

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 changing Sections 5, 25, and 35.1 and by adding Sections
6 5.30 and 7.5 as follows:

7 (20 ILCS 505/5) (from Ch. 23, par. 5005)

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 who
14 are under the age of 18 years. The term also includes
15 persons under age 19 who:

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

20 (B) were accepted for care, service and training by
21 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
24 because of severe emotional disturbances, physical
25 disability, social adjustment or any combination
26 thereof, or because of the need to complete an
27 educational or vocational training program.

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

32 (3) "Child welfare services" means public social

1 services which are directed toward the accomplishment of
2 the following purposes:

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

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

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

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

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

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

34 (G) (blank);

35 (H) (blank); and

36 (I) placing and maintaining children in facilities

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

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

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

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

15 (iv) who are siblings, in facilities that
16 provide separate living quarters for children 18
17 years of age and older and for children under 18
18 years of age.

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

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

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

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

9 (e) (Blank).

10 (f) (Blank).

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

15 (1) adoption;

16 (2) foster care;

17 (3) family counseling;

18 (4) protective services;

19 (5) (blank);

20 (6) homemaker service;

21 (7) return of runaway children;

22 (8) (blank);

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

27 (10) interstate services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 reports of suspected child abuse or neglect. Acceptance of such
2 services shall be voluntary.

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

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

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

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

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

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

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

19 (1) the likelihood of prompt reunification;

20 (2) the past history of the family;

21 (3) the barriers to reunification being addressed by
22 the family;

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

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

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

28 (7) the age of the child;

29 (8) placement of siblings.

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

32 (1) it has received a written consent to such temporary
33 custody signed by the parents of the child or by the parent
34 having custody of the child if the parents are not living
35 together or by the guardian or custodian of the child if
36 the child is not in the custody of either parent, or

1 (2) the child is found in the State and neither a
2 parent, guardian nor custodian of the child can be located.
3 If the child is found in his or her residence without a parent,
4 guardian, custodian or responsible caretaker, the Department
5 may, instead of removing the child and assuming temporary
6 custody, place an authorized representative of the Department
7 in that residence until such time as a parent, guardian or
8 custodian enters the home and expresses a willingness and
9 apparent ability to ensure the child's health and safety and
10 resume permanent charge of the child, or until a relative
11 enters the home and is willing and able to ensure the child's
12 health and safety and assume charge of the child until a
13 parent, guardian or custodian enters the home and expresses
14 such willingness and ability to ensure the child's safety and
15 resume permanent charge. After a caretaker has remained in the
16 home for a period not to exceed 12 hours, the Department must
17 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
18 5-415 of the Juvenile Court Act of 1987.

19 The Department shall have the authority, responsibilities
20 and duties that a legal custodian of the child would have
21 pursuant to subsection (9) of Section 1-3 of the Juvenile Court
22 Act of 1987. Whenever a child is taken into temporary custody
23 pursuant to an investigation under the Abused and Neglected
24 Child Reporting Act, or pursuant to a referral and acceptance
25 under the Juvenile Court Act of 1987 of a minor in limited
26 custody, the Department, during the period of temporary custody
27 and before the child is brought before a judicial officer as
28 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
29 Court Act of 1987, shall have the authority, responsibilities
30 and duties that a legal custodian of the child would have under
31 subsection (9) of Section 1-3 of the Juvenile Court Act of
32 1987.

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

36 A parent, guardian or custodian of a child in the temporary

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

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

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

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

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

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

18 (q) The Department may receive and use, in their entirety,
19 for the benefit of children any gift, donation or bequest of
20 money or other property which is received on behalf of such
21 children, or any financial benefits to which such children are
22 or may become entitled while under the jurisdiction or care of
23 the Department.

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

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

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

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

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

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

1 person seeking to adopt the child and of the child.

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

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

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

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

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

32 (u) In addition to other information that must be provided,
33 whenever ~~whenever~~ the Department places a child with a
34 prospective adoptive parent or parents or in a licensed foster
35 home, group home, child care institution, or in a relative
36 home, the Department shall provide to the prospective adoptive

1 parent or parents or other caretaker:

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

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

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

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

30 The information described in this subsection shall be
31 provided in writing. In the case of emergency placements when
32 time does not allow prior review, preparation, and collection
33 of written information, the Department shall provide such
34 information as it becomes available. Within 10 business days
35 after placement, the Department shall obtain from the
36 prospective adoptive parent or parents or other caretaker a

1 signed verification of receipt of the information provided.
2 Within 10 business days after placement, the Department shall
3 provide to the child's guardian ad litem a copy of the
4 information provided to the prospective adoptive parent or
5 parents or other caretaker. The information provided to the
6 prospective adoptive parent or parents or other caretaker shall
7 be reviewed and approved regarding accuracy at the supervisory
8 level.

9 (u-5) Effective July 1, 1995, only foster care placements
10 licensed as foster family homes pursuant to the Child Care Act
11 of 1969 shall be eligible to receive foster care payments from
12 the Department. Relative caregivers who, as of July 1, 1995,
13 were approved pursuant to approved relative placement rules
14 previously promulgated by the Department at 89 Ill. Adm. Code
15 335 and had submitted an application for licensure as a foster
16 family home may continue to receive foster care payments only
17 until the Department determines that they may be licensed as a
18 foster family home or that their application for licensure is
19 denied or until September 30, 1995, whichever occurs first.

20 (v) The Department shall access criminal history record
21 information as defined in the Illinois Uniform Conviction
22 Information Act and information maintained in the adjudicatory
23 and dispositional record system as defined in Section 2605-355
24 of the Department of State Police Law (20 ILCS 2605/2605-355)
25 if the Department determines the information is necessary to
26 perform its duties under the Abused and Neglected Child
27 Reporting Act, the Child Care Act of 1969, and the Children and
28 Family Services Act. The Department shall provide for
29 interactive computerized communication and processing
30 equipment that permits direct on-line communication with the
31 Department of State Police's central criminal history data
32 repository. The Department shall comply with all certification
33 requirements and provide certified operators who have been
34 trained by personnel from the Department of State Police. In
35 addition, one Office of the Inspector General investigator
36 shall have training in the use of the criminal history

1 information access system and have access to the terminal. The
2 Department of Children and Family Services and its employees
3 shall abide by rules and regulations established by the
4 Department of State Police relating to the access and
5 dissemination of this information.

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

27 (Source: P.A. 94-215, eff. 1-1-06.)

28 (20 ILCS 505/5.30 new)

29 Sec. 5.30. Specialized care.

30 (a) Not later than July 1, 2007, the Department shall adopt
31 a rule, or an amendment to a rule then in effect, regarding the
32 provision of specialized care to a child in the custody or
33 guardianship of the Department, or to a child being placed in a
34 subsidized guardianship arrangement or under an adoption
35 assistance agreement, who requires such services due to

1 emotional, behavioral, developmental, or medical needs, or any
2 combination thereof, or any other needs which require special
3 intervention services, the primary goal being to maintain the
4 child in foster care or in a permanency setting. The rule or
5 amendment to a rule shall establish, at a minimum, the
6 criteria, standards, and procedures for the following:

7 (1) The determination that a child requires
8 specialization.

9 (2) The determination of the level of care required to
10 meet the child's special needs.

11 (3) The approval of a plan of care that will meet the
12 child's special needs.

13 (4) The monitoring of the specialized care provided to
14 the child and review of the plan to ensure quality of care
15 and effectiveness in meeting the child's needs.

16 (5) The determination, approval, and implementation of
17 amendments to the plan of care.

18 (6) The establishment and maintenance of the
19 qualifications, including specialized training, of
20 caretakers of specialized children.

21 The rule or amendment to a rule adopted under this
22 subsection shall establish the minimum services to be provided
23 to children eligible for specialized care under this Section.
24 The Department shall also adopt rules providing for the
25 training of Department and public or private agency staff
26 involved in implementing the rule. On or before September 1 of
27 2007 and each year thereafter, the Department shall submit to
28 the General Assembly an annual report on the implementation of
29 this Section.

30 (b) No payments to caregivers in effect for the specialized
31 treatment or care of a child, nor the level of care being
32 provided to a child prior to the effective date of this
33 amendatory Act of the 94th General Assembly, shall be reduced
34 under the criteria, standards, and procedures adopted and
35 implemented under this Section.

1 (20 ILCS 505/7.5 new)

2 Sec. 7.5. Notice of post-adoption reunion services.

3 (a) For purposes of this Section, "post-adoption reunion
4 services" means services provided by the Department to
5 facilitate contact between adoptees and their siblings when one
6 or more is still in the Department's care or adopted elsewhere,
7 with the notarized consent of the adoptive parents of a minor
8 child, when such contact has been established to be necessary
9 to the adoptee's best interests and when all involved parties,
10 including the adoptive parent of a child under 21 years of age,
11 have provided written consent for such contact.

12 (b) The Department shall provide to all adoptive parents of
13 children receiving monthly adoption assistance under
14 subsection (j) of Section 5 of this Act a notice that includes
15 a description of the Department's post-adoption reunion
16 services and an explanation of how to access those services.
17 The notice to adoptive parents shall be provided at least once
18 per year until such time as the adoption assistance payments
19 cease.

20 The Department shall also provide to all wards of the
21 Department, within 30 days after their 18th birthday, the
22 notice described in this Section.

23 (c) The Department shall adopt a rule regarding the
24 provision of search and reunion services to wards and former
25 wards.

26 (20 ILCS 505/25) (from Ch. 23, par. 5025)

27 Sec. 25. Grants, gifts, or legacies; Putative Father
28 Registry fees.

29 (a) To accept and hold in behalf of the State, if for the
30 public interest, a grant, gift or legacy of money or property
31 to the State of Illinois, to the Department, or to any
32 institution or program of the Department made in trust for the
33 maintenance or support of a resident of an institution of the
34 Department, or for any other legitimate purpose connected with
35 such institution or program. The Department shall cause each

1 gift, grant or legacy to be kept as a distinct fund, and shall
2 invest the same in the manner provided by the laws of this
3 State as the same now exist, or shall hereafter be enacted,
4 relating to securities in which the deposit in savings banks
5 may be invested. But the Department may, in its discretion,
6 deposit in a proper trust company or savings bank, during the
7 continuance of the trust, any fund so left in trust for the
8 life of a person, and shall adopt rules and regulations
9 governing the deposit, transfer, or withdrawal of such fund.
10 The Department shall on the expiration of any trust as provided
11 in any instrument creating the same, dispose of the fund
12 thereby created in the manner provided in such instrument. The
13 Department shall include in its required reports a statement
14 showing what funds are so held by it and the condition thereof.
15 Monies found on residents at the time of their admission, or
16 accruing to them during their period of institutional care, and
17 monies deposited with the superintendents by relatives,
18 guardians or friends of residents for the special comfort and
19 pleasure of such resident, shall remain in the custody of such
20 superintendents who shall act as trustees for disbursement to,
21 in behalf of, or for the benefit of such resident. All types of
22 retirement and pension benefits from private and public sources
23 may be paid directly to the superintendent of the institution
24 where the person is a resident, for deposit to the resident's
25 trust fund account.

26 (b) The Department shall hold all Putative Father Registry
27 fees collected under Section 12.1 of the Adoption Act in a
28 distinct fund for the Department's use in maintaining the
29 Putative Father Registry. The Department shall invest the
30 moneys in the fund in the same manner as moneys in the funds
31 described in subsection (a) and shall include in its required
32 reports a statement showing the condition of the fund.

33 (Source: P.A. 83-1362.)

34 (20 ILCS 505/35.1) (from Ch. 23, par. 5035.1)

35 Sec. 35.1. The case and clinical records of patients in

1 Department supervised facilities, wards of the Department,
2 children receiving or applying for child welfare services,
3 persons receiving or applying for other services of the
4 Department, and Department reports of injury or abuse to
5 children shall not be open to the general public. Such case and
6 clinical records and reports or the information contained
7 therein shall be disclosed by the Director of the Department to
8 juvenile authorities when necessary for the discharge of their
9 official duties who request information concerning the minor
10 and who certify in writing that the information will not be
11 disclosed to any other party except as provided under law or
12 order of court. For purposes of this Section, "juvenile
13 authorities" means: (i) a judge of the circuit court and
14 members of the staff of the court designated by the judge; (ii)
15 parties to the proceedings under the Juvenile Court Act of 1987
16 and their attorneys; (iii) probation officers and court
17 appointed advocates for the juvenile authorized by the judge
18 hearing the case; (iv) any individual, public or private agency
19 having custody of the child pursuant to court order or pursuant
20 to placement of the child by the Department; (v) any
21 individual, public or private agency providing education,
22 medical or mental health service to the child when the
23 requested information is needed to determine the appropriate
24 service or treatment for the minor; (vi) any potential
25 placement provider when such release is authorized by the court
26 for the limited purpose of determining the appropriateness of
27 the potential placement; (vii) law enforcement officers and
28 prosecutors; (viii) adult and juvenile prisoner review boards;
29 (ix) authorized military personnel; (x) individuals authorized
30 by court; (xi) the Illinois General Assembly or any committee
31 or commission thereof. This Section does not apply to the
32 Department's fiscal records, other records of a purely
33 administrative nature, or any forms, documents or other records
34 required of facilities subject to licensure by the Department
35 except as may otherwise be provided under the Child Care Act of
36 1969.

1 Nothing contained in this Act prevents the sharing or
2 disclosure of information or records relating or pertaining to
3 juveniles subject to the provisions of the Serious Habitual
4 Offender Comprehensive Action Program when that information is
5 used to assist in the early identification and treatment of
6 habitual juvenile offenders.

7 Nothing contained in this Act prevents the sharing or
8 disclosure of information or records relating or pertaining to
9 the death of a minor under the care of or receiving services
10 from the Department and under the jurisdiction of the juvenile
11 court with the juvenile court, the State's Attorney, and the
12 minor's attorney.

13 Nothing contained in this Section prohibits or prevents any
14 individual dealing with or providing services to a minor from
15 sharing information with another individual dealing with or
16 providing services to a minor for the purpose of coordinating
17 efforts on behalf of the minor. The sharing of such information
18 is only for the purpose stated herein and is to be consistent
19 with the intent and purpose of the confidentiality provisions
20 of the Juvenile Court Act of 1987. This provision does not
21 abrogate any recognized privilege. Sharing information does
22 not include copying of records, reports or case files unless
23 authorized herein.

24 Nothing in this Section prohibits or prevents the
25 re-disclosure of records, reports, or other information that
26 reveals malfeasance or nonfeasance on the part of the
27 Department, its employees, or its agents. Nothing in this
28 Section prohibits or prevents the Department or a party in a
29 proceeding under the Juvenile Court Act of 1987 from copying
30 records, reports, or case files for the purpose of sharing
31 those documents with other parties to the litigation.

32 (Source: P.A. 90-15, eff. 6-13-97; 90-590, eff. 1-1-00; 91-812,
33 eff. 6-13-00.)

34 Section 10. The Foster Parent Law is amended by changing
35 Section 1-15 as follows:

1 (20 ILCS 520/1-15)

2 Sec. 1-15. Foster parent rights. A foster parent's rights
3 include, but are not limited to, the following:

4 (1) The right to be treated with dignity, respect, and
5 consideration as a professional member of the child welfare
6 team.

7 (2) The right to be given standardized pre-service
8 training and appropriate ongoing training to meet mutually
9 assessed needs and improve the foster parent's skills.

10 (3) The right to be informed as to how to contact the
11 appropriate child placement agency in order to receive
12 information and assistance to access supportive services
13 for children in the foster parent's care.

14 (4) The right to receive timely financial
15 reimbursement commensurate with the care needs of the child
16 as specified in the service plan.

17 (5) The right to be provided a clear, written
18 understanding of a placement agency's plan concerning the
19 placement of a child in the foster parent's home. Inherent
20 in this right is the foster parent's responsibility to
21 support activities that will promote the child's right to
22 relationships with his or her own family and cultural
23 heritage.

24 (6) The right to be provided a fair, timely, and
25 impartial investigation of complaints concerning the
26 foster parent's licensure, to be provided the opportunity
27 to have a person of the foster parent's choosing present
28 during the investigation, and to be provided due process
29 during the investigation; the right to be provided the
30 opportunity to request and receive mediation or an
31 administrative review of decisions that affect licensing
32 parameters, or both mediation and an administrative
33 review; and the right to have decisions concerning a
34 licensing corrective action plan specifically explained
35 and tied to the licensing standards violated.

1 (7) The right, at any time during which a child is
2 placed with the foster parent, to receive additional or
3 necessary information that is relevant to the care of the
4 child.

5 (7.5) The right to be given information concerning a
6 child (i) from the Department as required under subsection
7 (u) of Section 5 of the Children and Family Services Act
8 and (ii) from a child welfare agency as required under
9 subsection (c-5) of Section 7.4 of the Child Care Act of
10 1969.

11 (8) The right to be notified of scheduled meetings and
12 staffings concerning the foster child in order to actively
13 participate in the case planning and decision-making
14 process regarding the child, including individual service
15 planning meetings, administrative case reviews,
16 interdisciplinary staffings, and individual educational
17 planning meetings; the right to be informed of decisions
18 made by the courts or the child welfare agency concerning
19 the child; the right to provide input concerning the plan
20 of services for the child and to have that input given full
21 consideration in the same manner as information presented
22 by any other professional on the team; and the right to
23 communicate with other professionals who work with the
24 foster child within the context of the team, including
25 therapists, physicians, and teachers.

26 (9) The right to be given, in a timely and consistent
27 manner, any information a case worker has regarding the
28 child and the child's family which is pertinent to the care
29 and needs of the child and to the making of a permanency
30 plan for the child. Disclosure of information concerning
31 the child's family shall be limited to that information
32 that is essential for understanding the needs of and
33 providing care to the child in order to protect the rights
34 of the child's family. When a positive relationship exists
35 between the foster parent and the child's family, the
36 child's family may consent to disclosure of additional

1 information.

2 (10) The right to be given reasonable written notice of
3 (i) any change in a child's case plan, (ii) plans to
4 terminate the placement of the child with the foster
5 parent, and (iii) the reasons for the change or termination
6 in placement. The notice shall be waived only in cases of a
7 court order or when the child is determined to be at
8 imminent risk of harm.

9 (11) The right to be notified in a timely and complete
10 manner of all court hearings, including notice of the date
11 and time of the court hearing, the name of the judge or
12 hearing officer hearing the case, the location of the
13 hearing, and the court docket number of the case; and the
14 right to intervene in court proceedings or to seek mandamus
15 under the Juvenile Court Act of 1987.

16 (12) The right to be considered as a placement option
17 when a foster child who was formerly placed with the foster
18 parent is to be re-entered into foster care, if that
19 placement is consistent with the best interest of the child
20 and other children in the foster parent's home.

21 (13) The right to have timely access to the child
22 placement agency's existing appeals process and the right
23 to be free from acts of harassment and retaliation by any
24 other party when exercising the right to appeal.

25 (14) The right to be informed of the Foster Parent
26 Hotline established under Section 35.6 of the Children and
27 Family Services Act and all of the rights accorded to
28 foster parents concerning reports of misconduct by
29 Department employees, service providers, or contractors,
30 confidential handling of those reports, and investigation
31 by the Inspector General appointed under Section 35.5 of
32 the Children and Family Services Act.

33 (Source: P.A. 89-19, eff. 6-3-95.)

34 Section 15. The Child Care Act of 1969 is amended by
35 changing Sections 7.4, 8, and 15 as follows:

1 (225 ILCS 10/7.4)

2 Sec. 7.4. Disclosures.

3 (a) Every child welfare agency providing adoption services
4 and licensed by the Department shall provide to all prospective
5 clients and to the public written disclosures with respect to
6 its adoption services, policies, and practices, including
7 general eligibility criteria, fees, and the mutual rights and
8 responsibilities of clients, including biological parents and
9 adoptive parents. The written disclosure shall be posted on any
10 website maintained by the child welfare agency that relates to
11 adoption services. The Department shall adopt rules relating to
12 the contents of the written disclosures. Eligible agencies may
13 be deemed compliant with this subsection (a).

14 (b) Every licensed child welfare agency providing adoption
15 services shall provide to all applicants, prior to application,
16 a written schedule of estimated fees, expenses, and refund
17 policies. Every child welfare agency providing adoption
18 services shall have a written policy that shall be part of its
19 standard adoption contract and state that it will not charge
20 additional fees and expenses beyond those disclosed in the
21 adoption contract unless additional fees are reasonably
22 required by the circumstances and are disclosed to the adoptive
23 parents or parent before they are incurred. The Department
24 shall adopt rules relating to the contents of the written
25 schedule and policy. Eligible agencies may be deemed compliant
26 with this subsection (b).

27 (c) Every licensed child welfare agency providing adoption
28 services must make full and fair disclosure to its clients,
29 including biological parents and adoptive parents, of all
30 circumstances material to the placement of a child for
31 adoption. The Department shall adopt rules necessary for the
32 implementation and regulation of the requirements of this
33 subsection (c).

34 (c-5) Whenever a licensed child welfare agency places a
35 child in a licensed foster family home, the agency shall

1 provide the following to the caretaker:

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

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

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

15 (4) Any known social or behavioral information
16 (including, but not limited to, criminal background, fire
17 setting, perpetration of sexual abuse, destructive
18 behavior, and substance abuse) necessary to care for and
19 safeguard the child.

20 The agency may prepare a written summary of the information
21 required by this subsection, which may be provided to the
22 foster or prospective adoptive parent in advance of a
23 placement. The foster or prospective adoptive parent may review
24 the supporting documents in the child's file in the presence of
25 casework staff. In the case of an emergency placement, casework
26 staff shall at least provide information verbally, if
27 necessary, and must subsequently provide the information in
28 writing as required by this subsection. In the case of
29 emergency placements when time does not allow prior review,
30 preparation, and collection of written information, the agency
31 shall provide such information as it becomes available.

32 The Department shall adopt rules necessary for the
33 implementation and regulation of the requirements of this
34 subsection (c-5).

35 (d) Every licensed child welfare agency providing adoption
36 services shall meet minimum standards set forth by the

1 Department concerning the taking or acknowledging of a consent
2 prior to taking or acknowledging a consent from a prospective
3 biological parent. The Department shall adopt rules concerning
4 the minimum standards required by agencies under this Section.

5 (Source: P.A. 94-586, eff. 8-15-05.)

6 (225 ILCS 10/8) (from Ch. 23, par. 2218)

7 Sec. 8. The Department may revoke or refuse to renew the
8 license of any child care facility or child welfare agency or
9 refuse to issue full license to the holder of a permit should
10 the licensee or holder of a permit:

11 (1) fail to maintain standards prescribed and
12 published by the Department;

13 (2) violate any of the provisions of the license
14 issued;

15 (3) furnish or make any misleading or any false
16 statement or report to the Department;

17 (4) refuse to submit to the Department any reports or
18 refuse to make available to the Department any records
19 required by the Department in making investigation of the
20 facility for licensing purposes;

21 (5) fail or refuse to submit to an investigation by the
22 Department;

23 (6) fail or refuse to admit authorized representatives
24 of the Department at any reasonable time for the purpose of
25 investigation;

26 (7) fail to provide, maintain, equip and keep in safe
27 and sanitary condition premises established or used for
28 child care as required under standards prescribed by the
29 Department, or as otherwise required by any law, regulation
30 or ordinance applicable to the location of such facility;

31 (8) refuse to display its license or permit;

32 (9) be the subject of an indicated report under Section
33 3 of the Abused and Neglected Child Reporting Act or fail
34 to discharge or sever affiliation with the child care
35 facility of an employee or volunteer at the facility with

1 direct contact with children who is the subject of an
2 indicated report under Section 3 of that Act;

3 (10) fail to comply with the provisions of Section 7.1;

4 (11) fail to exercise reasonable care in the hiring,
5 training and supervision of facility personnel;

6 (12) fail to report suspected abuse or neglect of
7 children within the facility, as required by the Abused and
8 Neglected Child Reporting Act;

9 (12.5) fail to comply with subsection (c-5) of Section
10 7.4;

11 (13) fail to comply with Section 5.1 or 5.2 of this
12 Act; or

13 (14) be identified in an investigation by the
14 Department as an addict or alcoholic, as defined in the
15 Alcoholism and Other Drug Abuse and Dependency Act, or be a
16 person whom the Department knows has abused alcohol or
17 drugs, and has not successfully participated in treatment,
18 self-help groups or other suitable activities, and the
19 Department determines that because of such abuse the
20 licensee, holder of the permit, or any other person
21 directly responsible for the care and welfare of the
22 children served, does not comply with standards relating to
23 character, suitability or other qualifications established
24 under Section 7 of this Act.

25 (Source: P.A. 94-586, eff. 8-15-05.)

26 (225 ILCS 10/15) (from Ch. 23, par. 2225)

27 Sec. 15. Every child care facility must keep and maintain
28 such records as the Department may prescribe pertaining to the
29 admission, progress, health and discharge of children under the
30 care of the facility and shall report relative thereto to the
31 Department whenever called for, upon forms prescribed by the
32 Department. All records regarding children and all facts
33 learned about children and their relatives must be kept
34 confidential both by the child care facility and by the
35 Department.

1 Nothing contained in this Act prevents the sharing or
2 disclosure of information or records relating or pertaining to
3 juveniles subject to the provisions of the Serious Habitual
4 Offender Comprehensive Action Program when that information is
5 used to assist in the early identification and treatment of
6 habitual juvenile offenders.

7 Nothing contained in this Act prevents the disclosure of
8 information or records by a licensed child welfare agency as
9 required under subsection (c-5) of Section 7.4.

10 (Source: P.A. 87-928.)

11 Section 20. The Abused and Neglected Child Reporting Act is
12 amended by changing Section 11.1 as follows:

13 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

14 Sec. 11.1. Access to records.

15 (a) A person shall have access to the records described in
16 Section 11 only in furtherance of purposes directly connected
17 with the administration of this Act or the Intergovernmental
18 Missing Child Recovery Act of 1984. Those persons and purposes
19 for access include:

20 (1) Department staff in the furtherance of their
21 responsibilities under this Act, or for the purpose of
22 completing background investigations on persons or
23 agencies licensed by the Department or with whom the
24 Department contracts for the provision of child welfare
25 services.

26 (2) A law enforcement agency investigating known or
27 suspected child abuse or neglect, known or suspected
28 involvement with child pornography, known or suspected
29 criminal sexual assault, known or suspected criminal
30 sexual abuse, or any other sexual offense when a child is
31 alleged to be involved.

32 (3) The Department of State Police when administering
33 the provisions of the Intergovernmental Missing Child
34 Recovery Act of 1984.

1 (4) A physician who has before him a child whom he
2 reasonably suspects may be abused or neglected.

3 (5) A person authorized under Section 5 of this Act to
4 place a child in temporary protective custody when such
5 person requires the information in the report or record to
6 determine whether to place the child in temporary
7 protective custody.

8 (6) A person having the legal responsibility or
9 authorization to care for, treat, or supervise a child, or
10 a parent, prospective adoptive parent, foster parent,
11 guardian, or other person responsible for the child's
12 welfare, who is the subject of a report.

13 (7) Except in regard to harmful or detrimental
14 information as provided in Section 7.19, any subject of the
15 report, and if the subject of the report is a minor, his
16 guardian or guardian ad litem.

17 (8) A court, upon its finding that access to such
18 records may be necessary for the determination of an issue
19 before such court; however, such access shall be limited to
20 in camera inspection, unless the court determines that
21 public disclosure of the information contained therein is
22 necessary for the resolution of an issue then pending
23 before it.

24 (8.1) A probation officer or other authorized
25 representative of a probation or court services department
26 conducting an investigation ordered by a court under the
27 Juvenile Court Act of 1987.

28 (9) A grand jury, upon its determination that access to
29 such records is necessary in the conduct of its official
30 business.

31 (10) Any person authorized by the Director, in writing,
32 for audit or bona fide research purposes.

33 (11) Law enforcement agencies, coroners or medical
34 examiners, physicians, courts, school superintendents and
35 child welfare agencies in other states who are responsible
36 for child abuse or neglect investigations or background

1 investigations.

2 (12) The Department of Professional Regulation, the
3 State Board of Education and school superintendents in
4 Illinois, who may use or disclose information from the
5 records as they deem necessary to conduct investigations or
6 take disciplinary action, as provided by law.

7 (13) A coroner or medical examiner who has reason to
8 believe that a child has died as the result of abuse or
9 neglect.

10 (14) The Director of a State-operated facility when an
11 employee of that facility is the perpetrator in an
12 indicated report.

13 (15) The operator of a licensed child care facility or
14 a facility licensed by the Department of Human Services (as
15 successor to the Department of Alcoholism and Substance
16 Abuse) in which children reside when a current or
17 prospective employee of that facility is the perpetrator in
18 an indicated child abuse or neglect report, pursuant to
19 Section 4.3 of the Child Care Act of 1969.

20 (16) Members of a multidisciplinary team in the
21 furtherance of its responsibilities under subsection (b)
22 of Section 7.1. All reports concerning child abuse and
23 neglect made available to members of such
24 multidisciplinary teams and all records generated as a
25 result of such reports shall be confidential and shall not
26 be disclosed, except as specifically authorized by this Act
27 or other applicable law. It is a Class A misdemeanor to
28 permit, assist or encourage the unauthorized release of any
29 information contained in such reports or records. Nothing
30 contained in this Section prevents the sharing of reports
31 or records relating or pertaining to the death of a minor
32 under the care of or receiving services from the Department
33 of Children and Family Services and under the jurisdiction
34 of the juvenile court with the juvenile court, the State's
35 Attorney, and the minor's attorney.

36 (17) The Department of Human Services, as provided in

1 Section 17 of the Disabled Persons Rehabilitation Act.

2 (18) Any other agency or investigative body, including
3 the Department of Public Health and a local board of
4 health, authorized by State law to conduct an investigation
5 into the quality of care provided to children in hospitals
6 and other State regulated care facilities. The access to
7 and release of information from such records shall be
8 subject to the approval of the Director of the Department
9 or his designee.

10 (19) The person appointed, under Section 2-17 of the
11 Juvenile Court Act of 1987, as the guardian ad litem of a
12 minor who is the subject of a report or records under this
13 Act.

14 (20) The Department of Human Services, as provided in
15 Section 10 of the Early Intervention Services System Act,
16 and the operator of a facility providing early intervention
17 services pursuant to that Act, for the purpose of
18 determining whether a current or prospective employee who
19 provides or may provide direct services under that Act is
20 the perpetrator in an indicated report of child abuse or
21 neglect filed under this Act.

22 (b) Nothing contained in this Act prevents the sharing or
23 disclosure of information or records relating or pertaining to
24 juveniles subject to the provisions of the Serious Habitual
25 Offender Comprehensive Action Program when that information is
26 used to assist in the early identification and treatment of
27 habitual juvenile offenders.

28 (c) To the extent that persons or agencies are given access
29 to information pursuant to this Section, those persons or
30 agencies may give this information to and receive this
31 information from each other in order to facilitate an
32 investigation conducted by those persons or agencies.

33 (Source: P.A. 93-147, eff. 1-1-04.)

34 Section 25. The Mental Health and Developmental
35 Disabilities Confidentiality Act is amended by changing

1 Section 11 as follows:

2 (740 ILCS 110/11) (from Ch. 91 1/2, par. 811)

3 Sec. 11. Disclosure of records and communications. Records
4 and communications may be disclosed:

5 (i) in accordance with the provisions of the Abused and
6 Neglected Child Reporting Act, subsection (u) of Section 5
7 of the Children and Family Services Act, or Section 7.4 of
8 the Child Care Act of 1969;

9 (ii) when, and to the extent, a therapist, in his or
10 her sole discretion, determines that disclosure is
11 necessary to initiate or continue civil commitment
12 proceedings under the laws of this State or to otherwise
13 protect the recipient or other person against a clear,
14 imminent risk of serious physical or mental injury or
15 disease or death being inflicted upon the recipient or by
16 the recipient on himself or another;

17 (iii) when, and to the extent disclosure is, in the
18 sole discretion of the therapist, necessary to the
19 provision of emergency medical care to a recipient who is
20 unable to assert or waive his or her rights hereunder;

21 (iv) when disclosure is necessary to collect sums or
22 receive third party payment representing charges for
23 mental health or developmental disabilities services
24 provided by a therapist or agency to a recipient under
25 Chapter V of the Mental Health and Developmental
26 Disabilities Code or to transfer debts under the
27 Uncollected State Claims Act; however, disclosure shall be
28 limited to information needed to pursue collection, and the
29 information so disclosed shall not be used for any other
30 purposes nor shall it be redisclosed except in connection
31 with collection activities;

32 (v) when requested by a family member, the Department
33 of Human Services may assist in the location of the
34 interment site of a deceased recipient who is interred in a
35 cemetery established under Section 100-26 of the Mental

1 Health and Developmental Disabilities Administrative Act;

2 (vi) in judicial proceedings under Article VIII of
3 Chapter III and Article V of Chapter IV of the Mental
4 Health and Developmental Disabilities Code and proceedings
5 and investigations preliminary thereto, to the State's
6 Attorney for the county or residence of a person who is the
7 subject of such proceedings, or in which the person is
8 found, or in which the facility is located, to the attorney
9 representing the recipient in the judicial proceedings, to
10 any person or agency providing mental health services that
11 are the subject of the proceedings and to that person's or
12 agency's attorney, to any court personnel, including but
13 not limited to judges and circuit court clerks, and to a
14 guardian ad litem if one has been appointed by the court,
15 provided that the information so disclosed shall not be
16 utilized for any other purpose nor be redisclosed except in
17 connection with the proceedings or investigations;

18 (vii) when, and to the extent disclosure is necessary
19 to comply with the requirements of the Census Bureau in
20 taking the federal Decennial Census;

21 (viii) when, and to the extent, in the therapist's sole
22 discretion, disclosure is necessary to warn or protect a
23 specific individual against whom a recipient has made a
24 specific threat of violence where there exists a
25 therapist-recipient relationship or a special
26 recipient-individual relationship;

27 (ix) in accordance with the Sex Offender Registration
28 Act; and

29 (x) in accordance with the Rights of Crime Victims and
30 Witnesses Act.

31 Any person, institution, or agency, under this Act,
32 participating in good faith in the making of a report under the
33 Abused and Neglected Child Reporting Act or in the disclosure
34 of records and communications under this Section, shall have
35 immunity from any liability, civil, criminal or otherwise, that
36 might result by reason of such action. For the purpose of any

1 proceeding, civil or criminal, arising out of a report or
2 disclosure under this Section, the good faith of any person,
3 institution, or agency so reporting or disclosing shall be
4 presumed.

5 (Source: P.A. 90-423, eff. 8-15-97; 90-538, eff. 12-1-97;
6 90-655, eff. 7-30-98; 91-357, eff. 7-29-99.)

7 Section 30. The Adoption Act is amended by changing
8 Sections 12.1 and 18.3a as follows:

9 (750 ILCS 50/12.1)

10 Sec. 12.1. Putative Father Registry. The Department of
11 Children and Family Services shall establish a Putative Father
12 Registry for the purpose of determining the identity and
13 location of a putative father of a minor child who is, or is
14 expected to be, the subject of an adoption proceeding, in order
15 to provide notice of such proceeding to the putative father.
16 The Department of Children and Family Services shall establish
17 rules and informational material necessary to implement the
18 provisions of this Section. The Department shall have the
19 authority to set reasonable fees for the use of the Registry.
20 All such fees for the use of the Registry that are received by
21 the Department or its agent shall be deposited into the fund
22 authorized under subsection (b) of Section 25 of the Children
23 and Family Services Act. The Department shall use the moneys in
24 that fund for the purpose of maintaining the Registry.

25 (a) The Department shall maintain the following
26 information in the Registry:

27 (1) With respect to the putative father:

28 (i) Name, including any other names by which the
29 putative father may be known and that he may provide to
30 the Registry;

31 (ii) Address at which he may be served with notice
32 of a petition under this Act, including any change of
33 address;

34 (iii) Social Security Number;

1 (iv) Date of birth; and

2 (v) If applicable, a certified copy of an order by
3 a court of this State or of another state or territory
4 of the United States adjudicating the putative father
5 to be the father of the child.

6 (2) With respect to the mother of the child:

7 (i) Name, including all other names known to the
8 putative father by which the mother may be known;

9 (ii) If known to the putative father, her last
10 address;

11 (iii) Social Security Number; and

12 (iv) Date of birth.

13 (3) If known to the putative father, the name, gender,
14 place of birth, and date of birth or anticipated date of
15 birth of the child.

16 (4) The date that the Department received the putative
17 father's registration.

18 (5) Other information as the Department may by rule
19 determine necessary for the orderly administration of the
20 Registry.

21 (b) A putative father may register with the Department
22 before the birth of the child but shall register no later than
23 30 days after the birth of the child. All registrations shall
24 be in writing and signed by the putative father. No fee shall
25 be charged for the initial registration. The Department shall
26 have no independent obligation to gather the information to be
27 maintained.

28 (c) An interested party, including persons intending to
29 adopt a child, a child welfare agency with whom the mother has
30 placed or has given written notice of her intention to place a
31 child for adoption, the mother of the child, or an attorney
32 representing an interested party may request that the
33 Department search the Registry to determine whether a putative
34 father is registered in relation to a child who is or may be
35 the subject to an adoption petition.

36 (d) A search of the Registry may be proven by the

1 production of a certified copy of the registration form, or by
2 the certified statement of the administrator of the Registry
3 that after a search, no registration of a putative father in
4 relation to a child who is or may be the subject of an adoption
5 petition could be located.

6 (e) Except as otherwise provided, information contained
7 within the Registry is confidential and shall not be published
8 or open to public inspection.

9 (f) A person who knowingly or intentionally registers false
10 information under this Section commits a Class B misdemeanor. A
11 person who knowingly or intentionally releases confidential
12 information in violation of this Section commits a Class B
13 misdemeanor.

14 (g) Except as provided in subsections (b) or (c) of Section
15 8 of this Act, a putative father who fails to register with the
16 Putative Father Registry as provided in this Section is barred
17 from thereafter bringing or maintaining any action to assert
18 any interest in the child, unless he proves by clear and
19 convincing evidence that:

20 (1) it was not possible for him to register within the
21 period of time specified in subsection (b) of this Section;
22 and

23 (2) his failure to register was through no fault of his
24 own; and

25 (3) he registered within 10 days after it became
26 possible for him to file.

27 A lack of knowledge of the pregnancy or birth is not an
28 acceptable reason for failure to register.

29 (h) Except as provided in subsection (b) or (c) of Section
30 8 of this Act, failure to timely register with the Putative
31 Father Registry (i) shall be deemed to be a waiver and
32 surrender of any right to notice of any hearing in any judicial
33 proceeding for the adoption of the child, and the consent or
34 surrender of that person to the adoption of the child is not
35 required, and (ii) shall constitute an abandonment of the child
36 and shall be prima facie evidence of sufficient grounds to

1 support termination of such father's parental rights under this
2 Act.

3 (i) In any adoption proceeding pertaining to a child born
4 out of wedlock, if there is no showing that a putative father
5 has executed a consent or surrender or waived his rights
6 regarding the proposed adoption, certification as specified in
7 subsection (d) shall be filed with the court prior to entry of
8 a final judgment order of adoption.

9 (j) The Registry shall not be used to notify a putative
10 father who is the father of a child as a result of criminal
11 sexual abuse or assault as defined under Article 12 of the
12 Criminal Code of 1961.

13 (Source: P.A. 89-315, eff. 1-1-96; 90-15, eff. 6-13-97.)

14 (750 ILCS 50/18.3a) (from Ch. 40, par. 1522.3a)

15 Sec. 18.3a. Confidential intermediary.

16 (a) General purposes. Notwithstanding any other provision
17 of this Act, any adopted or surrendered person 21 years of age
18 or over, any adoptive parent or legal guardian of an adopted or
19 surrendered person under the age of 21, or any birth parent of
20 an adopted or surrendered person who is 21 years of age or over
21 may petition the court in any county in the State of Illinois
22 for appointment of a confidential intermediary as provided in
23 this Section for the purpose of exchanging medical information
24 with one or more mutually consenting biological relatives,
25 obtaining identifying information about one or more mutually
26 consenting biological relatives, or arranging contact with one
27 or more mutually consenting biological relatives.
28 Additionally, in cases where an adopted or surrendered person
29 is deceased, an adult child of the adopted or surrendered
30 person or his or her adoptive parents or surviving spouse may
31 file a petition under this Section and in cases where the birth
32 parent is deceased, an adult birth sibling of the adopted or
33 surrendered person or of the deceased birth parent may file a
34 petition under this Section for the purpose of exchanging
35 medical information with one or more mutually consenting

1 biological relatives of the adopted or surrendered person,
2 obtaining identifying information about one or more mutually
3 consenting biological relatives of the adopted or surrendered
4 person, or arranging contact with one or more mutually
5 consenting biological relatives of the adopted or surrendered
6 person. Beginning January 1, 2006, any adopted or surrendered
7 person 21 years of age or over; any adoptive parent or legal
8 guardian of an adopted or surrendered person under the age of
9 21; any birth parent, birth sibling, birth aunt, or birth uncle
10 of an adopted or surrendered person over the age of 21; any
11 surviving child, adoptive parent, or surviving spouse of a
12 deceased adopted or surrendered person who wishes to petition
13 the court for the appointment of a confidential intermediary
14 shall be required to accompany their petition with proof of
15 registration with the Illinois Adoption Registry and Medical
16 Information Exchange.

17 (b) Petition. Upon petition by an adopted or surrendered
18 person 21 years of age or over, an adoptive parent or legal
19 guardian of an adopted or surrendered person under the age of
20 21, or a birth parent of an adopted or surrendered person who
21 is 21 years of age or over, the court shall appoint a
22 confidential intermediary. Upon petition by an adult child,
23 adoptive parent or surviving spouse of an adopted or
24 surrendered person who is deceased, by an adult birth sibling
25 of an adopted or surrendered person whose common birth parent
26 is deceased and whose adopted or surrendered birth sibling is
27 21 years of age or over, or by an adult sibling of a birth
28 parent who is deceased, and whose surrendered child is 21 years
29 of age or over, the court may appoint a confidential
30 intermediary if the court finds that the disclosure is of
31 greater benefit than nondisclosure. The petition shall state
32 which biological relative or relatives are being sought and
33 shall indicate if the petitioner wants to do any one or more of
34 the following: exchange medical information with the
35 biological relative or relatives, obtain identifying
36 information from the biological relative or relatives, or to

1 arrange contact with the biological relative.

2 (c) Order. The order appointing the confidential
3 intermediary shall allow that intermediary to conduct a search
4 for the sought-after relative by accessing those records
5 described in subsection (g) of this Section.

6 (d) Fees and expenses. The court shall condition the
7 appointment of the confidential intermediary on the
8 petitioner's payment of the intermediary's fees and expenses in
9 advance of the commencement of the work of the confidential
10 intermediary.

11 (e) Eligibility of intermediary. The court may appoint as
12 confidential intermediary any person certified by the
13 Department of Children and Family Services as qualified to
14 serve as a confidential intermediary. Certification shall be
15 dependent upon the confidential intermediary completing a
16 course of training including, but not limited to, applicable
17 federal and State privacy laws.

18 (f) Confidential Intermediary Council. There shall be
19 established under the Department of Children and Family
20 Services a Confidential Intermediary Advisory Council. One
21 member shall be an attorney representing the Attorney General's
22 Office appointed by the Attorney General. One member shall be a
23 currently certified confidential intermediary appointed by the
24 Director of the Department of Children and Family Services. The
25 Director shall also appoint 5 additional members. When making
26 those appointments, the Director shall consider advocates for
27 adopted persons, adoptive parents, birth parents, lawyers who
28 represent clients in private adoptions, lawyers specializing
29 in privacy law, and representatives of agencies involved in
30 adoptions. The Director shall appoint one of the 7 members as
31 the chairperson. An attorney from the Department of Children
32 and Family Services and the person directly responsible for
33 administering the confidential intermediary program shall
34 serve as ex-officio, non-voting advisors to the Council.
35 Council members shall serve at the discretion of the Director
36 and shall receive no compensation other than reasonable

1 expenses approved by the Director. The Council shall meet no
2 less than twice yearly, and shall make recommendations to the
3 Director regarding the development of rules, procedures, and
4 forms that will ensure efficient and effective operation of the
5 confidential intermediary process, including:

6 (1) Standards for certification for confidential
7 intermediaries.

8 (2) Oversight of methods used to verify that
9 intermediaries are complying with the appropriate laws.

10 (3) Training for confidential intermediaries,
11 including training with respect to federal and State
12 privacy laws.

13 (4) The relationship between confidential
14 intermediaries and the court system, including the
15 development of sample orders defining the scope of the
16 intermediaries' access to information.

17 (5) Any recent violations of policy or procedures by
18 confidential intermediaries and remedial steps, including
19 decertification, to prevent future violations.

20 (g) Access. Subject to the limitations of subsection (i)
21 of this Section, the confidential intermediary shall have
22 access to vital records maintained by the Department of Public
23 Health and its local designees for the maintenance of vital
24 records and all records of the court or any adoption agency,
25 public or private, as limited in this Section, which relate to
26 the adoption or the identity and location of an adopted or
27 surrendered person, of an adult child or surviving spouse of a
28 deceased adopted or surrendered person, or of a birth parent,
29 birth sibling, or the sibling of a deceased birth parent. The
30 confidential intermediary shall not have access to any personal
31 health information protected by the Standards for Privacy of
32 Individually Identifiable Health Information adopted by the
33 U.S. Department of Health and Human Services under the Health
34 Insurance Portability and Accountability Act of 1996 unless the
35 confidential intermediary has obtained written consent from
36 the person whose information is being sought or, if that person

1 is a minor child, that person's parent or guardian.
2 Confidential intermediaries shall be authorized to inspect
3 confidential relinquishment and adoption records. The
4 confidential intermediary shall not be authorized to access
5 medical records, financial records, credit records, banking
6 records, home studies, attorney file records, or other personal
7 records. In cases where a birth parent is being sought, an
8 adoption agency shall inform the confidential intermediary of
9 any statement filed pursuant to Section 18.3, hereinafter
10 referred to as "the 18.3 statement", indicating a desire of the
11 surrendering birth parent to have identifying information
12 shared or to not have identifying information shared. If there
13 was a clear statement of intent by the sought-after birth
14 parent not to have identifying information shared, the
15 confidential intermediary shall discontinue the search and
16 inform the petitioning party of the sought-after relative's
17 intent. Information provided to the confidential intermediary
18 by an adoption agency shall be restricted to the full name,
19 date of birth, place of birth, last known address, last known
20 telephone number of the sought-after relative or, if
21 applicable, of the children or siblings of the sought-after
22 relative, and the 18.3 statement.

23 (h) Adoption agency disclosure of medical information. If
24 the petitioner is an adult adopted or surrendered person or the
25 adoptive parent of a minor and if the petitioner has signed a
26 written authorization to disclose personal medical
27 information, an adoption agency disclosing information to a
28 confidential intermediary shall disclose available medical
29 information about the adopted or surrendered person from birth
30 through adoption.

31 (i) Duties of confidential intermediary in conducting a
32 search. In conducting a search under this Section, the
33 confidential intermediary shall first confirm that there is no
34 Denial of Information Exchange on file with the Illinois
35 Adoption Registry. If the petitioner is an adult child of an
36 adopted or surrendered person who is deceased, the confidential

1 intermediary shall additionally confirm that the adopted or
2 surrendered person did not file a Denial of Information
3 Exchange with the Illinois Adoption Registry during his or her
4 life. If the petitioner is an adult birth sibling of an adopted
5 or surrendered person or an adult sibling of a birth parent who
6 is deceased, the confidential intermediary shall additionally
7 confirm that the birth parent did not file a Denial of
8 Information Exchange with the Registry during his or her life.
9 If the confidential intermediary learns that a sought-after
10 birth parent signed a statement indicating his or her intent
11 not to have identifying information shared, and did not later
12 file an Information Exchange Authorization with the Adoption
13 Registry, the confidential intermediary shall discontinue the
14 search and inform the petitioning party of the birth parent's
15 intent.

16 In conducting a search under this Section, the confidential
17 intermediary shall attempt to locate the relative or relatives
18 from whom the petitioner has requested information. If the
19 sought-after relative is deceased or cannot be located after a
20 diligent search, the confidential intermediary may contact
21 other adult relatives of the sought-after relative.

22 The confidential intermediary shall contact a sought-after
23 relative on behalf of the petitioner in a manner that respects
24 the sought-after relative's privacy and shall inform the
25 sought-after relative of the petitioner's request for medical
26 information, identifying information or contact as stated in
27 the petition. Based upon the terms of the petitioner's request,
28 the confidential intermediary shall contact a sought-after
29 relative on behalf of the petitioner and inform the
30 sought-after relative of the following options:

- 31 (1) The sought-after relative may totally reject one or
32 all of the requests for medical information, identifying
33 information or contact. The sought-after relative shall be
34 informed that they can provide a medical questionnaire to
35 be forwarded to the petitioner without releasing any
36 identifying information. The confidential intermediary

1 shall inform the petitioner of the sought-after relative's
2 decision to reject the sharing of information or contact.

3 (2) The sought-after relative may consent to
4 completing a medical questionnaire only. In this case, the
5 confidential intermediary shall provide the questionnaire
6 and ask the sought-after relative to complete it. The
7 confidential intermediary shall forward the completed
8 questionnaire to the petitioner and inform the petitioner
9 of the sought-after relative's desire to not provide any
10 additional information.

11 (3) The sought-after relative may communicate with the
12 petitioner without having his or her identity disclosed. In
13 this case, the confidential intermediary shall arrange the
14 desired communication in a manner that protects the
15 identity of the sought-after relative. The confidential
16 intermediary shall inform the petitioner of the
17 sought-after relative's decision to communicate but not
18 disclose his or her identity.

19 (4) The sought after relative may consent to initiate
20 contact with the petitioner. If both the petitioner and the
21 sought-after relative or relatives are eligible to
22 register with the Illinois Adoption Registry, the
23 confidential intermediary shall provide the necessary
24 application forms and request that the sought-after
25 relative register with the Illinois Adoption Registry. If
26 either the petitioner or the sought-after relative or
27 relatives are ineligible to register with the Illinois
28 Adoption Registry, the confidential intermediary shall
29 obtain written consents from both parties that they wish to
30 disclose their identities to each other and to have contact
31 with each other.

32 (j) Oath. The confidential intermediary shall sign an oath
33 of confidentiality substantially as follows: "I,,
34 being duly sworn, on oath depose and say: As a condition of
35 appointment as a confidential intermediary, I affirm that:

36 (1) I will not disclose to the petitioner, directly or

1 indirectly, any confidential information except in a
2 manner consistent with the law.

3 (2) I recognize that violation of this oath subjects me
4 to civil liability and to a potential finding of contempt
5 of court.

6 SUBSCRIBED AND SWORN to before me, a Notary Public, on (insert
7 date)

8"

9 (k) Sanctions.

10 (1) Any confidential intermediary who improperly
11 discloses confidential information identifying a
12 sought-after relative shall be liable to the sought-after
13 relative for damages and may also be found in contempt of
14 court.

15 (2) Any person who learns a sought-after relative's
16 identity, directly or indirectly, through the use of
17 procedures provided in this Section and who improperly
18 discloses information identifying the sought-after
19 relative shall be liable to the sought-after relative for
20 actual damages plus minimum punitive damages of \$10,000.

21 (3) The Department shall fine any confidential
22 intermediary who improperly discloses confidential
23 information in violation of item (1) or (2) of this
24 subsection (k) an amount up to \$2,000 per improper
25 disclosure. This fine does not affect civil liability under
26 item (2) of this subsection (k). The Department shall
27 deposit all fines and penalties collected under this
28 Section into the Illinois Adoption Registry and Medical
29 Information Fund.

30 (l) Death of person being sought. Notwithstanding any other
31 provision of this Act, if the confidential intermediary
32 discovers that the person being sought has died, he or she
33 shall report this fact to the court, along with a copy of the
34 death certificate.

35 (m) Any confidential information obtained by the
36 confidential intermediary during the course of his or her

1 search shall be kept strictly confidential and shall be used
2 for the purpose of arranging contact between the petitioner and
3 the sought-after birth relative. At the time the case is
4 closed, all identifying information shall be returned to the
5 court for inclusion in the impounded adoption file.

6 (n) If the petitioner is an adopted or surrendered person
7 21 years of age or over or the adoptive parent or legal
8 guardian of an adopted or surrendered person under the age of
9 21, any non-identifying information, as defined in Section
10 18.4, that is ascertained during the course of the search may
11 be given in writing to the petitioner before the case is
12 closed.

13 (o) Except as provided in subsection (k) of this Section,
14 no liability shall accrue to the State, any State agency, any
15 judge, any officer or employee of the court, any certified
16 confidential intermediary, or any agency designated to oversee
17 confidential intermediary services for acts, omissions, or
18 efforts made in good faith within the scope of this Section.

19 (p) An adoption agency that has received a request from a
20 confidential intermediary for the full name, date of birth,
21 last known address, or last known telephone number of a
22 sought-after relative pursuant to subsection (g) of Section
23 18.3, or for medical information regarding a sought-after
24 relative pursuant to subsection (h) of Section 18.3, must
25 satisfactorily comply with this court order within a period of
26 45 days. The court shall order the adoption agency to reimburse
27 the petitioner in an amount equal to all payments made by the
28 petitioner to the confidential intermediary, and the adoption
29 agency shall be subject to a civil monetary penalty of \$1,000
30 to be paid to the Department of Children and Family Services.
31 Following the issuance of a court order finding that the
32 adoption agency has not complied with Section 18.3, the
33 adoption agency shall be subject to a monetary penalty of \$500
34 per day for each subsequent day of non-compliance.

35 Any reimbursements and fines, notwithstanding any
36 reimbursement directly to the petitioner, paid under this

1 subsection are in addition to other remedies a court may
2 otherwise impose by law.

3 Proceeds from the penalties paid to the Department of
4 Children and Family Services shall be deposited into the DCFS
5 Children's Services Fund. The Department of Children and Family
6 Services shall submit reports to the Confidential Intermediary
7 Advisory Council by July 1 and January 1 of each year in order
8 to report the penalties assessed and collected under this
9 subsection, the amounts of related deposits into the DCFS
10 Children's Services Fund, and any expenditures from such
11 deposits.

12 (Source: P.A. 93-189, eff. 1-1-04; 94-173, eff. 1-1-06.)

13 Section 99. Effective date. This Act takes effect October
14 1, 2006.