as a minor

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

1 2-33 of the Juvenile Court Act of 1987. An independent basis
2 exists when the allegations or adjudication of abuse, neglect,
3 or dependency do not arise from the same facts, incident, or
4 circumstances which give rise to a charge or adjudication of
5 delinquency. The Department shall assign a caseworker to
6 attend any hearing involving a youth in the care and custody of
7 the Department who is placed on aftercare release, including
8 hearings involving sanctions for violation of aftercare
9 release conditions and aftercare release revocation hearings.

10 As soon as is possible after August 7, 2009 (the effective
11 date of Public Act 96-134), the Department shall develop and
12 implement a special program of family preservation services to
13 support intact, foster, and adoptive families who are
14 experiencing extreme hardships due to the difficulty and
15 stress of caring for a child who has been diagnosed with a
16 pervasive developmental disorder if the Department determines
17 that those services are necessary to ensure the health and
18 safety of the child. The Department may offer services to any
19 family whether or not a report has been filed under the Abused
20 and Neglected Child Reporting Act. The Department may refer
21 the child or family to services available from other agencies
22 in the community if the conditions in the child's or family's
23 home are reasonably likely to subject the child or family to
24 future reports of suspected child abuse or neglect. Acceptance
25 of these services shall be voluntary. The Department shall
26 develop and implement a public information campaign to alert

1 health and social service providers and the general public
2 about these special family preservation services. The nature
3 and scope of the services offered and the number of families
4 served under the special program implemented under this
5 paragraph shall be determined by the level of funding that the
6 Department annually allocates for this purpose. The term
7 "pervasive developmental disorder" under this paragraph means
8 a neurological condition, including, but not limited to,
9 Asperger's Syndrome and autism, as defined in the most recent
10 edition of the Diagnostic and Statistical Manual of Mental
11 Disorders of the American Psychiatric Association.

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

25 When determining reasonable efforts to be made with
26 respect to a child, as described in this subsection, and in

1 making such reasonable efforts, the child's health and safety
2 shall be the paramount concern.

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

15 A decision to place a child in substitute care shall be
16 made with considerations of the child's health, safety, and
17 best interests. At the time of placement, consideration should
18 also be given so that if reunification fails or is delayed, the
19 placement made is the best available placement to provide
20 permanency for the child.

21 The Department shall adopt rules addressing concurrent
22 planning for reunification and permanency. The Department
23 shall consider the following factors when determining
24 appropriateness of concurrent planning:

- 25 (1) the likelihood of prompt reunification;
26 (2) the past history of the family;

1 (3) the barriers to reunification being addressed by
2 the family;

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

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

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

8 (7) the age of the child;

9 (8) placement of siblings.

10 (m) The Department may assume temporary custody of any
11 child if:

12 (1) it has received a written consent to such
13 temporary custody signed by the parents of the child or by
14 the parent having custody of the child if the parents are
15 not living together or by the guardian or custodian of the
16 child if the child is not in the custody of either parent,
17 or

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

21 If the child is found in the child's residence without a
22 parent, guardian, custodian, or responsible caretaker, the
23 Department may, instead of removing the child and assuming
24 temporary custody, place an authorized representative of the
25 Department in that residence until such time as a parent,
26 guardian, or custodian enters the home and expresses a

1 willingness and apparent ability to ensure the child's health
2 and safety and resume permanent charge of the child, or until a
3 relative enters the home and is willing and able to ensure the
4 child's health and safety and assume charge of the child until
5 a parent, guardian, or custodian enters the home and expresses
6 such willingness and ability to ensure the child's safety and
7 resume permanent charge. After a caretaker has remained in the
8 home for a period not to exceed 12 hours, the Department must
9 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
10 5-415 of the Juvenile Court Act of 1987.

11 The Department shall have the authority, responsibilities
12 and duties that a legal custodian of the child would have
13 pursuant to subsection (9) of Section 1-3 of the Juvenile
14 Court Act of 1987. Whenever a child is taken into temporary
15 custody pursuant to an investigation under the Abused and
16 Neglected Child Reporting Act, or pursuant to a referral and
17 acceptance under the Juvenile Court Act of 1987 of a minor in
18 limited custody, the Department, during the period of
19 temporary custody and before the child is brought before a
20 judicial officer as required by Section 2-9, 3-11, 4-8, or
21 5-415 of the Juvenile Court Act of 1987, shall have the
22 authority, responsibilities and duties that a legal custodian
23 of the child would have under subsection (9) of Section 1-3 of
24 the Juvenile Court Act of 1987.

25 The Department shall ensure that any child taken into
26 custody is scheduled for an appointment for a medical

1 examination.

2 A parent, guardian, or custodian of a child in the
3 temporary custody of the Department who would have custody of
4 the child if the child were not in the temporary custody of the
5 Department may deliver to the Department a signed request that
6 the Department surrender the temporary custody of the child.
7 The Department may retain temporary custody of the child for
8 10 days after the receipt of the request, during which period
9 the Department may cause to be filed a petition pursuant to the
10 Juvenile Court Act of 1987. If a petition is so filed, the
11 Department shall retain temporary custody of the child until
12 the court orders otherwise. If a petition is not filed within
13 the 10-day period, the child shall be surrendered to the
14 custody of the requesting parent, guardian, or custodian not
15 later than the expiration of the 10-day period, at which time
16 the authority and duties of the Department with respect to the
17 temporary custody of the child shall terminate.

18 (m-1) The Department may place children under 18 years of
19 age in a secure child care facility licensed by the Department
20 that cares for children who are in need of secure living
21 arrangements for their health, safety, and well-being after a
22 determination is made by the facility director and the
23 Director or the Director's designate prior to admission to the
24 facility subject to Section 2-27.1 of the Juvenile Court Act
25 of 1987. This subsection (m-1) does not apply to a child who is
26 subject to placement in a correctional facility operated

1 pursuant to Section 3-15-2 of the Unified Code of Corrections,
2 unless the child is a youth in care who was placed in the care
3 of the Department before being subject to placement in a
4 correctional facility and a court of competent jurisdiction
5 has ordered placement of the child in a secure care facility.

6 (n) The Department may place children under 18 years of
7 age in licensed child care facilities when in the opinion of
8 the Department, appropriate services aimed at family
9 preservation have been unsuccessful and cannot ensure the
10 child's health and safety or are unavailable and such
11 placement would be for their best interest. Payment for board,
12 clothing, care, training and supervision of any child placed
13 in a licensed child care facility may be made by the
14 Department, by the parents or guardians of the estates of
15 those children, or by both the Department and the parents or
16 guardians, except that no payments shall be made by the
17 Department for any child placed in a licensed child care
18 facility for board, clothing, care, training, and supervision
19 of such a child that exceed the average per capita cost of
20 maintaining and of caring for a child in institutions for
21 dependent or neglected children operated by the Department.
22 However, such restriction on payments does not apply in cases
23 where children require specialized care and treatment for
24 problems of severe emotional disturbance, physical disability,
25 social adjustment, or any combination thereof and suitable
26 facilities for the placement of such children are not

1 available at payment rates within the limitations set forth in
2 this Section. All reimbursements for services delivered shall
3 be absolutely inalienable by assignment, sale, attachment, or
4 garnishment or otherwise.

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

1 The Department of Children and Family Services shall create
2 clear, readable notice of the rights of former foster youth to
3 child welfare services under this Section and how such
4 services may be obtained. The Department of Children and
5 Family Services and the Department of Human Services shall
6 disseminate this information statewide. The Department shall
7 adopt regulations describing services intended to assist
8 minors in achieving sustainable self-sufficiency as
9 independent adults.

10 (o) The Department shall establish an administrative
11 review and appeal process for children and families who
12 request or receive child welfare services from the Department.
13 Youth in care who are placed by private child welfare
14 agencies, and foster families with whom those youth are
15 placed, shall be afforded the same procedural and appeal
16 rights as children and families in the case of placement by the
17 Department, including the right to an initial review of a
18 private agency decision by that agency. The Department shall
19 ensure that any private child welfare agency, which accepts
20 youth in care for placement, affords those rights to children
21 and foster families. The Department shall accept for
22 administrative review and an appeal hearing a complaint made
23 by (i) a child or foster family concerning a decision
24 following an initial review by a private child welfare agency
25 or (ii) a prospective adoptive parent who alleges a violation
26 of subsection (j-5) of this Section. An appeal of a decision

1 concerning a change in the placement of a child shall be
2 conducted in an expedited manner. A court determination that a
3 current foster home placement is necessary and appropriate
4 under Section 2-28 of the Juvenile Court Act of 1987 does not
5 constitute a judicial determination on the merits of an
6 administrative appeal, filed by a former foster parent,
7 involving a change of placement decision.

8 (p) (Blank).

9 (q) The Department may receive and use, in their entirety,
10 for the benefit of children any gift, donation, or bequest of
11 money or other property which is received on behalf of such
12 children, or any financial benefits to which such children are
13 or may become entitled while under the jurisdiction or care of
14 the Department, except that the benefits described in Section
15 5.46 must be used and conserved consistent with the provisions
16 under Section 5.46.

17 The Department shall set up and administer no-cost,
18 interest-bearing accounts in appropriate financial
19 institutions for children for whom the Department is legally
20 responsible and who have been determined eligible for
21 Veterans' Benefits, Social Security benefits, assistance
22 allotments from the armed forces, court ordered payments,
23 parental voluntary payments, Supplemental Security Income,
24 Railroad Retirement payments, Black Lung benefits, or other
25 miscellaneous payments. Interest earned by each account shall
26 be credited to the account, unless disbursed in accordance

1 with this subsection.

2 In disbursing funds from children's accounts, the
3 Department shall:

4 (1) Establish standards in accordance with State and
5 federal laws for disbursing money from children's
6 accounts. In all circumstances, the Department's
7 Guardianship Administrator or the Guardianship
8 Administrator's designee must approve disbursements from
9 children's accounts. The Department shall be responsible
10 for keeping complete records of all disbursements for each
11 account for any purpose.

12 (2) Calculate on a monthly basis the amounts paid from
13 State funds for the child's board and care, medical care
14 not covered under Medicaid, and social services; and
15 utilize funds from the child's account, as covered by
16 regulation, to reimburse those costs. Monthly,
17 disbursements from all children's accounts, up to 1/12 of
18 \$13,000,000, shall be deposited by the Department into the
19 General Revenue Fund and the balance over 1/12 of
20 \$13,000,000 into the DCFS Children's Services Fund.

21 (3) Maintain any balance remaining after reimbursing
22 for the child's costs of care, as specified in item (2).
23 The balance shall accumulate in accordance with relevant
24 State and federal laws and shall be disbursed to the child
25 or the child's guardian or to the issuing agency.

26 (r) The Department shall promulgate regulations

1 encouraging all adoption agencies to voluntarily forward to
2 the Department or its agent names and addresses of all persons
3 who have applied for and have been approved for adoption of a
4 hard-to-place child or child with a disability and the names
5 of such children who have not been placed for adoption. A list
6 of such names and addresses shall be maintained by the
7 Department or its agent, and coded lists which maintain the
8 confidentiality of the person seeking to adopt the child and
9 of the child shall be made available, without charge, to every
10 adoption agency in the State to assist the agencies in placing
11 such children for adoption. The Department may delegate to an
12 agent its duty to maintain and make available such lists. The
13 Department shall ensure that such agent maintains the
14 confidentiality of the person seeking to adopt the child and
15 of the child.

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

1 such purposes.

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

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

8 (2) the court has ordered one or both of the parties to
9 the proceeding to reimburse the Department for its
10 reasonable costs for providing such services in accordance
11 with Department rules, or has determined that neither
12 party is financially able to pay.

13 The Department shall provide written notification to the
14 court of the specific arrangements for supervised visitation
15 and projected monthly costs within 60 days of the court order.
16 The Department shall send to the court information related to
17 the costs incurred except in cases where the court has
18 determined the parties are financially unable to pay. The
19 court may order additional periodic reports as appropriate.

20 (u) In addition to other information that must be
21 provided, whenever the Department places a child with a
22 prospective adoptive parent or parents, in a licensed foster
23 home, group home, or child care institution, or in a relative
24 home, the Department shall provide to the prospective adoptive
25 parent or parents or other caretaker:

26 (1) available detailed information concerning the

1 child's educational and health history, copies of
2 immunization records (including insurance and medical card
3 information), a history of the child's previous
4 placements, if any, and reasons for placement changes
5 excluding any information that identifies or reveals the
6 location of any previous caretaker;

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

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

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

1 provide the information in writing as required by this
2 subsection.

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

18 (u-5) Effective July 1, 1995, only foster care placements
19 licensed as foster family homes pursuant to the Child Care Act
20 of 1969 shall be eligible to receive foster care payments from
21 the Department. Relative caregivers who, as of July 1, 1995,
22 were approved pursuant to approved relative placement rules
23 previously promulgated by the Department at 89 Ill. Adm. Code
24 335 and had submitted an application for licensure as a foster
25 family home may continue to receive foster care payments only
26 until the Department determines that they may be licensed as a

1 foster family home or that their application for licensure is
2 denied or until September 30, 1995, whichever occurs first.

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

24 (v-1) Prior to final approval for placement of a child,
25 the Department shall conduct a criminal records background
26 check of the prospective foster or adoptive parent, including

1 fingerprint-based checks of national crime information
2 databases. Final approval for placement shall not be granted
3 if the record check reveals a felony conviction for child
4 abuse or neglect, for spousal abuse, for a crime against
5 children, or for a crime involving violence, including human
6 trafficking, sex trafficking, rape, sexual assault, or
7 homicide, but not including other physical assault or battery,
8 or if there is a felony conviction for physical assault,
9 battery, or a drug-related offense committed within the past 5
10 years.

11 (v-2) Prior to final approval for placement of a child,
12 the Department shall check its child abuse and neglect
13 registry for information concerning prospective foster and
14 adoptive parents, and any adult living in the home. If any
15 prospective foster or adoptive parent or other adult living in
16 the home has resided in another state in the preceding 5 years,
17 the Department shall request a check of that other state's
18 child abuse and neglect registry.

19 (w) Within 120 days of August 20, 1995 (the effective date
20 of Public Act 89-392), the Department shall prepare and submit
21 to the Governor and the General Assembly, a written plan for
22 the development of in-state licensed secure child care
23 facilities that care for children who are in need of secure
24 living arrangements for their health, safety, and well-being.
25 For purposes of this subsection, secure care facility shall
26 mean a facility that is designed and operated to ensure that

1 all entrances and exits from the facility, a building or a
2 distinct part of the building, are under the exclusive control
3 of the staff of the facility, whether or not the child has the
4 freedom of movement within the perimeter of the facility,
5 building, or distinct part of the building. The plan shall
6 include descriptions of the types of facilities that are
7 needed in Illinois; the cost of developing these secure care
8 facilities; the estimated number of placements; the potential
9 cost savings resulting from the movement of children currently
10 out-of-state who are projected to be returned to Illinois; the
11 necessary geographic distribution of these facilities in
12 Illinois; and a proposed timetable for development of such
13 facilities.

14 (x) The Department shall conduct annual credit history
15 checks to determine the financial history of children placed
16 under its guardianship pursuant to the Juvenile Court Act of
17 1987. The Department shall conduct such credit checks starting
18 when a youth in care turns 12 years old and each year
19 thereafter for the duration of the guardianship as terminated
20 pursuant to the Juvenile Court Act of 1987. The Department
21 shall determine if financial exploitation of the child's
22 personal information has occurred. If financial exploitation
23 appears to have taken place or is presently ongoing, the
24 Department shall notify the proper law enforcement agency, the
25 proper State's Attorney, or the Attorney General.

26 (y) Beginning on July 22, 2010 (the effective date of

1 Public Act 96-1189), a child with a disability who receives
2 residential and educational services from the Department shall
3 be eligible to receive transition services in accordance with
4 Article 14 of the School Code from the age of 14.5 through age
5 21, inclusive, notwithstanding the child's residential
6 services arrangement. For purposes of this subsection, "child
7 with a disability" means a child with a disability as defined
8 by the federal Individuals with Disabilities Education
9 Improvement Act of 2004.

10 (z) The Department shall access criminal history record
11 information as defined as "background information" in this
12 subsection and criminal history record information as defined
13 in the Illinois Uniform Conviction Information Act for each
14 Department employee or Department applicant. Each Department
15 employee or Department applicant shall submit the employee's
16 or applicant's fingerprints to the Illinois State Police in
17 the form and manner prescribed by the Illinois State Police.
18 These fingerprints shall be checked against the fingerprint
19 records now and hereafter filed in the Illinois State Police
20 and the Federal Bureau of Investigation criminal history
21 records databases. The Illinois State Police shall charge a
22 fee for conducting the criminal history record check, which
23 shall be deposited into the State Police Services Fund and
24 shall not exceed the actual cost of the record check. The
25 Illinois State Police shall furnish, pursuant to positive
26 identification, all Illinois conviction information to the

1 Department of Children and Family Services.

2 For purposes of this subsection:

3 "Background information" means all of the following:

4 (i) Upon the request of the Department of Children and
5 Family Services, conviction information obtained from the
6 Illinois State Police as a result of a fingerprint-based
7 criminal history records check of the Illinois criminal
8 history records database and the Federal Bureau of
9 Investigation criminal history records database concerning
10 a Department employee or Department applicant.

11 (ii) Information obtained by the Department of
12 Children and Family Services after performing a check of
13 the Illinois State Police's Sex Offender Database, as
14 authorized by Section 120 of the Sex Offender Community
15 Notification Law, concerning a Department employee or
16 Department applicant.

17 (iii) Information obtained by the Department of
18 Children and Family Services after performing a check of
19 the Child Abuse and Neglect Tracking System (CANTS)
20 operated and maintained by the Department.

21 "Department employee" means a full-time or temporary
22 employee coded or certified within the State of Illinois
23 Personnel System.

24 "Department applicant" means an individual who has
25 conditional Department full-time or part-time work, a
26 contractor, an individual used to replace or supplement staff,

1 an academic intern, a volunteer in Department offices or on
2 Department contracts, a work-study student, an individual or
3 entity licensed by the Department, or an unlicensed service
4 provider who works as a condition of a contract or an agreement
5 and whose work may bring the unlicensed service provider into
6 contact with Department clients or client records.

7 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
8 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.
9 1-1-24; 103-546, eff. 8-11-23; 103-605, eff. 7-1-24.)

10 (Text of Section after amendment by P.A. 103-1061)

11 Sec. 5. Direct child welfare services; Department of
12 Children and Family Services. To provide direct child welfare
13 services when not available through other public or private
14 child care or program facilities.

15 (a) For purposes of this Section:

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

19 (A) were committed to the Department pursuant to
20 the Juvenile Court Act or the Juvenile Court Act of
21 1987 and who continue under the jurisdiction of the
22 court; or

23 (B) were accepted for care, service and training
24 by the Department prior to the age of 18 and whose best
25 interest in the discretion of the Department would be

1 served by continuing that care, service and training
2 because of severe emotional disturbances, physical
3 disability, social adjustment or any combination
4 thereof, or because of the need to complete an
5 educational or vocational training program.

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

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

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

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

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

26 (D) restoring to their families children who have

1 been removed, by the provision of services to the
2 child and the families when the child can be cared for
3 at home without endangering the child's health and
4 safety;

5 (E) placing children in suitable permanent family
6 arrangements, through guardianship or adoption, in
7 cases where restoration to the birth family is not
8 safe, possible, or appropriate;

9 (F) at the time of placement, conducting
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 (b-5) The Department shall adopt rules to establish a
13 process for all licensed residential providers in Illinois to
14 submit data as required by the Department if they contract or
15 receive reimbursement for children's mental health, substance
16 use, and developmental disability services from the Department
17 of Human Services, the Department of Juvenile Justice, or the
18 Department of Healthcare and Family Services. The requested
19 data must include, but is not limited to, capacity, staffing,
20 and occupancy data for the purpose of establishing State need
21 and placement availability.

22 All information collected, shared, or stored pursuant to
23 this subsection shall be handled in accordance with all State
24 and federal privacy laws and accompanying regulations and
25 rules, including without limitation the federal Health
26 Insurance Portability and Accountability Act of 1996 (Public

1 Law 104-191) and the Mental Health and Developmental
2 Disabilities Confidentiality Act.

3 (c) The Department shall establish and maintain
4 tax-supported child welfare services and extend and seek to
5 improve voluntary services throughout the State, to the end
6 that services and care shall be available on an equal basis
7 throughout the State to children requiring such services.

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

26 (e) (Blank).

1 (f) (Blank).

2 (g) The Department shall establish rules and regulations
3 concerning its operation of programs designed to meet the
4 goals of child safety and protection, family preservation, and
5 permanency, including, but not limited to:

6 (1) reunification, guardianship, and adoption;

7 (2) relative and licensed foster care;

8 (3) family counseling;

9 (4) protective services;

10 (5) (blank);

11 (6) homemaker service;

12 (7) return of runaway children;

13 (8) (blank);

14 (9) placement under Section 5-7 of the Juvenile Court
15 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
16 Court Act of 1987 in accordance with the federal Adoption
17 Assistance and Child Welfare Act of 1980; and

18 (10) interstate services.

19 Rules and regulations established by the Department shall
20 include provisions for training Department staff and the staff
21 of Department grantees, through contracts with other agencies
22 or resources, in screening techniques to identify substance
23 use disorders, as defined in the Substance Use Disorder Act,
24 approved by the Department of Human Services, as a successor
25 to the Department of Alcoholism and Substance Abuse, for the
26 purpose of identifying children and adults who should be

1 referred for an assessment at an organization appropriately
2 licensed by the Department of Human Services for substance use
3 disorder treatment.

4 (h) If the Department finds that there is no appropriate
5 program or facility within or available to the Department for
6 a youth in care and that no licensed private facility has an
7 adequate and appropriate program or none agrees to accept the
8 youth in care, the Department shall create an appropriate
9 individualized, program-oriented plan for such youth in care.
10 The plan may be developed within the Department or through
11 purchase of services by the Department to the extent that it is
12 within its statutory authority to do.

13 (i) Service programs shall be available throughout the
14 State and shall include but not be limited to the following
15 services:

- 16 (1) case management;
- 17 (2) homemakers;
- 18 (3) counseling;
- 19 (4) parent education;
- 20 (5) day care;
- 21 (6) emergency assistance and advocacy; and
- 22 (7) kinship navigator and relative caregiver supports.

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

- 25 (1) comprehensive family-based services;
- 26 (2) assessments;

1 (3) respite care; and

2 (4) in-home health services.

3 The Department shall provide transportation for any of the
4 services it makes available to children or families or for
5 which it refers children or families.

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

1 grants, to persons appointed guardian of the person under
2 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
3 4-25, or 5-740 of the Juvenile Court Act of 1987 for children
4 who were youth in care for 12 months immediately prior to the
5 appointment of the guardian.

6 The amount of assistance may vary, depending upon the
7 needs of the child and the adoptive parents or subsidized
8 guardians, as set forth in the annual assistance agreement.
9 Special purpose grants are allowed where the child requires
10 special service but such costs may not exceed the amounts
11 which similar services would cost the Department if it were to
12 provide or secure them as guardian of the child.

13 Any financial assistance provided under this subsection is
14 inalienable by assignment, sale, execution, attachment,
15 garnishment, or any other remedy for recovery or collection of
16 a judgment or debt.

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

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

25 (l) The Department shall offer family preservation
26 services, as defined in Section 8.2 of the Abused and

1 Neglected Child Reporting Act, to help families, including
2 adoptive and extended families. Family preservation services
3 shall be offered (i) to prevent the placement of children in
4 substitute care when the children can be cared for at home or
5 in the custody of the person responsible for the children's
6 welfare, (ii) to reunite children with their families, or
7 (iii) to maintain an adoption or subsidized guardianship.
8 Family preservation services shall only be offered when doing
9 so will not endanger the children's health or safety. With
10 respect to children who are in substitute care pursuant to the
11 Juvenile Court Act of 1987, family preservation services shall
12 not be offered if a goal other than those of subdivisions (A),
13 (B), or (B-1) of subsection (2.3) of Section 2-28 of that Act
14 has been set, except that reunification services may be
15 offered as provided in paragraph (F) of subsection (2.3) of
16 Section 2-28 of that Act. Nothing in this paragraph shall be
17 construed to create a private right of action or claim on the
18 part of any individual or child welfare agency, except that
19 when a child is the subject of an action under Article II of
20 the Juvenile Court Act of 1987 and the child's service plan
21 calls for services to facilitate achievement of the permanency
22 goal, the court hearing the action under Article II of the
23 Juvenile Court Act of 1987 may order the Department to provide
24 the services set out in the plan, if those services are not
25 provided with reasonable promptness and if those services are
26 available.

1 The Department shall notify the child and the child's
2 family of the Department's responsibility to offer and provide
3 family preservation services as identified in the service
4 plan. The child and the child's family shall be eligible for
5 services as soon as the report is determined to be
6 "indicated". The Department may offer services to any child or
7 family with respect to whom a report of suspected child abuse
8 or neglect has been filed, prior to concluding its
9 investigation under Section 7.12 of the Abused and Neglected
10 Child Reporting Act. However, the child's or family's
11 willingness to accept services shall not be considered in the
12 investigation. The Department may also provide services to any
13 child or family who is the subject of any report of suspected
14 child abuse or neglect or may refer such child or family to
15 services available from other agencies in the community, even
16 if the report is determined to be unfounded, if the conditions
17 in the child's or family's home are reasonably likely to
18 subject the child or family to future reports of suspected
19 child abuse or neglect. Acceptance of such services shall be
20 voluntary. The Department may also provide services to any
21 child or family after completion of a family assessment, as an
22 alternative to an investigation, as provided under the
23 "differential response program" provided for in subsection
24 (a-5) of Section 7.4 of the Abused and Neglected Child
25 Reporting Act.

26 The Department may, at its discretion except for those

1 children also adjudicated neglected or dependent, accept for
2 care and training any child who has been adjudicated addicted,
3 as a truant minor in need of supervision or as a minor
4 requiring authoritative intervention, under the Juvenile Court
5 Act or the Juvenile Court Act of 1987, but no such child shall
6 be committed to the Department by any court without the
7 approval of the Department. On and after January 1, 2015 (the
8 effective date of Public Act 98-803) and before 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 16 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. On and after January 1,
20 2017, a minor charged with a criminal offense under the
21 Criminal Code of 1961 or the Criminal Code of 2012 or
22 adjudicated delinquent shall not be placed in the custody of
23 or committed to the Department by any court, except (i) a minor
24 less than 15 years of age committed to the Department under
25 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
26 for whom an independent basis of abuse, neglect, or dependency

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

13 As soon as is possible, the Department shall develop and
14 implement a special program of family preservation services to
15 support intact, relative, foster, and adoptive families who
16 are experiencing extreme hardships due to the difficulty and
17 stress of caring for a child who has been diagnosed with a
18 pervasive developmental disorder if the Department determines
19 that those services are necessary to ensure the health and
20 safety of the child. The Department may offer services to any
21 family whether or not a report has been filed under the Abused
22 and Neglected Child Reporting Act. The Department may refer
23 the child or family to services available from other agencies
24 in the community if the conditions in the child's or family's
25 home are reasonably likely to subject the child or family to
26 future reports of suspected child abuse or neglect. Acceptance

1 of these services shall be voluntary. The Department shall
2 develop and implement a public information campaign to alert
3 health and social service providers and the general public
4 about these special family preservation services. The nature
5 and scope of the services offered and the number of families
6 served under the special program implemented under this
7 paragraph shall be determined by the level of funding that the
8 Department annually allocates for this purpose. The term
9 "pervasive developmental disorder" under this paragraph means
10 a neurological condition, including, but not limited to,
11 Asperger's Syndrome and autism, as defined in the most recent
12 edition of the Diagnostic and Statistical Manual of Mental
13 Disorders of the American Psychiatric Association.

14 (1-1) The General Assembly recognizes that the best
15 interests of the child require that the child be placed in the
16 most permanent living arrangement that is an appropriate
17 option for the child, consistent with the child's best
18 interest, using the factors set forth in subsection (4.05) of
19 Section 1-3 of the Juvenile Court Act of 1987 as soon as is
20 practically possible. To achieve this goal, the General
21 Assembly directs the Department of Children and Family
22 Services to conduct concurrent planning so that permanency may
23 occur at the earliest opportunity. Permanent living
24 arrangements may include prevention of placement of a child
25 outside the home of the family when the child can be cared for
26 at home without endangering the child's health or safety;

1 reunification with the family, when safe and appropriate, if
2 temporary placement is necessary; or movement of the child
3 toward the most appropriate living arrangement and legal
4 status.

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

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

21 A decision to place a child in substitute care shall be
22 made with considerations of the child's health, safety, and
23 best interests. The Department shall make diligent efforts to
24 place the child with a relative, document those diligent
25 efforts, and document reasons for any failure or inability to
26 secure such a relative placement. If the primary issue

1 preventing an emergency placement of a child with a relative
2 is a lack of resources, including, but not limited to,
3 concrete goods, safety modifications, and services, the
4 Department shall make diligent efforts to assist the relative
5 in obtaining the necessary resources. No later than July 1,
6 2025, the Department shall adopt rules defining what is
7 diligent and necessary in providing supports to potential
8 relative placements. At the time of placement, consideration
9 should also be given so that if reunification fails or is
10 delayed, the placement has the potential to be an appropriate
11 permanent placement for the child.

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

- 16 (1) the likelihood of prompt reunification;
- 17 (2) the past history of the family;
- 18 (3) the barriers to reunification being addressed by
19 the family;
- 20 (4) the level of cooperation of the family;
- 21 (4.5) the child's wishes;
- 22 (5) the caregivers' willingness to work with the
23 family to reunite;
- 24 (6) the willingness and ability of the caregivers' to
25 provide a permanent placement;
- 26 (7) the age of the child;

1 (8) placement of siblings; and

2 (9) the wishes of the parent or parents unless the
3 parental preferences are contrary to the best interests of
4 the child.

5 (m) The Department may assume temporary custody of any
6 child if:

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

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

16 If the child is found in the child's residence without a
17 parent, guardian, custodian, or responsible caretaker, the
18 Department may, instead of removing the child and assuming
19 temporary custody, place an authorized representative of the
20 Department in that residence until such time as a parent,
21 guardian, or custodian enters the home and expresses a
22 willingness and apparent ability to ensure the child's health
23 and safety and resume permanent charge of the child, or until a
24 relative enters the home and is willing and able to ensure the
25 child's health and safety and assume charge of the child until
26 a parent, guardian, or custodian enters the home and expresses

1 such willingness and ability to ensure the child's safety and
2 resume permanent charge. After a caretaker has remained in the
3 home for a period not to exceed 12 hours, the Department must
4 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
5 5-415 of the Juvenile Court Act of 1987.

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

20 The Department shall ensure that any child taken into
21 custody is scheduled for an appointment for a medical
22 examination.

23 A parent, guardian, or custodian of a child in the
24 temporary custody of the Department who would have custody of
25 the child if the child were not in the temporary custody of the
26 Department may deliver to the Department a signed request that

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

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

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

26 (n-1) The Department shall provide or authorize child

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

1 disseminate this information statewide. The Department shall
2 adopt regulations describing services intended to assist
3 minors in achieving sustainable self-sufficiency as
4 independent adults.

5 (o) The Department shall establish an administrative
6 review and appeal process for children and families who
7 request or receive child welfare services from the Department.
8 Youth in care who are placed by private child welfare
9 agencies, and caregivers with whom those youth are placed,
10 shall be afforded the same procedural and appeal rights as
11 children and families in the case of placement by the
12 Department, including the right to an initial review of a
13 private agency decision by that agency. The Department shall
14 ensure that any private child welfare agency, which accepts
15 youth in care for placement, affords those rights to children
16 and caregivers with whom those children are placed. The
17 Department shall accept for administrative review and an
18 appeal hearing a complaint made by (i) a child or caregiver
19 with whom the child is placed concerning a decision following
20 an initial review by a private child welfare agency or (ii) a
21 prospective adoptive parent who alleges a violation of
22 subsection (j-5) of this Section. An appeal of a decision
23 concerning a change in the placement of a child shall be
24 conducted in an expedited manner. A court determination that a
25 current placement is necessary and appropriate under Section
26 2-28 of the Juvenile Court Act of 1987 does not constitute a

1 judicial determination on the merits of an administrative
2 appeal, filed by a former caregiver, involving a change of
3 placement decision. No later than July 1, 2025, the Department
4 shall adopt rules to develop a reconsideration process to
5 review: a denial of certification of a relative, a denial of
6 placement with a relative, and a denial of visitation with an
7 identified relative. Rules shall include standards and
8 criteria for reconsideration that incorporate the best
9 interests of the child under subsection (4.05) of Section 1-3
10 of the Juvenile Court Act of 1987, address situations where
11 multiple relatives seek certification, and provide that all
12 rules regarding placement changes shall be followed. The rules
13 shall outline the essential elements of each form used in the
14 implementation and enforcement of the provisions of this
15 amendatory Act of the 103rd General Assembly.

16 (p) (Blank).

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

25 The Department shall set up and administer no-cost,
26 interest-bearing accounts in appropriate financial

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

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

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

20 (2) Calculate on a monthly basis the amounts paid from
21 State funds for the child's board and care, medical care
22 not covered under Medicaid, and social services; and
23 utilize funds from the child's account, as covered by
24 regulation, to reimburse those costs. Monthly,
25 disbursements from all children's accounts, up to 1/12 of
26 \$13,000,000, shall be deposited by the Department into the

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

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

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

24 (s) The Department of Children and Family Services may
25 establish and implement a program to reimburse caregivers
26 licensed, certified, or otherwise approved by the Department

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

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

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

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

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

1 court may order additional periodic reports as appropriate.

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

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 caregiver or adoptive parents;

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 caregiver, appropriate facility staff, or prospective
24 adoptive parent or parents, shall be informed of any known
25 social or behavioral information (including, but not limited
26 to, criminal background, fire setting, perpetuation of sexual

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

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

1 appropriate facility staff, or prospective adoptive parent or
2 parents shall be reviewed and approved regarding accuracy at
3 the supervisory level.

4 (u-5) Beginning July 1, 2025, certified relative caregiver
5 homes under Section 3.4 of the Child Care Act of 1969 shall be
6 eligible to receive foster care maintenance payments from the
7 Department in an amount no less than payments made to licensed
8 foster family homes. Beginning July 1, 2025, relative homes
9 providing care to a child placed by the Department that are not
10 a certified relative caregiver home under Section 3.4 of the
11 Child Care Act of 1969 or a licensed foster family home shall
12 be eligible to receive payments from the Department in an
13 amount no less 90% of the payments made to licensed foster
14 family homes and certified relative caregiver homes.

15 (u-6) To assist relative and certified relative
16 caregivers, no later than July 1, 2025, the Department shall
17 adopt rules to implement a relative support program, as
18 follows:

19 (1) For relative and certified relative caregivers,
20 the Department is authorized to reimburse or prepay
21 reasonable expenditures to remedy home conditions
22 necessary to fulfill the home safety-related requirements
23 of relative caregiver homes.

24 (2) The Department may provide short-term emergency
25 funds to relative and certified relative caregiver homes
26 experiencing extreme hardships due to the difficulty and

1 stress associated with adding youth in care as new
2 household members.

3 (3) Consistent with federal law, the Department shall
4 include in any State Plan made in accordance with the
5 Adoption Assistance and Child Welfare Act of 1980, Titles
6 IV-E and XIX of the Social Security Act, and any other
7 applicable federal laws the provision of kinship navigator
8 program services. The Department shall apply for and
9 administer all relevant federal aid in accordance with
10 law. Federal funds acquired for the kinship navigator
11 program shall be used for the development, implementation,
12 and operation of kinship navigator program services. The
13 kinship navigator program services may provide
14 information, referral services, support, and assistance to
15 relative and certified relative caregivers of youth in
16 care to address their unique needs and challenges. Until
17 the Department is approved to receive federal funds for
18 these purposes, the Department shall publicly post on the
19 Department's website semi-annual updates regarding the
20 Department's progress in pursuing federal funding.
21 Whenever the Department publicly posts these updates on
22 its website, the Department shall notify the General
23 Assembly through the General Assembly's designee.

24 (u-7) To support finding permanency for children through
25 subsidized guardianship and adoption and to prevent disruption
26 in guardianship and adoptive placements, the Department shall

1 establish and maintain accessible subsidized guardianship and
2 adoption support services for all children under 18 years of
3 age placed in guardianship or adoption who, immediately
4 preceding the guardianship or adoption, were in the custody or
5 guardianship of the Department under Article II of the
6 Juvenile Court Act of 1987.

7 The Department shall establish and maintain a toll-free
8 number to respond to requests from the public about its
9 subsidized guardianship and adoption support services under
10 this subsection and shall staff the toll-free number so that
11 calls are answered on a timely basis, but in no event more than
12 one business day after the receipt of a request. These
13 requests from the public may be made anonymously. To meet this
14 obligation, the Department may utilize the same toll-free
15 number the Department operates to respond to post-adoption
16 requests under subsection (b-5) of Section 18.9 of the
17 Adoption Act. The Department shall publicize information about
18 the Department's subsidized guardianship support services and
19 toll-free number as follows:

20 (1) it shall post information on the Department's
21 website;

22 (2) it shall provide the information to every licensed
23 child welfare agency and any entity providing subsidized
24 guardianship support services in Illinois courts;

25 (3) it shall reference such information in the
26 materials the Department provides to caregivers pursuing

1 subsidized guardianship to inform them of their rights and
2 responsibilities under the Child Care Act of 1969 and this
3 Act;

4 (4) it shall provide the information, including the
5 Department's Post Adoption and Guardianship Services
6 booklet, to eligible caregivers as part of its
7 guardianship training and at the time they are presented
8 with the Permanency Commitment form;

9 (5) it shall include, in each annual notification
10 letter mailed to subsidized guardians, a short, 2-sided
11 flier or news bulletin in plain language that describes
12 access to post-guardianship services, how to access
13 services under the Family Support Program, formerly known
14 as the Individual Care Grant Program, the webpage address
15 to the Post Adoption and Guardianship Services booklet,
16 information on how to request that a copy of the booklet be
17 mailed; and

18 (6) it shall ensure that kinship navigator programs of
19 this State, when established, have this information to
20 include in materials the programs provide to caregivers.

21 No later than July 1, 2026, the Department shall provide a
22 mechanism for the public to make information requests by
23 electronic means.

24 The Department shall review and update annually all
25 information relating to its subsidized guardianship support
26 services, including its Post Adoption and Guardianship

1 Services booklet, to include updated information on Family
2 Support Program services eligibility and subsidized
3 guardianship support services that are available through the
4 medical assistance program established under Article V of the
5 Illinois Public Aid Code or any other State program for mental
6 health services. The Department and the Department of
7 Healthcare and Family Services shall coordinate their efforts
8 in the development of these resources.

9 Every licensed child welfare agency and any entity
10 providing kinship navigator programs funded by the Department
11 shall provide the Department's website address and link to the
12 Department's subsidized guardianship support services
13 information set forth in subsection (d), including the
14 Department's toll-free number, to every relative who is or
15 will be providing guardianship placement for a child placed by
16 the Department.

17 (v) The Department shall access criminal history record
18 information as defined in the Illinois Uniform Conviction
19 Information Act and information maintained in the adjudicatory
20 and dispositional record system as defined in Section 2605-355
21 of the Illinois State Police Law if the Department determines
22 the information is necessary to perform its duties under the
23 Abused and Neglected Child Reporting Act, the Child Care Act
24 of 1969, and the Children and Family Services Act. The
25 Department shall provide for interactive computerized
26 communication and processing equipment that permits direct

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

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

25 (v-2) Prior to final approval for placement of a child
26 with a foster or adoptive parent, the Department shall check

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

8 (v-3) Prior to the final approval of final placement of a
9 related child in a certified relative caregiver home as
10 defined in Section 2.37 of the Child Care Act of 1969, the
11 Department shall ensure that the background screening meets
12 the standards required under subsection (c) of Section 3.4 of
13 the Child Care Act of 1969.

14 (v-4) Prior to final approval for placement of a child
15 with a relative, as defined in Section 4d of this Act, who is
16 not a licensed foster parent, has declined to seek approval to
17 be a certified relative caregiver, or was denied approval as a
18 certified relative caregiver, the Department shall:

19 (i) check the child abuse and neglect registry for
20 information concerning the prospective relative caregiver
21 and any other adult living in the home. If any prospective
22 relative caregiver or other adult living in the home has
23 resided in another state in the preceding 5 years, the
24 Department shall request a check of that other state's
25 child abuse and neglect registry; and

26 (ii) conduct a criminal records background check of

1 the prospective relative caregiver and all other adults
2 living in the home, including fingerprint-based checks of
3 national crime information databases. Final approval for
4 placement shall not be granted if the record check reveals
5 a felony conviction for child abuse or neglect, for
6 spousal abuse, for a crime against children, or for a
7 crime involving violence, including rape, sexual assault,
8 or homicide, but not including other physical assault or
9 battery, or if there is a felony conviction for physical
10 assault, battery, or a drug-related offense committed
11 within the past 5 years; provided however, that the
12 Department is empowered to grant a waiver as the
13 Department may provide by rule, and the Department
14 approves the request for the waiver based on a
15 comprehensive evaluation of the caregiver and household
16 members and the conditions relating to the safety of the
17 placement.

18 No later than July 1, 2025, the Department shall adopt
19 rules or revise existing rules to effectuate the changes made
20 to this subsection (v-4). The rules shall outline the
21 essential elements of each form used in the implementation and
22 enforcement of the provisions of this amendatory Act of the
23 103rd General Assembly.

24 (w) (Blank).

25 (x) The Department shall conduct annual credit history
26 checks to determine the financial history of children placed

1 under its guardianship pursuant to the Juvenile Court Act of
2 1987. The Department shall conduct such credit checks starting
3 when a youth in care turns 12 years old and each year
4 thereafter for the duration of the guardianship as terminated
5 pursuant to the Juvenile Court Act of 1987. The Department
6 shall determine if financial exploitation of the child's
7 personal information has occurred. If financial exploitation
8 appears to have taken place or is presently ongoing, the
9 Department shall notify the proper law enforcement agency, the
10 proper State's Attorney, or the Attorney General.

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

21 (z) The Department shall access criminal history record
22 information as defined as "background information" in this
23 subsection and criminal history record information as defined
24 in the Illinois Uniform Conviction Information Act for each
25 Department employee or Department applicant. Each Department
26 employee or Department applicant shall submit the employee's

1 or applicant's fingerprints to the Illinois State Police in
2 the form and manner prescribed by the Illinois State Police.
3 These fingerprints shall be checked against the fingerprint
4 records now and hereafter filed in the Illinois State Police
5 and the Federal Bureau of Investigation criminal history
6 records databases. The Illinois State Police shall charge a
7 fee for conducting the criminal history record check, which
8 shall be deposited into the State Police Services Fund and
9 shall not exceed the actual cost of the record check. The
10 Illinois State Police shall furnish, pursuant to positive
11 identification, all Illinois conviction information to the
12 Department of Children and Family Services.

13 For purposes of this subsection:

14 "Background information" means all of the following:

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

22 (ii) Information obtained by the Department of
23 Children and Family Services after performing a check of
24 the Illinois State Police's Sex Offender Database, as
25 authorized by Section 120 of the Sex Offender Community
26 Notification Law, concerning a Department employee or

1 Department applicant.

2 (iii) Information obtained by the Department of
3 Children and Family Services after performing a check of
4 the Child Abuse and Neglect Tracking System (CANTS)
5 operated and maintained by the Department.

6 "Department employee" means a full-time or temporary
7 employee coded or certified within the State of Illinois
8 Personnel System.

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

18 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
19 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.
20 1-1-24; 103-546, eff. 8-11-23; 103-605, eff. 7-1-24; 103-1061,
21 eff. 7-1-25.)

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.