



Sen. John J. Cullerton

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09400HB3628sam001

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1 AMENDMENT TO HOUSE BILL 3628

2 AMENDMENT NO. _____. Amend House Bill 3628, AS AMENDED, in
3 Section 5, by replacing Sec. 8.3 with the following:

4 "(225 ILCS 10/8.3 new)

5 Sec. 8.3. Tax exempt agency.

6 (a) The Department shall revoke or refuse to renew the
7 license of any child welfare agency providing adoption services
8 that is not (i) officially recognized by the United States
9 Internal Revenue Service as a tax-exempt organization
10 described in Section 501(c)(3) of the Internal Revenue Code of
11 1986 (or any successor provision of federal tax law) and (ii)
12 in compliance with all of the standards necessary to maintain
13 its status as an organization described in Section 501(c)(3) of
14 the Internal Revenue Code of 1986 (or any successor provision
15 of federal tax law).

16 (b) The Department shall grant a grace period of 24 months
17 from the effective date of this amendatory Act of the 94th
18 General Assembly for existing child welfare agencies providing
19 adoption services to obtain 501(c)(3) status. The Department
20 shall permit an existing child welfare agency that converts
21 from its current structure in order to be recognized as a
22 501(c)(3) organization as required by this Section to either
23 retain its current license or transfer its current license to a
24 newly formed entity, if the creation of a new entity is
25 required in order to comply with this Section, provided that

1 the child welfare agency demonstrates that it continues to meet
2 all other licensing requirements and that the principal
3 officers and directors and programs of the converted child
4 welfare agency or newly organized child welfare agency are
5 substantially the same as the original. The Department shall
6 have the sole discretion to grant a one year extension to any
7 agency unable to obtain 501(c)(3) status within the timeframe
8 specified in this Section, provided that such agency has filed
9 an application for 501(c)(3) status with the Internal Revenue
10 Service within the 2-year timeframe specified in this Section.

11 (c) Nothing in this Section shall prohibit a licensed child
12 welfare agency from using the services of any person, group of
13 persons, agency, association, organization, corporation,
14 institution, center, or group as an independent contractor to
15 perform services on behalf of the licensed agency, provided
16 that the licensed agency has a written agreement with the
17 independent contractor specifying the terms of remuneration,
18 the services to be performed, the personnel performing those
19 services, and the qualifications of the personnel, in addition
20 to any other information or requirements the Department may
21 specify by rule. The licensed agency is not exempt, by reason
22 of the use of the contractor, from compliance with all of the
23 provisions of this Act. The Department has the authority to
24 disapprove the use of any contractor if the Department is not
25 satisfied with the agency's agreement with the contractor, the
26 personnel of the contractor who are performing the services, or
27 the qualifications of the personnel or if the contractor
28 violates any provision of this Act or the Adoption Act."