



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0396

Introduced 1/26/2007, by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

20 ILCS 505/5

from Ch. 23, par. 5005

Amends the Children and Family Services Act. Provides that, if the person who gives, donates, or bequeaths money or other property to children under the care of the Department provides in writing that it is to be used for a specific purpose, the Department shall use the money or other property only for that purpose. Provides that on and after October 1, 2007, subject to appropriation, all youths emancipated from the Department are eligible to receive a payment from the Department not to exceed \$1,500 for the purpose of promoting successful transition outcomes by supporting initial housing and living expenses for the recipient. Requires the Department to establish rules concerning (i) eligibility criteria for the receipt of funds under this paragraph and (ii) a process for disseminating the payments. Effective July 1, 2007.

LRB095 05269 RCE 25347 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning child welfare.

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

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

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

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

11 (a) For purposes of this Section:

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

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

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

1           disability, social adjustment or any combination  
2           thereof, or because of the need to complete an  
3           educational or vocational training program.

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

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

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

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

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

24           (D) restoring to their families children who have  
25           been removed, by the provision of services to the child  
26           and the families when the child can be cared for at

1 home without endangering the child's health and  
2 safety;

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

6 (F) assuring safe and adequate care of children  
7 away from their homes, in cases where the child cannot  
8 be returned home or cannot be placed for adoption. At  
9 the time of placement, the Department shall consider  
10 concurrent planning, as described in subsection (1-1)  
11 of this Section so that permanency may occur at the  
12 earliest opportunity. Consideration should be given so  
13 that if reunification fails or is delayed, the  
14 placement made is the best available placement to  
15 provide permanency for the child;

16 (G) (blank);

17 (H) (blank); and

18 (I) placing and maintaining children in facilities  
19 that provide separate living quarters for children  
20 under the age of 18 and for children 18 years of age  
21 and older, unless a child 18 years of age is in the  
22 last year of high school education or vocational  
23 training, in an approved individual or group treatment  
24 program, in a licensed shelter facility, or secure  
25 child care facility. The Department is not required to  
26 place or maintain children:

- 1 (i) who are in a foster home, or  
2 (ii) who are persons with a developmental  
3 disability, as defined in the Mental Health and  
4 Developmental Disabilities Code, or  
5 (iii) who are female children who are  
6 pregnant, pregnant and parenting or parenting, or  
7 (iv) who are siblings, in facilities that  
8 provide separate living quarters for children 18  
9 years of age and older and for children under 18  
10 years of age.

11 (b) Nothing in this Section shall be construed to authorize  
12 the expenditure of public funds for the purpose of performing  
13 abortions.

14 (c) The Department shall establish and maintain  
15 tax-supported child welfare services and extend and seek to  
16 improve voluntary services throughout the State, to the end  
17 that services and care shall be available on an equal basis  
18 throughout the State to children requiring such services.

19 (d) The Director may authorize advance disbursements for  
20 any new program initiative to any agency contracting with the  
21 Department. As a prerequisite for an advance disbursement, the  
22 contractor must post a surety bond in the amount of the advance  
23 disbursement and have a purchase of service contract approved  
24 by the Department. The Department may pay up to 2 months  
25 operational expenses in advance. The amount of the advance  
26 disbursement shall be prorated over the life of the contract or

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

11 (e) (Blank).

12 (f) (Blank).

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

17 (1) adoption;

18 (2) foster care;

19 (3) family counseling;

20 (4) protective services;

21 (5) (blank);

22 (6) homemaker service;

23 (7) return of runaway children;

24 (8) (blank);

25 (9) placement under Section 5-7 of the Juvenile Court  
26 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile

1 Court Act of 1987 in accordance with the federal Adoption  
2 Assistance and Child Welfare Act of 1980; and

3 (10) interstate services.

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

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

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

25 (1) case management;

26 (2) homemakers;

- 1 (3) counseling;
- 2 (4) parent education;
- 3 (5) day care; and
- 4 (6) emergency assistance and advocacy.

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

- 7 (1) comprehensive family-based services;
- 8 (2) assessments;
- 9 (3) respite care; and
- 10 (4) in-home health services.

11 The Department shall provide transportation for any of the  
12 services it makes available to children or families or for  
13 which it refers children or families.

14 (j) The Department may provide categories of financial  
15 assistance and education assistance grants, and shall  
16 establish rules and regulations concerning the assistance and  
17 grants, to persons who adopt physically or mentally  
18 handicapped, older and other hard-to-place children who (i)  
19 immediately prior to their adoption were legal wards of the  
20 Department or (ii) were determined eligible for financial  
21 assistance with respect to a prior adoption and who become  
22 available for adoption because the prior adoption has been  
23 dissolved and the parental rights of the adoptive parents have  
24 been terminated or because the child's adoptive parents have  
25 died. The Department may, subject to federal financial  
26 participation in the cost, continue to provide financial



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

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

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

25 (j-5) The Department shall not deny or delay the placement  
26 of a child for adoption if an approved family is available

1 either outside of the Department region handling the case, or  
2 outside of the State of Illinois.

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

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

26 The Department shall notify the child and his family of the

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

19 The Department may, at its discretion except for those  
20 children also adjudicated neglected or dependent, accept for  
21 care and training any child who has been adjudicated addicted,  
22 as a truant minor in need of supervision or as a minor  
23 requiring authoritative intervention, under the Juvenile Court  
24 Act or the Juvenile Court Act of 1987, but no such child shall  
25 be committed to the Department by any court without the  
26 approval of the Department. A minor charged with a criminal

1 offense under the Criminal Code of 1961 or adjudicated  
2 delinquent shall not be placed in the custody of or committed  
3 to the Department by any court, except a minor less than 13  
4 years of age committed to the Department under Section 5-710 of  
5 the Juvenile Court Act of 1987.

6 (1-1) The legislature recognizes that the best interests of  
7 the child require that the child be placed in the most  
8 permanent living arrangement as soon as is practically  
9 possible. To achieve this goal, the legislature directs the  
10 Department of Children and Family Services to conduct  
11 concurrent planning so that permanency may occur at the  
12 earliest opportunity. Permanent living arrangements may  
13 include prevention of placement of a child outside the home of  
14 the family when the child can be cared for at home without  
15 endangering the child's health or safety; reunification with  
16 the family, when safe and appropriate, if temporary placement  
17 is necessary; or movement of the child toward the most  
18 permanent living arrangement and permanent legal status.

19 When determining reasonable efforts to be made with respect  
20 to a child, as described in this subsection, and in making such  
21 reasonable efforts, the child's health and safety shall be the  
22 paramount concern.

23 When a child is placed in foster care, the Department shall  
24 ensure and document that reasonable efforts were made to  
25 prevent or eliminate the need to remove the child from the  
26 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

1 provide an adoptive home or long-term placement;

2 (7) the age of the child;

3 (8) placement of siblings.

4 (m) The Department may assume temporary custody of any  
5 child if:

6 (1) it has received a written consent to such temporary  
7 custody signed by the parents of the child or by the parent  
8 having custody of the child if the parents are not living  
9 together or by the guardian or custodian of the child if  
10 the child is not in the custody of either parent, or

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

13 If the child is found in his or her residence without a parent,  
14 guardian, custodian or responsible caretaker, the Department  
15 may, instead of removing the child and assuming temporary  
16 custody, place an authorized representative of the Department  
17 in that residence until such time as a parent, guardian or  
18 custodian enters the home and expresses a willingness and  
19 apparent ability to ensure the child's health and safety and  
20 resume permanent charge of the child, or until a relative  
21 enters the home and is willing and able to ensure the child's  
22 health and safety and assume charge of the child until a  
23 parent, guardian or custodian enters the home and expresses  
24 such willingness and ability to ensure the child's safety and  
25 resume permanent charge. After a caretaker has remained in the  
26 home for a period not to exceed 12 hours, the Department must

1 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
2 5-415 of the Juvenile Court Act of 1987.

3 The Department shall have the authority, responsibilities  
4 and duties that a legal custodian of the child would have  
5 pursuant to subsection (9) of Section 1-3 of the Juvenile Court  
6 Act of 1987. Whenever a child is taken into temporary custody  
7 pursuant to an investigation under the Abused and Neglected  
8 Child Reporting Act, or pursuant to a referral and acceptance  
9 under the Juvenile Court Act of 1987 of a minor in limited  
10 custody, the Department, during the period of temporary custody  
11 and before the child is brought before a judicial officer as  
12 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile  
13 Court Act of 1987, shall have the authority, responsibilities  
14 and duties that a legal custodian of the child would have under  
15 subsection (9) of Section 1-3 of the Juvenile Court Act of  
16 1987.

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

20 A parent, guardian or custodian of a child in the temporary  
21 custody of the Department who would have custody of the child  
22 if he were not in the temporary custody of the Department may  
23 deliver to the Department a signed request that the Department  
24 surrender the temporary custody of the child. The Department  
25 may retain temporary custody of the child for 10 days after the  
26 receipt of the request, during which period the Department may

1 cause to be filed a petition pursuant to the Juvenile Court Act  
2 of 1987. If a petition is so filed, the Department shall retain  
3 temporary custody of the child until the court orders  
4 otherwise. If a petition is not filed within the 10 day period,  
5 the child shall be surrendered to the custody of the requesting  
6 parent, guardian or custodian not later than the expiration of  
7 the 10 day period, at which time the authority and duties of  
8 the Department with respect to the temporary custody of the  
9 child shall terminate.

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

24 (n) The Department may place children under 18 years of age  
25 in licensed child care facilities when in the opinion of the  
26 Department, appropriate services aimed at family preservation



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

22 (o) The Department shall establish an administrative  
23 review and appeal process for children and families who request  
24 or receive child welfare services from the Department. Children  
25 who are wards of the Department and are placed by private child  
26 welfare agencies, and foster families with whom those children

1 are placed, shall be afforded the same procedural and appeal  
2 rights as children and families in the case of placement by the  
3 Department, including the right to an initial review of a  
4 private agency decision by that agency. The Department shall  
5 insure that any private child welfare agency, which accepts  
6 wards of the Department for placement, affords those rights to  
7 children and foster families. The Department shall accept for  
8 administrative review and an appeal hearing a complaint made by  
9 (i) a child or foster family concerning a decision following an  
10 initial review by a private child welfare agency or (ii) a  
11 prospective adoptive parent who alleges a violation of  
12 subsection (j-5) of this Section. An appeal of a decision  
13 concerning a change in the placement of a child shall be  
14 conducted in an expedited manner.

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

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

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

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

1           In disbursing funds from children's accounts, the  
2 Department shall:

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

11           (2) Calculate on a monthly basis the amounts paid from  
12 State funds for the child's board and care, medical care  
13 not covered under Medicaid, and social services; and  
14 utilize funds from the child's account, as covered by  
15 regulation, to reimburse those costs. Monthly,  
16 disbursements from all children's accounts, up to 1/12 of  
17 \$13,000,000, shall be deposited by the Department into the  
18 General Revenue Fund and the balance over 1/12 of  
19 \$13,000,000 into the DCFS Children's Services Fund.

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

25           On and after October 1, 2007, subject to appropriation, all  
26 youths emancipated from the Department are eligible to receive

1 a payment from the Department not to exceed \$1,500 for the  
2 purpose of promoting successful transition outcomes by  
3 supporting initial housing and living expenses for the  
4 recipient. Prior to October 1, 2007, the Department shall  
5 establish by rule (i) eligibility criteria for the receipt of  
6 funds under this paragraph and (ii) a process for disseminating  
7 the payments.

8 (r) The Department shall promulgate regulations  
9 encouraging all adoption agencies to voluntarily forward to the  
10 Department or its agent names and addresses of all persons who  
11 have applied for and have been approved for adoption of a  
12 hard-to-place or handicapped child and the names of such  
13 children who have not been placed for adoption. A list of such  
14 names and addresses shall be maintained by the Department or  
15 its agent, and coded lists which maintain the confidentiality  
16 of the person seeking to adopt the child and of the child shall  
17 be made available, without charge, to every adoption agency in  
18 the State to assist the agencies in placing such children for  
19 adoption. The Department may delegate to an agent its duty to  
20 maintain and make available such lists. The Department shall  
21 ensure that such agent maintains the confidentiality of the  
22 person seeking to adopt the child and of the child.

23 (s) The Department of Children and Family Services may  
24 establish and implement a program to reimburse Department and  
25 private child welfare agency foster parents licensed by the  
26 Department of Children and Family Services for damages

1 sustained by the foster parents as a result of the malicious or  
2 negligent acts of foster children, as well as providing third  
3 party coverage for such foster parents with regard to actions  
4 of foster children to other individuals. Such coverage will be  
5 secondary to the foster parent liability insurance policy, if  
6 applicable. The program shall be funded through appropriations  
7 from the General Revenue Fund, specifically designated for such  
8 purposes.

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

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

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

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

1           (u) In addition to other information that must be provided,  
2 whenever the Department places a child with a prospective  
3 adoptive parent or parents or in a licensed foster home, group  
4 home, child care institution, or in a relative home, the  
5 Department shall provide to the prospective adoptive parent or  
6 parents or other caretaker:

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

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

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

20           The caretaker shall be informed of any known social or  
21 behavioral information (including, but not limited to,  
22 criminal background, fire setting, perpetuation of sexual  
23 abuse, destructive behavior, and substance abuse) necessary to  
24 care for and safeguard the children to be placed or currently  
25 in the home. The Department may prepare a written summary of  
26 the information required by this paragraph, which may be

1 provided to the foster or prospective adoptive parent in  
2 advance of a placement. The foster or prospective adoptive  
3 parent may review the supporting documents in the child's file  
4 in the presence of casework staff. In the case of an emergency  
5 placement, casework staff shall at least provide known  
6 information verbally, if necessary, and must subsequently  
7 provide the information in writing as required by this  
8 subsection.

9 The information described in this subsection shall be  
10 provided in writing. In the case of emergency placements when  
11 time does not allow prior review, preparation, and collection  
12 of written information, the Department shall provide such  
13 information as it becomes available. Within 10 business days  
14 after placement, the Department shall obtain from the  
15 prospective adoptive parent or parents or other caretaker a  
16 signed verification of receipt of the information provided.  
17 Within 10 business days after placement, the Department shall  
18 provide to the child's guardian ad litem a copy of the  
19 information provided to the prospective adoptive parent or  
20 parents or other caretaker. The information provided to the  
21 prospective adoptive parent or parents or other caretaker shall  
22 be reviewed and approved regarding accuracy at the supervisory  
23 level.

24 (u-5) Effective July 1, 1995, only foster care placements  
25 licensed as foster family homes pursuant to the Child Care Act  
26 of 1969 shall be eligible to receive foster care payments from



1 the Department. Relative caregivers who, as of July 1, 1995,  
2 were approved pursuant to approved relative placement rules  
3 previously promulgated by the Department at 89 Ill. Adm. Code  
4 335 and had submitted an application for licensure as a foster  
5 family home may continue to receive foster care payments only  
6 until the Department determines that they may be licensed as a  
7 foster family home or that their application for licensure is  
8 denied or until September 30, 1995, whichever occurs first.

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

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

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

26 (Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06.)

1           Section 99. Effective date. This Act takes effect July 1,  
2    2007.