



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4526

Introduced 1/11/2006, by Rep. Barbara Flynn Currie - Lovana Jones

SYNOPSIS AS INTRODUCED:

20 ILCS 505/34.11

Amends the Children and Family Services Act. Requires the Department of Children and Family Services to develop and administer a program of information and services for caregivers, particularly older caregivers, of children previously in Department custody, with respect to the future care and custody of those children. Effective immediately.

LRB094 18567 JAM 53904 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning State government.

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

4 Section 5. The Children and Family Services Act is amended
5 by changing Section 34.11 as follows:

6 (20 ILCS 505/34.11)

7 Sec. 34.11. Grandparent child care program.

8 (a) The General Assembly finds and declares the following:

9 (1) An increasing number of children under the age of
10 18, including many children who would otherwise be at risk
11 of abuse or neglect, are in the care of a grandparent or
12 other nonparent relative.

13 (2) The principal causes of this increase include
14 parental substance abuse, child abuse, mental illness,
15 poverty, and death, as well as concerted efforts by
16 families and by the child welfare service system to keep
17 children with relatives whenever possible.

18 (3) Grandparents and older relatives providing primary
19 care for at-risk children may experience unique resultant
20 problems, such as financial stress due to limited incomes,
21 emotional difficulties dealing with the loss of the child's
22 parents or the child's unique behaviors, and decreased
23 physical stamina coupled with a much higher incidence of
24 chronic illness.

25 (4) Many children being raised by nonparent relatives
26 experience one or a combination of emotional, behavioral,
27 psychological, academic, or medical problems, especially
28 those born to a substance-abusing mother or at risk of
29 child abuse, neglect, or abandonment.

30 (5) Grandparents and other relatives providing primary
31 care for children lack appropriate information about the
32 issues of kinship care, the special needs (both physical

1 and psychological) of children born to a substance-abusing
2 mother or at risk of child abuse, neglect, or abandonment,
3 and the support resources currently available to them.

4 (6) An increasing number of grandparents and other
5 relatives age 60 or older are adopting or becoming the
6 subsidized guardians of children placed in their care by
7 the Department. Some of these children will experience the
8 death of their adoptive parent or guardian before reaching
9 the age of 18. For most of these children, no legal plan
10 has been made for the child's future care and custody in
11 the event of the caregiver's death or incapacity.

12 (7) Grandparents and other relatives providing primary
13 care for children lack appropriate information about
14 future care and custody planning for children in their
15 care. They also lack access to resources that may assist
16 them in developing future legal care and custody plans for
17 children in their legal custody.

18 (b) The Department may establish an informational and
19 educational program for grandparents and other relatives who
20 provide primary care for children who are at risk of child
21 abuse, neglect, or abandonment or who were born to
22 substance-abusing mothers. As a part of the program, the
23 Department may develop, publish, and distribute an
24 informational brochure for grandparents and other relatives
25 who provide primary care for children who are at risk of child
26 abuse, neglect, or abandonment or who were born to
27 substance-abusing mothers. The information provided under the
28 program authorized by this Section may include, but is not
29 limited to the following:

30 (1) The most prevalent causes of kinship care,
31 especially the risk of substance exposure or child abuse,
32 neglect, or abandonment.

33 (2) The problems experienced by children being raised
34 by nonparent caregivers.

35 (3) The problems experienced by grandparents and other
36 nonparent relatives providing primary care for children

1 who have special needs.

2 (4) The legal system as it relates to children and
3 their nonparent primary caregivers.

4 (5) The benefits available to children and their
5 nonparent primary caregivers.

6 (6) A list of support groups and resources located
7 throughout the State.

8 The brochure may be distributed through hospitals, public
9 health nurses, child protective services, medical professional
10 offices, elementary and secondary schools, senior citizen
11 centers, public libraries, community action agencies selected
12 by the Department, and the Department of Human Services.

13 (c) In addition to other provisions of this Section, the
14 Department shall establish a program of information, social
15 work services, and legal services for any person age 60 or over
16 and any other person who may be in need of a future legal care
17 and custody plan who adopt, have adopted, take guardianship of,
18 or have taken guardianship of children previously in the
19 Department's custody. This program shall also assist families
20 of deceased adoptive parents and guardians. As part of the
21 program, the Department shall:

22 (1) Develop a protocol for identification of persons
23 age 60 or over and others who may be in need of future care
24 and custody plans, including ill caregivers, who are
25 adoptive parents, prospective adoptive parents, guardians,
26 or prospective guardians of children who are or have been
27 in Department custody.

28 (2) Provide outreach to caregivers before and after
29 adoption and guardianship, and to the families of deceased
30 caregivers, regarding Illinois legal options for future
31 care and custody of children.

32 (3) Provide training for Department and private agency
33 staff on methods of assisting caregivers before and after
34 adoption and guardianship, and the families of older and
35 ill caregivers, who wish to make future care and custody
36 plans for children who have been wards of the Department

1 and who are or will be adopted by or are or will become
2 wards of those caregivers.

3 (4) Ensure that all caregivers age 60 or over who will
4 adopt, have adopted, will become guardians of, or are
5 guardians of children previously in Department custody
6 have specifically designated future caregivers for
7 children in their care. The Department shall document this
8 designation, and the Department shall also document
9 acceptance of this responsibility by any future caregiver.
10 Documentation of future care designation shall be included
11 in each child's case file and adoption or guardianship
12 subsidy files as applicable to the child.

13 (5) Ensure that any designated future caregiver and the
14 family of a deceased caregiver have information on the
15 financial needs of the child and future resources that may
16 be available to support the child, including any adoption
17 assistance and subsidized guardianship for which the child
18 is or may be eligible.

19 (6) Provide legal and social work services to older and
20 ill caregivers, and the families of deceased caregivers,
21 with the goal of securing a court-ordered or other legal
22 future care and custody plan for children in their care.
23 Court-ordered plans may include: standby adoption, standby
24 guardianship, adoption, guardianship, or other
25 court-ordered custody plans. Other legal plans may include
26 short-term guardianship or testamentary guardianship
27 through a last will and testament.

28 Legal services shall include legal consultation,
29 ongoing representation and counseling, and review of
30 adoption assistance and subsidized guardianship
31 agreements.

32 Social work services shall be offered with the goal of
33 facilitating agreements between a current and potential
34 future caregiver and any other family members or persons
35 who are significant in the life of a child regarding future
36 care and custody of the child.

1 (7) Ensure that future caregivers designated by
2 adoptive parents or guardians, and the families of deceased
3 caregivers, understand their rights and potential
4 responsibilities and shall be able to provide adequate
5 support and education for children who may become their
6 legal responsibility.

7 (8) Ensure that future caregivers designated by
8 adoptive parents and guardians, and the families of
9 deceased caregivers, understand the problems of children
10 who have experienced multiple caregivers and who may have
11 experienced abuse, neglect, or abandonment or may have been
12 born to substance-abusing mothers.

13 (9) Ensure that future caregivers designated by
14 adoptive parents and guardians, and the families of
15 deceased caregivers, understand the problems experienced
16 by older and ill caregivers of children, including children
17 with special needs, such as financial stress due to limited
18 income and increased financial responsibility, emotional
19 difficulties associated with the loss of a child's parent
20 or the child's unique behaviors, the special needs of a
21 child who may come into their custody or whose parent or
22 guardian is already deceased, and decreased physical
23 stamina and a higher rate of chronic illness and other
24 health concerns.

25 (10) Provide additional services as needed to families
26 in which a designated caregiver appointed by the court or a
27 caregiver designated in a will or other legal document
28 cannot or will not fulfill the responsibilities as adoptive
29 parent, guardian, or legal custodian of the child.

30 No later than January 1, 2007, the Department shall adopt
31 rules to implement this subsection. On or before January 1,
32 2008 and each January 1 thereafter, the Department shall submit
33 to the General Assembly a report on the implementation of this
34 subsection.

35 (Source: P.A. 88-229; 88-670, eff. 12-2-94; 89-507, eff.
36 7-1-97.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.