



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5688

Introduced 2/9/2010, by Rep. Rich Brauer

#### SYNOPSIS AS INTRODUCED:

20 ILCS 505/5

from Ch. 23, par. 5005

20 ILCS 1705/11.3 new

Amends the Children and Family Services Act and the Mental Health and Developmental Disabilities Administrative Act. Provides that beginning on the effective date of this amendatory Act, the State of Illinois shall ensure that children with disabilities have full access to coordinated, multi-disciplinary transition support and service planning until educational services are exhausted or until such a child attains 22 years of age. Provides that transition services include educational services and all services identified as necessary to support integration and continued growth and success in the individual's post-educational, community environments. Further provides that children with disabilities who receive residential and educational services from the Department of Children and Family Services or the Department of Human Services shall be eligible to receive transition services provided by the Illinois State Board of Education (ISBE) from the age of 14.5 to 22 years, notwithstanding the child's residential service arrangement. Defines "children with disabilities" to mean persons who are 22 years old or younger and are afflicted with a disability as defined by the Americans with Disabilities Act of 1990 that is attributable to a developmental disability, a mental illness, or a physical disability, or a combination of those. Effective immediately.

LRB096 18458 KTG 35770 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

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

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

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

11 (a) For purposes of this Section:

12 (1) "Children" means persons found within the State who  
13 are under the age of 18 years. The term also includes  
14 persons under age 21 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 continue to provide financial  
26 assistance and education assistance grants for a child who was



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

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

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

24 (j-5) The Department shall not deny or delay the placement  
25 of a child for adoption if an approved family is available  
26 either outside of the Department region handling the case, or

1 outside of the State of Illinois.

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

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

1 hearing the action under Article II of the Juvenile Court Act  
2 of 1987 may order the Department to provide the services set  
3 out in the plan, if those services are not provided with  
4 reasonable promptness and if those services are available.

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

1 subsection (a-5) of Section 7.4 of the Abused and Neglected  
2 Child Reporting Act.

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 (i) a minor less than 15  
14 years of age committed to the Department under Section 5-710 of  
15 the Juvenile Court Act of 1987, (ii) a minor for whom an  
16 independent basis of abuse, neglect, or dependency exists,  
17 which must be defined by departmental rule, or (iii) a minor  
18 for whom the court has granted a supplemental petition to  
19 reinstate wardship pursuant to subsection (2) of Section 2-33  
20 of the Juvenile Court Act of 1987. An independent basis exists  
21 when the allegations or adjudication of abuse, neglect, or  
22 dependency do not arise from the same facts, incident, or  
23 circumstances which give rise to a charge or adjudication of  
24 delinquency.

25 As soon as is possible after August 7, 2009 (the effective  
26 date of Public Act 96-134) ~~this amendatory Act of the 96th~~

1 ~~General Assembly~~, the Department shall develop and implement a  
2 special program of family preservation services to support  
3 intact, foster, and adoptive families who are experiencing  
4 extreme hardships due to the difficulty and stress of caring  
5 for a child who has been diagnosed with a pervasive  
6 developmental disorder if the Department determines that those  
7 services are necessary to ensure the health and safety of the  
8 child. The Department may offer services to any family whether  
9 or not a report has been filed under the Abused and Neglected  
10 Child Reporting Act. The Department may refer the child or  
11 family to services available from other agencies in the  
12 community if the conditions in the child's or family's home are  
13 reasonably likely to subject the child or family to future  
14 reports of suspected child abuse or neglect. Acceptance of  
15 these services shall be voluntary. The Department shall develop  
16 and implement a public information campaign to alert health and  
17 social service providers and the general public about these  
18 special family preservation services. The nature and scope of  
19 the services offered and the number of families served under  
20 the special program implemented under this paragraph shall be  
21 determined by the level of funding that the Department annually  
22 allocates for this purpose. The term "pervasive developmental  
23 disorder" under this paragraph means a neurological condition,  
24 including but not limited to, Asperger's Syndrome and autism,  
25 as defined in the most recent edition of the Diagnostic and  
26 Statistical Manual of Mental Disorders of the American

1 Psychiatric Association.

2 (1-1) The legislature recognizes that the best interests of  
3 the child require that the child be placed in the most  
4 permanent living arrangement as soon as is practically  
5 possible. To achieve this goal, the legislature directs the  
6 Department of Children and Family Services to conduct  
7 concurrent planning so that permanency may occur at the  
8 earliest opportunity. Permanent living arrangements may  
9 include prevention of placement of a child outside the home of  
10 the family when the child can be cared for at home without  
11 endangering the child's health or safety; reunification with  
12 the family, when safe and appropriate, if temporary placement  
13 is necessary; or movement of the child toward the most  
14 permanent living arrangement and permanent legal status.

15 When determining reasonable efforts to be made with respect  
16 to a child, as described in this subsection, and in making such  
17 reasonable efforts, the child's health and safety shall be the  
18 paramount concern.

19 When a child is placed in foster care, the Department shall  
20 ensure and document that reasonable efforts were made to  
21 prevent or eliminate the need to remove the child from the  
22 child's home. The Department must make reasonable efforts to  
23 reunify the family when temporary placement of the child occurs  
24 unless otherwise required, pursuant to the Juvenile Court Act  
25 of 1987. At any time after the dispositional hearing where the  
26 Department believes that further reunification services would

1 be ineffective, it may request a finding from the court that  
2 reasonable efforts are no longer appropriate. The Department is  
3 not required to provide further reunification services after  
4 such a finding.

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

11 The Department shall adopt rules addressing concurrent  
12 planning for reunification and permanency. The Department  
13 shall consider the following factors when determining  
14 appropriateness of concurrent planning:

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

1 child if:

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

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

9 If the child is found in his or her residence without a parent,  
10 guardian, custodian or responsible caretaker, the Department  
11 may, instead of removing the child and assuming temporary  
12 custody, place an authorized representative of the Department  
13 in that residence until such time as a parent, guardian or  
14 custodian enters the home and expresses a willingness and  
15 apparent ability to ensure the child's health and safety and  
16 resume permanent charge of the child, or until a relative  
17 enters the home and is willing and able to ensure the child's  
18 health and safety and assume charge of the child until a  
19 parent, guardian or custodian enters the home and expresses  
20 such willingness and ability to ensure the child's safety and  
21 resume permanent charge. After a caretaker has remained in the  
22 home for a period not to exceed 12 hours, the Department must  
23 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
24 5-415 of the Juvenile Court Act of 1987.

25 The Department shall have the authority, responsibilities  
26 and duties that a legal custodian of the child would have



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

13 The Department shall ensure that any child taken into  
14 custody is scheduled for an appointment for a medical  
15 examination.

16 A parent, guardian or custodian of a child in the temporary  
17 custody of the Department who would have custody of the child  
18 if he were not in the temporary custody of the Department may  
19 deliver to the Department a signed request that the Department  
20 surrender the temporary custody of the child. The Department  
21 may retain temporary custody of the child for 10 days after the  
22 receipt of the request, during which period the Department may  
23 cause to be filed a petition pursuant to the Juvenile Court Act  
24 of 1987. If a petition is so filed, the Department shall retain  
25 temporary custody of the child until the court orders  
26 otherwise. If a petition is not filed within the 10 day period,

1 the child shall be surrendered to the custody of the requesting  
2 parent, guardian or custodian not later than the expiration of  
3 the 10 day period, at which time the authority and duties of  
4 the Department with respect to the temporary custody of the  
5 child shall terminate.

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

20 (n) The Department may place children under 18 years of age  
21 in licensed child care facilities when in the opinion of the  
22 Department, appropriate services aimed at family preservation  
23 have been unsuccessful and cannot ensure the child's health and  
24 safety or are unavailable and such placement would be for their  
25 best interest. Payment for board, clothing, care, training and  
26 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 (n-1) The Department shall provide or authorize child  
19 welfare services, aimed at assisting minors to achieve  
20 sustainable self-sufficiency as independent adults, for any  
21 minor eligible for the reinstatement of wardship pursuant to  
22 subsection (2) of Section 2-33 of the Juvenile Court Act of  
23 1987, whether or not such reinstatement is sought or allowed,  
24 provided that the minor consents to such services and has not  
25 yet attained the age of 21. The Department shall have  
26 responsibility for the development and delivery of services

1 under this Section. An eligible youth may access services under  
2 this Section through the Department of Children and Family  
3 Services or by referral from the Department of Human Services.  
4 Youth participating in services under this Section shall  
5 cooperate with the assigned case manager in developing an  
6 agreement identifying the services to be provided and how the  
7 youth will increase skills to achieve self-sufficiency. A  
8 homeless shelter is not considered appropriate housing for any  
9 youth receiving child welfare services under this Section. The  
10 Department shall continue child welfare services under this  
11 Section to any eligible minor until the minor becomes 21 years  
12 of age, no longer consents to participate, or achieves  
13 self-sufficiency as identified in the minor's service plan. The  
14 Department of Children and Family Services shall create clear,  
15 readable notice of the rights of former foster youth to child  
16 welfare services under this Section and how such services may  
17 be obtained. The Department of Children and Family Services and  
18 the Department of Human Services shall disseminate this  
19 information statewide. The Department shall adopt regulations  
20 describing services intended to assist minors in achieving  
21 sustainable self-sufficiency as independent adults.

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.

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

23 In disbursing funds from children's accounts, the  
24 Department shall:

25 (1) Establish standards in accordance with State and  
26 federal laws for disbursing money from children's

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

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

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

21 (r) The Department shall promulgate regulations  
22 encouraging all adoption agencies to voluntarily forward to the  
23 Department or its agent names and addresses of all persons who  
24 have applied for and have been approved for adoption of a  
25 hard-to-place or handicapped child and the names of such  
26 children who have not been placed for adoption. A list of such

1 names and addresses shall be maintained by the Department or  
2 its agent, and coded lists which maintain the confidentiality  
3 of the person seeking to adopt the child and of the child shall  
4 be made available, without charge, to every adoption agency in  
5 the State to assist the agencies in placing such children for  
6 adoption. The Department may delegate to an agent its duty to  
7 maintain and make available such lists. The Department shall  
8 ensure that such agent maintains the confidentiality of the  
9 person seeking to adopt the child and of the child.

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

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

26 (1) an order entered by an Illinois court specifically



1           directs the Department to perform such services; and

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

7           The Department shall provide written notification to the  
8           court of the specific arrangements for supervised visitation  
9           and projected monthly costs within 60 days of the court order.  
10          The Department shall send to the court information related to  
11          the costs incurred except in cases where the court has  
12          determined the parties are financially unable to pay. The court  
13          may order additional periodic reports as appropriate.

14          (u) In addition to other information that must be provided,  
15          whenever the Department places a child with a prospective  
16          adoptive parent or parents or in a licensed foster home, group  
17          home, child care institution, or in a relative home, the  
18          Department shall provide to the prospective adoptive parent or  
19          parents or other caretaker:

20               (1) available detailed information concerning the  
21               child's educational and health history, copies of  
22               immunization records (including insurance and medical card  
23               information), a history of the child's previous  
24               placements, if any, and reasons for placement changes  
25               excluding any information that identifies or reveals the  
26               location of any previous caretaker;

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

4           (3) information containing details of the child's  
5           individualized educational plan when the child is  
6           receiving special education services.

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

22          The information described in this subsection shall be  
23          provided in writing. In the case of emergency placements when  
24          time does not allow prior review, preparation, and collection  
25          of written information, the Department shall provide such  
26          information as it becomes available. Within 10 business days

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

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

22 (v) The Department shall access criminal history record  
23 information as defined in the Illinois Uniform Conviction  
24 Information Act and information maintained in the adjudicatory  
25 and dispositional record system as defined in Section 2605-355  
26 of the Department of State Police Law (20 ILCS 2605/2605-355)

1 if the Department determines the information is necessary to  
2 perform its duties under the Abused and Neglected Child  
3 Reporting Act, the Child Care Act of 1969, and the Children and  
4 Family Services Act. The Department shall provide for  
5 interactive computerized communication and processing  
6 equipment that permits direct on-line communication with the  
7 Department of State Police's central criminal history data  
8 repository. The Department shall comply with all certification  
9 requirements and provide certified operators who have been  
10 trained by personnel from the Department of State Police. In  
11 addition, one Office of the Inspector General investigator  
12 shall have training in the use of the criminal history  
13 information access system and have access to the terminal. The  
14 Department of Children and Family Services and its employees  
15 shall abide by rules and regulations established by the  
16 Department of State Police relating to the access and  
17 dissemination of this information.

18 (v-1) Prior to final approval for placement of a child, the  
19 Department shall conduct a criminal records background check of  
20 the prospective foster or adoptive parent, including  
21 fingerprint-based checks of national crime information  
22 databases. Final approval for placement shall not be granted if  
23 the record check reveals a felony conviction for child abuse or  
24 neglect, for spousal abuse, for a crime against children, or  
25 for a crime involving violence, including rape, sexual assault,  
26 or homicide, but not including other physical assault or

1 battery, or if there is a felony conviction for physical  
2 assault, battery, or a drug-related offense committed within  
3 the past 5 years.

4 (v-2) Prior to final approval for placement of a child, the  
5 Department shall check its child abuse and neglect registry for  
6 information concerning prospective foster and adoptive  
7 parents, and any adult living in the home. If any prospective  
8 foster or adoptive parent or other adult living in the home has  
9 resided in another state in the preceding 5 years, the  
10 Department shall request a check of that other state's child  
11 abuse and neglect registry.

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

1 facilities; the estimated number of placements; the potential  
2 cost savings resulting from the movement of children currently  
3 out-of-state who are projected to be returned to Illinois; the  
4 necessary geographic distribution of these facilities in  
5 Illinois; and a proposed timetable for development of such  
6 facilities.

7 (x) The Department shall conduct annual credit history  
8 checks to determine the financial history of children placed  
9 under its guardianship pursuant to the Juvenile Court Act of  
10 1987. The Department shall conduct such credit checks starting  
11 when a ward turns 12 years old and each year thereafter for the  
12 duration of the guardianship as terminated pursuant to the  
13 Juvenile Court Act of 1987. The Department shall determine if  
14 financial exploitation of the child's personal information has  
15 occurred. If financial exploitation appears to have taken place  
16 or is presently ongoing, the Department shall notify the proper  
17 law enforcement agency, the proper State's Attorney, or the  
18 Attorney General.

19 (y) Beginning on the effective date of this amendatory Act  
20 of the 96th General Assembly, the State of Illinois shall  
21 ensure that children with disabilities have full access to  
22 coordinated, multi-disciplinary transition support and service  
23 planning until educational services are exhausted or until such  
24 a child attains 22 years of age. Transition services include  
25 educational services and all services identified as necessary  
26 to support integration and continued growth and success in the

1 individual's post-educational, community environments.  
2 Children with disabilities who receive residential and  
3 educational services from the Department shall be eligible to  
4 receive transition services provided by the Illinois State  
5 Board of Education (ISBE) from the age of 14.5 to 22 years,  
6 notwithstanding the child's residential services arrangement.  
7 For purposes of this subsection, "children with disabilities"  
8 means persons who are 22 years old or younger and are afflicted  
9 with a disability as defined by the Americans with Disabilities  
10 Act of 1990 that is attributable to a developmental disability,  
11 a mental illness, or a physical disability, or a combination of  
12 those.

13 (Source: P.A. 95-10, eff. 6-30-07; 95-601, eff. 9-11-07;  
14 95-642, eff. 6-1-08; 95-876, eff. 8-21-08; 96-134, eff. 8-7-09;  
15 96-581, eff. 1-1-10; 96-600, eff. 8-21-09; 96-619, eff. 1-1-10;  
16 96-760, eff. 1-1-10; revised 9-15-09.)

17 Section 10. The Mental Health and Developmental  
18 Disabilities Administrative Act is amended by adding Section  
19 11.3 as follows:

20 (20 ILCS 1705/11.3 new)

21 Sec. 11.3. Transition services; children with  
22 disabilities. Beginning on the effective date of this  
23 amendatory Act of the 96th General Assembly, the State of  
24 Illinois shall ensure that children with disabilities have full

1 access to coordinated, multi-disciplinary transition support  
2 and service planning until educational services are exhausted  
3 or until such a child attains 22 years of age. Transition  
4 services include educational services and all services  
5 identified as necessary to support integration and continued  
6 growth and success in the individual's post-educational,  
7 community environments. Children with disabilities who receive  
8 residential and educational services from the Department shall  
9 be eligible to receive transition services provided by the  
10 Illinois State Board of Education (ISBE) from the age of 14.5  
11 to 22 years, notwithstanding the child's residential service  
12 arrangement. For purposes of this Section, "children with  
13 disabilities" means persons who are 22 years old or younger and  
14 are afflicted with a disability as defined by the Americans  
15 with Disabilities Act of 1990 that is attributable to a  
16 developmental disability, a mental illness, or a physical  
17 disability, or a combination of those.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.