



Rep. Mary E. Flowers

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1 AMENDMENT TO HOUSE BILL 258

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 258 by replacing  
3 everything after the enacting clause with the following:

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

6 (20 ILCS 505/5) (from Ch. 23, par. 5005)

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

11 (a) For purposes of this Section:

12 (1) "Children" means persons found within the State who  
13 are under the age of 18 years. The term also includes  
14 persons under age 19 who:

15 (A) were committed to the Department pursuant to  
16 the Juvenile Court Act or the Juvenile Court Act of  
17 1987, as amended, prior to the age of 18 and who  
18 continue under the jurisdiction of the court; or

19 (B) were accepted for care, service and training by  
20 the Department prior to the age of 18 and whose best  
21 interest in the discretion of the Department would be  
22 served by continuing that care, service and training  
23 because of severe emotional disturbances, physical  
24 disability, social adjustment or any combination

1           thereof, or because of the need to complete an  
2           educational or vocational training program.

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

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

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

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

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

23           (D) restoring to their families children who have  
24           been removed, by the provision of services to the child  
25           and the families when the child can be cared for at  
26           home without endangering the child's health and  
27           safety;

28           (E) placing children in suitable adoptive homes,  
29           in cases where restoration to the biological family is  
30           not safe, possible or appropriate;

31           (F) assuring safe and adequate care of children  
32           away from their homes, in cases where the child cannot  
33           be returned home or cannot be placed for adoption. At  
34           the time of placement, the Department shall consider

1 concurrent planning, as described in subsection (1-1)  
2 of this Section so that permanency may occur at the  
3 earliest opportunity. Consideration should be given so  
4 that if reunification fails or is delayed, the  
5 placement made is the best available placement to  
6 provide permanency for the child;

7 (G) (blank);

8 (H) (blank); and

9 (I) placing and maintaining children in facilities  
10 that provide separate living quarters for children  
11 under the age of 18 and for children 18 years of age  
12 and older, unless a child 18 years of age is in the  
13 last year of high school education or vocational  
14 training, in an approved individual or group treatment  
15 program, in a licensed shelter facility, or secure  
16 child care facility. The Department is not required to  
17 place or maintain children:

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

19 (ii) who are persons with a developmental  
20 disability, as defined in the Mental Health and  
21 Developmental Disabilities Code, or

22 (iii) who are female children who are  
23 pregnant, pregnant and parenting or parenting, or

24 (iv) who are siblings,

25 in facilities that provide separate living quarters  
26 for children 18 years of age and older and for children  
27 under 18 years of age.

28 (b) Nothing in this Section shall be construed to authorize  
29 the expenditure of public funds for the purpose of performing  
30 abortions.

31 (c) The Department shall establish and maintain  
32 tax-supported child welfare services and extend and seek to  
33 improve voluntary services throughout the State, to the end  
34 that services and care shall be available on an equal basis

1 throughout the State to children requiring such services.

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

20 (e) (Blank).

21 (f) (Blank).

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

26 (1) adoption;

27 (2) foster care;

28 (3) family counseling;

29 (4) protective services;

30 (5) (blank);

31 (6) homemaker service;

32 (7) return of runaway children;

33 (8) (blank);

34 (9) placement under Section 5-7 of the Juvenile Court

1 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile  
2 Court Act of 1987 in accordance with the federal Adoption  
3 Assistance and Child Welfare Act of 1980; and

4 (10) interstate services.

5 Rules and regulations established by the Department shall  
6 include provisions for training Department staff and the staff  
7 of Department grantees, through contracts with other agencies  
8 or resources, in alcohol and drug abuse screening techniques  
9 approved by the Department of Human Services, as a successor to  
10 the Department of Alcoholism and Substance Abuse, for the  
11 purpose of identifying children and adults who should be  
12 referred to an alcohol and drug abuse treatment program for  
13 professional evaluation.

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

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

- 26 (1) case management;
- 27 (2) homemakers;
- 28 (3) counseling;
- 29 (4) parent education;
- 30 (5) day care; and
- 31 (6) emergency assistance and advocacy.

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

- 34 (1) comprehensive family-based services;

- 1 (2) assessments;
- 2 (3) respite care; and
- 3 (4) in-home health services.

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

7 (j) The Department may provide categories of financial  
8 assistance and education assistance grants, and shall  
9 establish rules and regulations concerning the assistance and  
10 grants, to persons who adopt physically or mentally  
11 handicapped, older and other hard-to-place children who (i)  
12 immediately prior to their adoption were legal wards of the  
13 Department 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 also provide categories of financial  
19 assistance and education assistance grants, and shall  
20 establish rules and regulations for the assistance and grants,  
21 to persons appointed guardian of the person under Section 5-7  
22 of the Juvenile Court Act or Section 2-27, 3-28, 4-25 or 5-740  
23 of the Juvenile Court Act of 1987 for children who were wards  
24 of the Department for 12 months immediately prior to the  
25 appointment of the guardian.

26 The amount of assistance may vary, depending upon the needs  
27 of the child and the adoptive parents, as set forth in the  
28 annual assistance agreement. Special purpose grants are  
29 allowed where the child requires special service but such costs  
30 may not exceed the amounts which similar services would cost  
31 the Department if it were to provide or secure them as guardian  
32 of the child.

33 Any financial assistance provided under this subsection is  
34 inalienable by assignment, sale, execution, attachment,

1 garnishment, or any other remedy for recovery or collection of  
2 a judgment or debt.

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

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

11 (l) Before July 1, 2000, the Department may provide, and  
12 beginning July 1, 2000, the Department shall offer family  
13 preservation services, as defined in Section 8.2 of the Abused  
14 and Neglected Child Reporting Act, to help families, including  
15 adoptive and extended families. Family preservation services  
16 shall be offered (i) to prevent the placement of children in  
17 substitute care when the children can be cared for at home or  
18 in the custody of the person responsible for the children's  
19 welfare, (ii) to reunite children with their families, or (iii)  
20 to maintain an adoptive placement. Family preservation  
21 services shall only be offered when doing so will not endanger  
22 the children's health or safety. With respect to children who  
23 are in substitute care pursuant to the Juvenile Court Act of  
24 1987, family preservation services shall not be offered if a  
25 goal other than those of subdivisions (A), (B), or (B-1) of  
26 subsection (2) of Section 2-28 of that Act has been set.  
27 Nothing in this paragraph shall be construed to create a  
28 private right of action or claim on the part of any individual  
29 or child welfare agency.

30 The Department shall notify the child and his family of the  
31 Department's responsibility to offer and provide family  
32 preservation services as identified in the service plan. The  
33 child and his family shall be eligible for services as soon as  
34 the report is determined to be "indicated". The Department may

1 offer services to any child or family with respect to whom a  
2 report of suspected child abuse or neglect has been filed,  
3 prior to concluding its investigation under Section 7.12 of the  
4 Abused and Neglected Child Reporting Act. However, the child's  
5 or family's willingness to accept services shall not be  
6 considered in the investigation. The Department may also  
7 provide services to any child or family who is the subject of  
8 any report of suspected child abuse or neglect or may refer  
9 such child or family to services available from other agencies  
10 in the community, even if the report is determined to be  
11 unfounded, if the conditions in the child's or family's home  
12 are reasonably likely to subject the child or family to future  
13 reports of suspected child abuse or neglect. Acceptance of such  
14 services shall be voluntary.

15 The Department may, at its discretion except for those  
16 children also adjudicated neglected or dependent, accept for  
17 care and training any child who has been adjudicated addicted,  
18 as a truant minor in need of supervision or as a minor  
19 requiring authoritative intervention, under the Juvenile Court  
20 Act or the Juvenile Court Act of 1987, but no such child shall  
21 be committed to the Department by any court without the  
22 approval of the Department. A minor charged with a criminal  
23 offense under the Criminal Code of 1961 or adjudicated  
24 delinquent shall not be placed in the custody of or committed  
25 to the Department by any court, except a minor less than 13  
26 years of age committed to the Department under Section 5-710 of  
27 the Juvenile Court Act of 1987.

28 (1-1) The legislature recognizes that the best interests of  
29 the child require that the child be placed in the most  
30 permanent living arrangement as soon as is practically  
31 possible. To achieve this goal, the legislature directs the  
32 Department of Children and Family Services to conduct  
33 concurrent planning so that permanency may occur at the  
34 earliest opportunity. Permanent living arrangements may



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

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

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

23 A decision to place a child in substitute care shall be  
24 made with considerations of the child's health, safety, and  
25 best interests. At the time of placement, consideration should  
26 also be given so that if reunification fails or is delayed, the  
27 placement made is the best available placement to provide  
28 permanency for the child.

29 The Department shall adopt rules addressing concurrent  
30 planning for reunification and permanency. The Department  
31 shall consider the following factors when determining  
32 appropriateness of concurrent planning:

- 33 (1) the likelihood of prompt reunification;
- 34 (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 to  
7 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 temporary  
13 custody signed by the parents of the child or by the parent  
14 having custody of the child if the parents are not living  
15 together or by the guardian or custodian of the child if  
16 the child is not in the custody of either parent, or

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

19 If the child is found in his or her residence without a parent,  
20 guardian, custodian or responsible caretaker, the Department  
21 may, instead of removing the child and assuming temporary  
22 custody, place an authorized representative of the Department  
23 in that residence until such time as a parent, guardian or  
24 custodian enters the home and expresses a willingness and  
25 apparent ability to ensure the child's health and safety and  
26 resume permanent charge of the child, or until a relative  
27 enters the home and is willing and able to ensure the child's  
28 health and safety and assume charge of the child until a  
29 parent, guardian or custodian enters the home and expresses  
30 such willingness and ability to ensure the child's safety and  
31 resume permanent charge. After a caretaker has remained in the  
32 home for a period not to exceed 12 hours, the Department must  
33 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
34 5-415 of the Juvenile Court Act of 1987.

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

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

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

34           (m-1) The Department may place children under 18 years of

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

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

1 limitations set forth in this Section. All reimbursements for  
2 services delivered shall be absolutely inalienable by  
3 assignment, sale, attachment, garnishment or otherwise.

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

23 (p) There is hereby created the Department of Children and  
24 Family Services Emergency Assistance Fund from which the  
25 Department may provide special financial assistance to  
26 families which are in economic crisis when such assistance is  
27 not available through other public or private sources and the  
28 assistance is deemed necessary to prevent dissolution of the  
29 family unit or to reunite families which have been separated  
30 due to child abuse and neglect. The Department shall establish  
31 administrative rules specifying the criteria for determining  
32 eligibility for and the amount and nature of assistance to be  
33 provided. The Department may also enter into written agreements  
34 with private and public social service agencies to provide

1 emergency financial services to families referred by the  
2 Department. Special financial assistance payments shall be  
3 available to a family no more than once during each fiscal year  
4 and the total payments to a family may not exceed \$500 during a  
5 fiscal year.

6 (q) The Department may receive and use, in their entirety,  
7 for the benefit of children any gift, donation, or bequest of  
8 money or other property which is received on behalf of such  
9 children, or any financial benefits to which such children are  
10 or may become entitled while under the jurisdiction or care of  
11 the Department. If the person who gives, donates, or bequeaths  
12 money or other property that is received by the Department for  
13 the benefit of children provides in writing that the money or  
14 other property is for a specific purpose, the Department shall  
15 use the money or other property only for that purpose.

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

27 In disbursing funds from children's accounts, the ~~The~~  
28 Department shall:

29 (1) establish standards in accordance with State and  
30 federal laws for disbursing money from children's  
31 accounts. In all circumstances, the Department's  
32 "Guardianship Administrator" or his or her designee must  
33 approve disbursements from children's accounts. The  
34 Department shall be responsible for keeping complete

1 records of all disbursements for each account for any  
2 purpose.

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

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

17 On and after October 1, 2005, subject to appropriation, all  
18 youths emancipated from the Department are eligible to receive  
19 a payment from the Department not to exceed \$1,500 for the  
20 purpose of promoting successful transition outcomes by  
21 supporting initial housing and living expenses for the  
22 recipient. Prior to October 1, 2005, the Department shall  
23 establish by rule (i) eligibility criteria for the receipt of  
24 funds under this paragraph and (ii) a process for disseminating  
25 the payments.

26 (r) The Department shall promulgate regulations  
27 encouraging all adoption agencies to voluntarily forward to the  
28 Department or its agent names and addresses of all persons who  
29 have applied for and have been approved for adoption of a  
30 hard-to-place or handicapped child and the names of such  
31 children who have not been placed for adoption. A list of such  
32 names and addresses shall be maintained by the Department or  
33 its agent, and coded lists which maintain the confidentiality  
34 of the person seeking to adopt the child and of the child shall

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

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

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

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

25 (2) the court has ordered one or both of the parties to  
26 the proceeding to reimburse the Department for its  
27 reasonable costs for providing such services in accordance  
28 with Department rules, or has determined that neither party  
29 is financially able to pay.

30 The Department shall provide written notification to the  
31 court of the specific arrangements for supervised visitation  
32 and projected monthly costs within 60 days of the court order.  
33 The Department shall send to the court information related to  
34 the costs incurred except in cases where the court has



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

3 (u) Whenever the Department places a child in a licensed  
4 foster home, group home, child care institution, or in a  
5 relative home, the Department shall provide to the caretaker:

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

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

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

19 The caretaker shall be informed of any known social or  
20 behavioral information (including, but not limited to,  
21 criminal background, fire setting, perpetuation of sexual  
22 abuse, destructive behavior, and substance abuse) necessary to  
23 care for and safeguard the child.

24 (u-5) Effective July 1, 1995, only foster care placements  
25 licensed as foster family homes pursuant to the Child Care Act  
26 of 1969 shall be eligible to receive foster care payments from  
27 the Department. Relative caregivers who, as of July 1, 1995,  
28 were approved pursuant to approved relative placement rules  
29 previously promulgated by the Department at 89 Ill. Adm. Code  
30 335 and had submitted an application for licensure as a foster  
31 family home may continue to receive foster care payments only  
32 until the Department determines that they may be licensed as a  
33 foster family home or that their application for licensure is  
34 denied or until September 30, 1995, whichever occurs first.

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

23 (w) Within 120 days of August 20, 1995 (the effective date  
24 of Public Act 89-392), the Department shall prepare and submit  
25 to the Governor and the General Assembly, a written plan for  
26 the development of in-state licensed secure child care  
27 facilities that care for children who are in need of secure  
28 living arrangements for their health, safety, and well-being.  
29 For purposes of this subsection, secure care facility shall  
30 mean a facility that is designed and operated to ensure that  
31 all entrances and exits from the facility, a building or a  
32 distinct part of the building, are under the exclusive control  
33 of the staff of the facility, whether or not the child has the  
34 freedom of movement within the perimeter of the facility,

1 building, or distinct part of the building. The plan shall  
2 include descriptions of the types of facilities that are needed  
3 in Illinois; the cost of developing these secure care  
4 facilities; the estimated number of placements; the potential  
5 cost savings resulting from the movement of children currently  
6 out-of-state who are projected to be returned to Illinois; the  
7 necessary geographic distribution of these facilities in  
8 Illinois; and a proposed timetable for development of such  
9 facilities.

10 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;  
11 91-812, eff. 6-13-00; 92-154, eff. 1-1-02.)

12 Section 99. Effective date. This Act takes effect January  
13 1, 2006.".