

1 AN ACT concerning State government.

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

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

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

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

11 (a) For purposes of this Section:

12 (1) "Children" means persons found within the State 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  
25 thereof, or because of the need to complete an  
26 educational or vocational training program.

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

31 (3) "Child welfare services" means public social  
32 services which are directed toward the accomplishment of

1 the following purposes:

2 (A) protecting and promoting the health, safety  
3 and welfare of children, including homeless, dependent  
4 or neglected children;

5 (B) remedying, or assisting in the solution of  
6 problems which may result in, the neglect, abuse,  
7 exploitation or delinquency of children;

8 (C) preventing the unnecessary separation of  
9 children from their families by identifying family  
10 problems, assisting families in resolving their  
11 problems, and preventing the breakup of the family  
12 where the prevention of child removal is desirable and  
13 possible when the child can be cared for at home  
14 without endangering the child's health and safety;

15 (D) restoring to their families children who have  
16 been removed, by the provision of services to the child  
17 and the families when the child can be cared for at  
18 home without endangering the child's health and  
19 safety;

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

23 (F) assuring safe and adequate care of children  
24 away from their homes, in cases where the child cannot  
25 be returned home or cannot be placed for adoption. At  
26 the time of placement, the Department shall consider  
27 concurrent planning, as described in subsection (1-1)  
28 of this Section so that permanency may occur at the  
29 earliest opportunity. Consideration should be given so  
30 that if reunification fails or is delayed, the  
31 placement made is the best available placement to  
32 provide permanency for the child;

33 (G) (blank);

34 (H) (blank); and

35 (I) placing and maintaining children in facilities  
36 that provide separate living quarters for children

1 under the age of 18 and for children 18 years of age  
2 and older, unless a child 18 years of age is in the  
3 last year of high school education or vocational  
4 training, in an approved individual or group treatment  
5 program, in a licensed shelter facility, or secure  
6 child care facility. The Department is not required to  
7 place or maintain children:

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

9 (ii) who are persons with a developmental  
10 disability, as defined in the Mental Health and  
11 Developmental Disabilities Code, or

12 (iii) who are female children who are  
13 pregnant, pregnant and parenting or parenting, or

14 (iv) who are siblings,

15 in facilities that provide separate living quarters  
16 for children 18 years of age and older and for children  
17 under 18 years of age.

18 (b) Nothing in this Section shall be construed to authorize  
19 the expenditure of public funds for the purpose of performing  
20 abortions.

21 (c) The Department shall establish and maintain  
22 tax-supported child welfare services and extend and seek to  
23 improve voluntary services throughout the State, to the end  
24 that services and care shall be available on an equal basis  
25 throughout the State to children requiring such services.

26 (d) The Director may authorize advance disbursements for  
27 any new program initiative to any agency contracting with the  
28 Department. As a prerequisite for an advance disbursement, the  
29 contractor must post a surety bond in the amount of the advance  
30 disbursement and have a purchase of service contract approved  
31 by the Department. The Department may pay up to 2 months  
32 operational expenses in advance. The amount of the advance  
33 disbursement shall be prorated over the life of the contract or  
34 the remaining months of the fiscal year, whichever is less, and  
35 the installment amount shall then be deducted from future  
36 bills. Advance disbursement authorizations for new initiatives

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

8 (e) (Blank).

9 (f) (Blank).

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

14 (1) adoption;

15 (2) foster care;

16 (3) family counseling;

17 (4) protective services;

18 (5) (blank);

19 (6) homemaker service;

20 (7) return of runaway children;

21 (8) (blank);

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

26 (10) interstate services.

27 Rules and regulations established by the Department shall  
28 include provisions for training Department staff and the staff  
29 of Department grantees, through contracts with other agencies  
30 or resources, in alcohol and drug abuse screening techniques  
31 approved by the Department of Human Services, as a successor to  
32 the Department of Alcoholism and Substance Abuse, for the  
33 purpose of identifying children and adults who should be  
34 referred to an alcohol and drug abuse treatment program for  
35 professional evaluation.

36 (h) If the Department finds that there is no appropriate

1 program or facility within or available to the Department for a  
2 ward and that no licensed private facility has an adequate and  
3 appropriate program or none agrees to accept the ward, the  
4 Department shall create an appropriate individualized,  
5 program-oriented plan for such ward. The plan may be developed  
6 within the Department or through purchase of services by the  
7 Department to the extent that it is within its statutory  
8 authority to do.

9 (i) Service programs shall be available throughout the  
10 State and shall include but not be limited to the following  
11 services:

- 12 (1) case management;
- 13 (2) homemakers;
- 14 (3) counseling;
- 15 (4) parent education;
- 16 (5) day care; and
- 17 (6) emergency assistance and advocacy.

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

- 20 (1) comprehensive family-based services;
- 21 (2) assessments;
- 22 (3) respite care; and
- 23 (4) in-home health services.

24 The Department shall provide transportation for any of the  
25 services it makes available to children or families or for  
26 which it refers children or families.

27 (j) The Department may provide categories of financial  
28 assistance and education assistance grants, and shall  
29 establish rules and regulations concerning the assistance and  
30 grants, to persons who adopt physically or mentally  
31 handicapped, older and other hard-to-place children who (i)  
32 immediately prior to their adoption were legal wards of the  
33 Department or (ii) were determined eligible for financial  
34 assistance with respect to a prior adoption and who become  
35 available for adoption because the prior adoption has been  
36 dissolved and the parental rights of the adoptive parents have

1 been terminated or because the child's adoptive parents have  
2 died. The Department may, subject to federal financial  
3 participation in the cost, continue to provide financial  
4 assistance and education assistance grants for a child who was  
5 determined eligible for financial assistance under this  
6 subsection (j) in the interim period beginning when the child's  
7 adoptive parents died and ending with the finalization of the  
8 new adoption of the child by another adoptive parent or  
9 parents. The Department may also provide categories of  
10 financial assistance and education assistance grants, and  
11 shall establish rules and regulations for the assistance and  
12 grants, to persons appointed guardian of the person under  
13 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
14 4-25 or 5-740 of the Juvenile Court Act of 1987 for children  
15 who were wards of the Department for 12 months immediately  
16 prior to the appointment of the guardian.

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

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

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

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

36 (l) Before July 1, 2000, the Department may provide, and

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

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

1 services shall be voluntary.

2 The Department may, at its discretion except for those  
3 children also adjudicated neglected or dependent, accept for  
4 care and training any child who has been adjudicated addicted,  
5 as a truant minor in need of supervision or as a minor  
6 requiring authoritative intervention, under the Juvenile Court  
7 Act or the Juvenile Court Act of 1987, but no such child shall  
8 be committed to the Department by any court without the  
9 approval of the Department. A minor charged with a criminal  
10 offense under the Criminal Code of 1961 or adjudicated  
11 delinquent shall not be placed in the custody of or committed  
12 to the Department by any court, except a minor less than 13  
13 years of age committed to the Department under Section 5-710 of  
14 the Juvenile Court Act of 1987.

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

28 When determining reasonable efforts to be made with respect  
29 to a child, as described in this subsection, and in making such  
30 reasonable efforts, the child's health and safety shall be the  
31 paramount concern.

32 When a child is placed in foster care, the Department shall  
33 ensure and document that reasonable efforts were made to  
34 prevent or eliminate the need to remove the child from the  
35 child's home. The Department must make reasonable efforts to  
36 reunify the family when temporary placement of the child occurs



1 unless otherwise required, pursuant to the Juvenile Court Act  
2 of 1987. At any time after the dispositional hearing where the  
3 Department believes that further reunification services would  
4 be ineffective, it may request a finding from the court that  
5 reasonable efforts are no longer appropriate. The Department is  
6 not required to provide further reunification services after  
7 such a finding.

8 A decision to place a child in substitute care shall be  
9 made with considerations of the child's health, safety, and  
10 best interests. At the time of placement, consideration should  
11 also be given so that if reunification fails or is delayed, the  
12 placement made is the best available placement to provide  
13 permanency for the child.

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

- 18 (1) the likelihood of prompt reunification;
- 19 (2) the past history of the family;
- 20 (3) the barriers to reunification being addressed by  
21 the family;
- 22 (4) the level of cooperation of the family;
- 23 (5) the foster parents' willingness to work with the  
24 family to reunite;
- 25 (6) the willingness and ability of the foster family to  
26 provide an adoptive home or long-term placement;
- 27 (7) the age of the child;
- 28 (8) placement of siblings.

29 (m) The Department may assume temporary custody of any  
30 child if:

- 31 (1) it has received a written consent to such temporary  
32 custody signed by the parents of the child or by the parent  
33 having custody of the child if the parents are not living  
34 together or by the guardian or custodian of the child if  
35 the child is not in the custody of either parent, or  
36 (2) the child is found in the State and neither a

1 parent, guardian nor custodian of the child can be located.  
2 If the child is found in his or her residence without a parent,  
3 guardian, custodian or responsible caretaker, the Department  
4 may, instead of removing the child and assuming temporary  
5 custody, place an authorized representative of the Department  
6 in that residence until such time as a parent, guardian or  
7 custodian enters the home and expresses a willingness and  
8 apparent ability to ensure the child's health and safety and  
9 resume permanent charge of the child, or until a relative  
10 enters the home and is willing and able to ensure the child's  
11 health and safety and assume charge of the child until a  
12 parent, guardian or custodian enters the home and expresses  
13 such willingness and ability to ensure the child's safety and  
14 resume permanent charge. After a caretaker has remained in the  
15 home for a period not to exceed 12 hours, the Department must  
16 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
17 5-415 of the Juvenile Court Act of 1987.

18 The Department shall have the authority, responsibilities  
19 and duties that a legal custodian of the child would have  
20 pursuant to subsection (9) of Section 1-3 of the Juvenile Court  
21 Act of 1987. Whenever a child is taken into temporary custody  
22 pursuant to an investigation under the Abused and Neglected  
23 Child Reporting Act, or pursuant to a referral and acceptance  
24 under the Juvenile Court Act of 1987 of a minor in limited  
25 custody, the Department, during the period of temporary custody  
26 and before the child is brought before a judicial officer as  
27 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile  
28 Court Act of 1987, shall have the authority, responsibilities  
29 and duties that a legal custodian of the child would have under  
30 subsection (9) of Section 1-3 of the Juvenile Court Act of  
31 1987.

32 The Department shall ensure that any child taken into  
33 custody is scheduled for an appointment for a medical  
34 examination.

35 A parent, guardian or custodian of a child in the temporary  
36 custody of the Department who would have custody of the child

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

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

29 (n) The Department may place children under 18 years of age  
30 in licensed child care facilities when in the opinion of the  
31 Department, appropriate services aimed at family preservation  
32 have been unsuccessful and cannot ensure the child's health and  
33 safety or are unavailable and such placement would be for their  
34 best interest. Payment for board, clothing, care, training and  
35 supervision of any child placed in a licensed child care  
36 facility may be made by the Department, by the parents or

1 guardians of the estates of those children, or by both the  
2 Department and the parents or guardians, except that no  
3 payments shall be made by the Department for any child placed  
4 in a licensed child care facility for board, clothing, care,  
5 training and supervision of such a child that exceed the  
6 average per capita cost of maintaining and of caring for a  
7 child in institutions for dependent or neglected children  
8 operated by the Department. However, such restriction on  
9 payments does not apply in cases where children require  
10 specialized care and treatment for problems of severe emotional  
11 disturbance, physical disability, social adjustment, or any  
12 combination thereof and suitable facilities for the placement  
13 of such children are not available at payment rates within the  
14 limitations set forth in this Section. All reimbursements for  
15 services delivered shall be absolutely inalienable by  
16 assignment, sale, attachment, garnishment or otherwise.

17 (o) The Department shall establish an administrative  
18 review and appeal process for children and families who request  
19 or receive child welfare services from the Department. Children  
20 who are wards of the Department and are placed by private child  
21 welfare agencies, and foster families with whom those children  
22 are placed, shall be afforded the same procedural and appeal  
23 rights as children and families in the case of placement by the  
24 Department, including the right to an initial review of a  
25 private agency decision by that agency. The Department shall  
26 insure that any private child welfare agency, which accepts  
27 wards of the Department for placement, affords those rights to  
28 children and foster families. The Department shall accept for  
29 administrative review and an appeal hearing a complaint made by  
30 (i) a child or foster family concerning a decision following an  
31 initial review by a private child welfare agency or (ii) a  
32 prospective adoptive parent who alleges a violation of  
33 subsection (j-5) of this Section. An appeal of a decision  
34 concerning a change in the placement of a child shall be  
35 conducted in an expedited manner.

36 (p) There is hereby created the Department of Children and

1 Family Services Emergency Assistance Fund from which the  
2 Department may provide special financial assistance to  
3 families which are in economic crisis when such assistance is  
4 not available through other public or private sources and the  
5 assistance is deemed necessary to prevent dissolution of the  
6 family unit or to reunite families which have been separated  
7 due to child abuse and neglect. The Department shall establish  
8 administrative rules specifying the criteria for determining  
9 eligibility for and the amount and nature of assistance to be  
10 provided. The Department may also enter into written agreements  
11 with private and public social service agencies to provide  
12 emergency financial services to families referred by the  
13 Department. Special financial assistance payments shall be  
14 available to a family no more than once during each fiscal year  
15 and the total payments to a family may not exceed \$500 during a  
16 fiscal year.

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.

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

34 In disbursing funds from children's accounts, the  
35 Department shall:

36 (1) Establish standards in accordance with State and

1 federal laws for disbursing money from children's  
2 accounts. In all circumstances, the Department's  
3 "Guardianship Administrator" or his or her designee must  
4 approve disbursements from children's accounts. The  
5 Department shall be responsible for keeping complete  
6 records of all disbursements for each account for any  
7 purpose.

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

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

22 (r) The Department shall promulgate regulations  
23 encouraging all adoption agencies to voluntarily forward to the  
24 Department or its agent names and addresses of all persons who  
25 have applied for and have been approved for adoption of a  
26 hard-to-place or handicapped child and the names of such  
27 children who have not been placed for adoption. A list of such  
28 names and addresses shall be maintained by the Department or  
29 its agent, and coded lists which maintain the confidentiality  
30 of the person seeking to adopt the child and of the child shall  
31 be made available, without charge, to every adoption agency in  
32 the State to assist the agencies in placing such children for  
33 adoption. The Department may delegate to an agent its duty to  
34 maintain and make available such lists. The Department shall  
35 ensure that such agent maintains the confidentiality of the  
36 person seeking to adopt the child and of the child.

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

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

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

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

24           The Department shall provide written notification to the  
25 court of the specific arrangements for supervised visitation  
26 and projected monthly costs within 60 days of the court order.  
27 The Department shall send to the court information related to  
28 the costs incurred except in cases where the court has  
29 determined the parties are financially unable to pay. The court  
30 may order additional periodic reports as appropriate.

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

34                 (1) available detailed information concerning the  
35                 child's educational and health history, copies of  
36                 immunization records (including insurance and medical card

1 information), a history of the child's previous  
2 placements, if any, and reasons for placement changes  
3 excluding any information that identifies or reveals the  
4 location of any previous caretaker;

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

8 (3) information containing details of the child's  
9 individualized educational plan when the child is  
10 receiving special education services.

11 The caretaker shall be informed of any known social or  
12 behavioral information (including, but not limited to,  
13 criminal background, fire setting, perpetuation of sexual  
14 abuse, destructive behavior, and substance abuse) necessary to  
15 care for and safeguard the child.

16 (u-5) Effective July 1, 1995, only foster care placements  
17 licensed as foster family homes pursuant to the Child Care Act  
18 of 1969 shall be eligible to receive foster care payments from  
19 the Department. Relative caregivers who, as of July 1, 1995,  
20 were approved pursuant to approved relative placement rules  
21 previously promulgated by the Department at 89 Ill. Adm. Code  
22 335 and had submitted an application for licensure as a foster  
23 family home may continue to receive foster care payments only  
24 until the Department determines that they may be licensed as a  
25 foster family home or that their application for licensure is  
26 denied or until September 30, 1995, whichever occurs first.

27 (v) The Department shall access criminal history record  
28 information as defined in the Illinois Uniform Conviction  
29 Information Act and information maintained in the adjudicatory  
30 and dispositional record system as defined in Section 2605-355  
31 of the Department of State Police Law (20 ILCS 2605/2605-355)  
32 if the Department determines the information is necessary to  
33 perform its duties under the Abused and Neglected Child  
34 Reporting Act, the Child Care Act of 1969, and the Children and  
35 Family Services Act. The Department shall provide for  
36 interactive computerized communication and processing



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

13 (w) Within 120 days of August 20, 1995 (the effective date  
14 of Public Act 89-392), the Department shall prepare and submit  
15 to the Governor and the General Assembly, a written plan for  
16 the development of in-state licensed secure child care  
17 facilities that care for children who are in need of secure  
18 living arrangements for their health, safety, and well-being.  
19 For purposes of this subsection, secure care facility shall  
20 mean a facility that is designed and operated to ensure that  
21 all entrances and exits from the facility, a building or a  
22 distinct part of the building, are under the exclusive control  
23 of the staff of the facility, whether or not the child has the  
24 freedom of movement within the perimeter of the facility,  
25 building, or distinct part of the building. The plan shall  
26 include descriptions of the types of facilities that are needed  
27 in Illinois; the cost of developing these secure care  
28 facilities; the estimated number of placements; the potential  
29 cost savings resulting from the movement of children currently  
30 out-of-state who are projected to be returned to Illinois; the  
31 necessary geographic distribution of these facilities in  
32 Illinois; and a proposed timetable for development of such  
33 facilities.

34 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;  
35 91-812, eff. 6-13-00; 92-154, eff. 1-1-02.)