



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4306**

Introduced 02/02/04, by James H. Meyer

**SYNOPSIS AS INTRODUCED:**

20 ILCS 505/5.25 new

Amends the Children and Family Services Act. Provides that every child placed under the Act shall be evaluated for the purpose of mental illness diagnosis. Provides that every child with a diagnosis of mental illness shall receive the necessary mental health services. Provides that no later than January 1, 2005, the Department of Children and Family Services shall file a proposal addressing the implementation of mental health services. Provides that the Department shall provide or arrange for the training of staff responsible for the oversight of childcare agencies or facilities. Requires that the child be placed in or near the community in which the child resided prior to the placement or in the community in which the child's family or nearest next of kin presently reside. Provides that prior to any placement, a determination shall be made as to the capability and suitability of the program, facility, or home to adequately meet the needs of the child being placed and to ensure that an appropriate training plan for staff is provided. Provides that all children must be visited by trained personnel at least once during the first month following placement and once every month thereafter. Provides that upon a complaint or a discovery of abuse, neglect, improper care, or inadequate care, the Department shall immediately investigate and remove the child. Provides for the independent expert evaluation of every child with a primary or secondary diagnosis of mental illness residing in every program, facility, or home licensed under the Child Care Act or receiving State funds for certain services. Provides that the Department shall prepare an assessment of each mental health community service network and complete all required individual and network assessments by January 1, 2006. Effective immediately.

LRB093 20427 RAS 46209 b

1 AN ACT concerning children.

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 adding Section 5.25 as follows:

6 (20 ILCS 505/5.25 new)

7 Section 5.25. Mental health services.

8 (a) Every child placed under this Act shall be evaluated  
9 for the purpose of mental illness diagnosis. Every child placed  
10 under this Act with a diagnosis of mental illness shall receive  
11 necessary mental health services, including but not limited to  
12 medical management, individual and group therapy, psychosocial  
13 rehabilitation, vocational services, and hospitalization.  
14 Services shall be appropriate to meet the needs of the  
15 individual child; may be provided by a program, a facility, a  
16 home, or an outside mental health services provider; and may be  
17 provided to the child at the site of the program, facility, or  
18 home or at an otherwise appropriate location. A program,  
19 facility, or home shall assist in arranging for a child to  
20 receive mental health services from an outside provider when  
21 those services are necessary in meeting the child's needs and  
22 the child wishes to receive them.

23 (b) As used in this Section, "mental illness" means a  
24 mental or emotional disorder verified by a diagnosis contained  
25 in the Diagnostic and Statistical Manual of Mental Disorders,  
26 Third Edition-Revised (or any subsequent edition), or  
27 International Classification of Diseases, Ninth Revision,  
28 Clinical Modification (or any subsequent revision) that  
29 substantially impairs the individual's cognitive, emotional,  
30 or behavioral functioning; excluding (i) V codes, (ii) organic  
31 disorders such as dementia and those associated with known or  
32 unknown physical conditions such as hallucinosis, amnesic

1 disorder, and delirium, (iii) psychoactive substance induced  
2 organic disorders, (iv) mental retardation, and (v)  
3 psychoactive substance use disorder. Not excluded, however, is  
4 a dual diagnosis of mental illness and mental retardation or of  
5 mental illness and psychoactive substance use disorder.

6 (c) No later than January 1, 2005, in cooperation with the  
7 Illinois Department of Human Services, the Department of  
8 Children and Family Services shall file a proposed rule or a  
9 proposed amendment to an existing rule regarding the provision  
10 of mental health services to children who have a serious mental  
11 illness. The proposal shall address, but is not limited to, the  
12 implementation of the following: assessment, care planning,  
13 treatment, and discharge planning for those who are under the  
14 supervision or admitted to a child welfare agency, secure child  
15 care facility, foster family home, group home, or child care  
16 institution licensed or funded by the Department.

17 (d) The Department shall provide or arrange for the  
18 training of staff responsible for the oversight of childcare  
19 agencies or facilities in the following areas: (i) assessment,  
20 (ii) care planning, and (iii) care of children with mental  
21 illness. The training shall enable these staff surveyors to  
22 determine whether an agency, program, facility, or home is  
23 complying with State and federal requirements concerning the  
24 assessment, care planning, and care of those children.

25 (e) The program, facility, or home in which a child is  
26 placed under this Act shall, to the extent that resources  
27 permit, be located in or near the community in which the child  
28 resided prior to the placement, or in the community in which  
29 the child's family or nearest next of kin presently reside.  
30 Placement of the child in programs, facilities, or homes  
31 located outside of this State shall not be made by the  
32 Department unless there are no appropriate programs,  
33 facilities, or homes available within this State. Out-of-state  
34 placements shall be subject to the return of the children so  
35 placed upon the availability of programs, facilities, or homes  
36 within this State, except when placement in a contiguous state

1 results in locating a child in a program, facility, or home  
2 closer to the child's home or family. If an appropriate  
3 program, facility, or home equidistant or closer to the child's  
4 home or family becomes available, the child shall be returned  
5 to and placed at the appropriate program, facility, or home  
6 within this State.

7 (f) Prior to any placement by the Department under this  
8 Act, a determination shall be made by personnel of the  
9 Department as to the capability and suitability of the program,  
10 facility, or home to adequately meet the needs of the child  
11 being placed. When specialized programs are necessary, the  
12 Department shall place the children so that specialized care  
13 can be provided in accordance with Department standards, which  
14 may include a restricted admission policy, special staffing,  
15 and programming for social and vocational rehabilitation, in  
16 addition to licensing requirements. The Department shall not  
17 place any children in a program, facility, or home the license  
18 of which has been revoked or not renewed on the grounds of  
19 inadequate programming, staffing, or medical or adjunctive  
20 services, regardless of the pendency of an action for  
21 administrative review regarding the revocation or failure to  
22 renew.

23 (g) Prior to placement of any child under this Act, the  
24 Department shall ensure that an appropriate training plan for  
25 staff is provided by the program, facility, or home in which  
26 the child is to be placed. The training may include instruction  
27 and demonstrations by Department personnel qualified in the  
28 area of mental illness, as applicable to the child being  
29 placed. The training shall be on a continual basis as the needs  
30 of the program, facility, home, and children change.

31 The Department shall not place any child into a program,  
32 facility, or home that does not have appropriately trained  
33 staff in numbers sufficient to accommodate the children in the  
34 program, facility, or home. As a condition of further or future  
35 placements of children, the Department may require the  
36 employment of additional trained staff members at the program,

1 facility, or home where the children are to be placed. The  
2 Director, or his or her designate, shall establish written  
3 guidelines for placement of persons in programs, facilities,  
4 and homes under this Section. The Department shall keep written  
5 records detailing which programs, facilities, or homes have  
6 been determined to have appropriately trained staff or have  
7 been determined not to have appropriately trained staff, and  
8 all training that the Department has provided or required under  
9 this Section.

10 (h) The Department shall cause all children who are placed  
11 under this Act to be visited at least once during the first  
12 month following placement and once every month thereafter.  
13 Visits shall be made by personnel qualified and trained in the  
14 area of mental health or developmental disabilities applicable  
15 to the child visited, and shall be made on a more frequent  
16 basis when indicated. The Department may not use any personnel  
17 connected with or responsible to the representatives of any  
18 program, facility, or home in which children have been placed  
19 under this Act. In the course of the visits consideration shall  
20 be given to areas including, but not limited to (i) the  
21 physical and mental health of the person, (ii) the sufficiency  
22 of care required by the person, (iii) the sufficiency of staff  
23 personnel, (iv) the ability of staff personnel to provide care  
24 for the child, (v) the availability of educational, social,  
25 recreational, and programmatic activities, and (vi) other  
26 appropriate aspects of the child's environment. A report  
27 containing these observations shall be made to the Department  
28 and to any other appropriate agency after each visitation. The  
29 report shall contain a detailed assessment of whether the child  
30 is receiving adequate and humane care and services in the least  
31 restrictive environment. If the child is not receiving those  
32 services, the Department shall require that the program,  
33 facility, or home either modify the treatment plan to ensure  
34 that those services are provided or make arrangements necessary  
35 to provide those services elsewhere.

36 (i) Upon the complaint of any child placed in accordance

1 with this Act or any responsible citizen, or upon discovery  
2 that the child has been abused, neglected, or improperly cared  
3 for or that the placement does not provide the type of care  
4 required by the child's current condition, the Department shall  
5 immediately investigate and determine if the well-being,  
6 health, care, or safety of the child is affected. If abuse,  
7 neglect, improper care, or inadequate care is verified, the  
8 Department shall immediately remove the child to another  
9 program, facility, or home if the child's needs can be met at  
10 the new program, facility, or home.

11 (j) The Department shall arrange for the independent expert  
12 evaluation of every child with a primary or secondary diagnosis  
13 of mental illness residing in every program, facility, or home  
14 licensed under the Child Care Act or receiving State funds for  
15 services provided to children under this Act. The evaluation  
16 shall describe, at a minimum, each individual's current mental  
17 health status, rehabilitation potential, treatment needs, and  
18 the extent that the current placement is meeting those needs.  
19 The evaluation shall include a recommendation about the most  
20 appropriate treatment setting for the individual. The  
21 assessment of treatment needs and rehabilitation potential  
22 shall be made without regard for the current availability of  
23 the services an individual may need. Evaluations shall be  
24 performed by qualified mental health professionals. The  
25 Department may use existing pre-admission screening agencies  
26 and pre-admission agents to perform the evaluations.

27 (k) The Department shall also prepare an assessment of each  
28 mental health community service network in the State. This  
29 assessment shall evaluate the resources needed in each network  
30 to provide appropriate mental health services for all children  
31 within the network's service area who have mental illness. The  
32 assessments shall include, at a minimum, an analysis of the  
33 current availability and needs in each of the following areas:  
34 (i) mental health treatment, (ii) qualified mental health  
35 professionals, (iii) case managers, (iv) programs for  
36 psychosocial rehabilitation, (v) housing and supportive

1 services, (vi) vocational assistance, and (vii) programs for  
2 substance abuse.

3 By January 1, 2006, the Department shall complete all  
4 required individual and network assessments and shall submit a  
5 written report to the Governor and the General Assembly that  
6 describes the results of the assessment and contains a specific  
7 plan to address the identified needs for mental health  
8 services.

9 (1) The Department shall adopt rules governing the purchase  
10 of care for children who are wards of or who are receiving  
11 services from the Department. The rules shall apply to all  
12 moneys expended by any agency of the State for services  
13 rendered by any person, corporate entity, agency, governmental  
14 agency, or political subdivision, whether public or private,  
15 outside of the Department, whether payment is made through a  
16 contractual, per-diem, or other arrangement. No funds shall be  
17 paid to any person, corporation, agency, governmental entity,  
18 or political subdivision without compliance with these rules.  
19 The rules governing the purchase of care shall describe the  
20 categories and types of services deemed appropriate for  
21 purchase by the Department and the accounting standards that  
22 provide assurances that those services have been provided.

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.