



Rep. Mary E. Flowers

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1 AMENDMENT TO SENATE BILL 807

2 AMENDMENT NO. _____. Amend Senate Bill 807 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is amended
5 by changing Sections 5, 5a, and 9.9 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

1 1987, as amended, prior to the age of 18 and who
2 continue under the jurisdiction of the court; or

3 (B) were accepted for care, service and training by
4 the Department prior to the age of 18 and whose best
5 interest in the discretion of the Department would be
6 served by continuing that care, service and training
7 because of severe emotional disturbances, physical
8 disability, social adjustment or any combination
9 thereof, or because of the need to complete an
10 educational or vocational training program.

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

15 (3) "Child welfare services" means public social
16 services which are directed toward the accomplishment of
17 the following purposes:

18 (A) protecting and promoting the health, safety
19 and welfare of children, including homeless, dependent
20 or neglected children;

21 (B) remedying, or assisting in the solution of
22 problems which may result in, the neglect, abuse,
23 exploitation or delinquency of children;

24 (C) preventing the unnecessary separation of
25 children from their families by identifying family
26 problems, assisting families in resolving their

1 problems, and preventing the breakup of the family
2 where the prevention of child removal is desirable and
3 possible when the child can be cared for at home
4 without endangering the child's health and safety;

5 (D) restoring to their families children who have
6 been removed, by the provision of services to the child
7 and the families when the child can be cared for at
8 home without endangering the child's health and
9 safety;

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

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

23 (G) (blank);

24 (H) (blank); and

25 (I) placing and maintaining children in facilities
26 that provide separate living quarters for children

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

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

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

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

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

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

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

26 (d) The Director may authorize advance disbursements for

1 any new program initiative to any agency contracting with the
2 Department. As a prerequisite for an advance disbursement, the
3 contractor must post a surety bond in the amount of the advance
4 disbursement and have a purchase of service contract approved
5 by the Department. The Department may pay up to 2 months
6 operational expenses in advance. The amount of the advance
7 disbursement shall be prorated over the life of the contract or
8 the remaining months of the fiscal year, whichever is less, and
9 the installment amount shall then be deducted from future
10 bills. Advance disbursement authorizations for new initiatives
11 shall not be made to any agency after that agency has operated
12 during 2 consecutive fiscal years. The requirements of this
13 Section concerning advance disbursements shall not apply with
14 respect to the following: payments to local public agencies for
15 child day care services as authorized by Section 5a of this
16 Act; and youth service programs receiving grant funds under
17 Section 17a-4.

18 (e) (Blank).

19 (f) (Blank).

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

24 (1) adoption;

25 (2) foster care;

26 (3) family counseling;

- 1 (4) protective services;
- 2 (5) (blank);
- 3 (6) homemaker service;
- 4 (7) return of runaway children;
- 5 (8) (blank);
- 6 (9) placement under Section 5-7 of the Juvenile Court
- 7 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile
- 8 Court Act of 1987 in accordance with the federal Adoption
- 9 Assistance and Child Welfare Act of 1980; and
- 10 (10) interstate services.

11 Rules and regulations established by the Department shall
12 include provisions for training Department staff and the staff
13 of Department grantees, through contracts with other agencies
14 or resources, in alcohol and drug abuse screening techniques
15 approved by the Department of Human Services, as a successor to
16 the Department of Alcoholism and Substance Abuse, for the
17 purpose of identifying children and adults who should be
18 referred to an alcohol and drug abuse treatment program for
19 professional evaluation.

20 (h) If the Department finds that there is no appropriate
21 program or facility within or available to the Department for a
22 ward and that no licensed private facility has an adequate and
23 appropriate program or none agrees to accept the ward, the
24 Department shall create an appropriate individualized,
25 program-oriented plan for such ward. The plan may be developed
26 within the Department or through purchase of services by the

1 Department to the extent that it is within its statutory
2 authority to do.

3 (i) Service programs shall be available throughout the
4 State and shall include but not be limited to the following
5 services:

6 (1) case management;

7 (2) homemakers;

8 (3) counseling;

9 (4) parent education;

10 (5) day care; and

11 (6) emergency assistance and advocacy.

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

14 (1) comprehensive family-based services;

15 (2) assessments;

16 (3) respite care; and

17 (4) in-home health services.

18 The Department shall provide transportation for any of the
19 services it makes available to children or families or for
20 which it refers children or families.

21 (j) The Department may provide categories of financial
22 assistance and education assistance grants, and shall
23 establish rules and regulations concerning the assistance and
24 grants, to persons who adopt physically or mentally
25 handicapped, older and other hard-to-place children who (i)
26 immediately prior to their adoption were legal wards of the

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

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

1 Any financial assistance provided under this subsection is
2 inalienable by assignment, sale, execution, attachment,
3 garnishment, or any other remedy for recovery or collection of
4 a judgment or debt.

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

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

13 (l) Before July 1, 2000, the Department may provide, and
14 beginning July 1, 2000, the Department shall offer family
15 preservation services, as defined in Section 8.2 of the Abused
16 and Neglected Child Reporting Act, to help families, including
17 adoptive and extended families. Family preservation services
18 shall be offered (i) to prevent the placement of children in
19 substitute care when the children can be cared for at home or
20 in the custody of the person responsible for the children's
21 welfare, (ii) to reunite children with their families, or (iii)
22 to maintain an adoptive placement. Family preservation
23 services shall only be offered when doing so will not endanger
24 the children's health or safety. With respect to children who
25 are in substitute care pursuant to the Juvenile Court Act of
26 1987, family preservation services shall not be offered if a

1 goal other than those of subdivisions (A), (B), or (B-1) of
2 subsection (2) of Section 2-28 of that Act has been set.
3 Nothing in this paragraph shall be construed to create a
4 private right of action or claim on the part of any individual
5 or child welfare agency.

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

1 under the "differential response program" provided for in
2 subsection (a-5) of Section 7.4 of the Abused and Neglected
3 Child Reporting Act.

4 The Department may, at its discretion except for those
5 children also adjudicated neglected or dependent, accept for
6 care and training any child who has been adjudicated addicted,
7 as a truant minor in need of supervision or as a minor
8 requiring authoritative intervention, under the Juvenile Court
9 Act or the Juvenile Court Act of 1987, but no such child shall
10 be committed to the Department by any court without the
11 approval of the Department. A minor charged with a criminal
12 offense under the Criminal Code of 1961 or adjudicated
13 delinquent shall not be placed in the custody of or committed
14 to the Department by any court, except a minor less than 15
15 years of age committed to the Department under Section 5-710 of
16 the Juvenile Court Act of 1987 or a minor for whom an
17 independent basis of abuse, neglect, or dependency exists,
18 which must be defined by departmental rule. An independent
19 basis exists when the allegations or adjudication of abuse,
20 neglect, or dependency do not arise from the same facts,
21 incident, or circumstances which give rise to a charge or
22 adjudication of delinquency.

23 (1-1) The legislature recognizes that the best interests of
24 the child require that the child be placed in the most
25 permanent living arrangement as soon as is practically
26 possible. To achieve this goal, the legislature directs the

1 Department of Children and Family Services to conduct
2 concurrent planning so that permanency may occur at the
3 earliest opportunity. Permanent living arrangements may
4 include prevention of placement of a child outside the home of
5 the family when the child can be cared for at home without
6 endangering the child's health or safety; reunification with
7 the family, when safe and appropriate, if temporary placement
8 is necessary; or movement of the child toward the most
9 permanent living arrangement and permanent legal status.

10 When determining reasonable efforts to be made with respect
11 to a child, as described in this subsection, and in making such
12 reasonable efforts, the child's health and safety shall be the
13 paramount concern.

14 When a child is placed in foster care, the Department shall
15 ensure and document that reasonable efforts were made to
16 prevent or eliminate the need to remove the child from the
17 child's home. The Department must make reasonable efforts to
18 reunify the family when temporary placement of the child occurs
19 unless otherwise required, pursuant to the Juvenile Court Act
20 of 1987. At any time after the dispositional hearing where the
21 Department believes that further reunification services would
22 be ineffective, it may request a finding from the court that
23 reasonable efforts are no longer appropriate. The Department is
24 not required to provide further reunification services after
25 such a finding.

26 A decision to place a child in substitute care shall be

1 made with considerations of the child's health, safety, and
2 best interests. At the time of placement, consideration should
3 also be given so that if reunification fails or is delayed, the
4 placement made is the best available placement to provide
5 permanency for the child.

6 The Department shall adopt rules addressing concurrent
7 planning for reunification and permanency. The Department
8 shall consider the following factors when determining
9 appropriateness of concurrent planning:

- 10 (1) the likelihood of prompt reunification;
11 (2) the past history of the family;
12 (3) the barriers to reunification being addressed by
13 the family;
14 (4) the level of cooperation of the family;
15 (5) the foster parents' willingness to work with the
16 family to reunite;
17 (6) the willingness and ability of the foster family to
18 provide an adoptive home or long-term placement;
19 (7) the age of the child;
20 (8) placement of siblings.

21 (m) The Department may assume temporary custody of any
22 child if:

- 23 (1) it has received a written consent to such temporary
24 custody signed by the parents of the child or by the parent
25 having custody of the child if the parents are not living
26 together or by the guardian or custodian of the child if

1 the child is not in the custody of either parent, or
2 (2) the child is found in the State and neither a
3 parent, guardian nor custodian of the child can be located.
4 If the child is found in his or her residence without a parent,
5 guardian, custodian or responsible caretaker, the Department
6 may, instead of removing the child and assuming temporary
7 custody, place an authorized representative of the Department
8 in that residence until such time as a parent, guardian or
9 custodian enters the home and expresses a willingness and
10 apparent ability to ensure the child's health and safety and
11 resume permanent charge of the child, or until a relative
12 enters the home and is willing and able to ensure the child's
13 health and safety and assume charge of the child until a
14 parent, guardian or custodian enters the home and expresses
15 such willingness and ability to ensure the child's safety and
16 resume permanent charge. After a caretaker has remained in the
17 home for a period not to exceed 12 hours, the Department must
18 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
19 5-415 of the Juvenile Court Act of 1987.

20 The Department shall have the authority, responsibilities
21 and duties that a legal custodian of the child would have
22 pursuant to subsection (9) of Section 1-3 of the Juvenile Court
23 Act of 1987. Whenever a child is taken into temporary custody
24 pursuant to an investigation under the Abused and Neglected
25 Child Reporting Act, or pursuant to a referral and acceptance
26 under the Juvenile Court Act of 1987 of a minor in limited

1 custody, the Department, during the period of temporary custody
2 and before the child is brought before a judicial officer as
3 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
4 Court Act of 1987, shall have the authority, responsibilities
5 and duties that a legal custodian of the child would have under
6 subsection (9) of Section 1-3 of the Juvenile Court Act of
7 1987.

8 The Department shall ensure that any child taken into
9 custody is scheduled for an appointment for a medical
10 examination.

11 A parent, guardian or custodian of a child in the temporary
12 custody of the Department who would have custody of the child
13 if he were not in the temporary custody of the Department may
14 deliver to the Department a signed request that the Department
15 surrender the temporary custody of the child. The Department
16 may retain temporary custody of the child for 10 days after the
17 receipt of the request, during which period the Department may
18 cause to be filed a petition pursuant to the Juvenile Court Act
19 of 1987. If a petition is so filed, the Department shall retain
20 temporary custody of the child until the court orders
21 otherwise. If a petition is not filed within the 10 day period,
22 the child shall be surrendered to the custody of the requesting
23 parent, guardian or custodian not later than the expiration of
24 the 10 day period, at which time the authority and duties of
25 the Department with respect to the temporary custody of the
26 child shall terminate.

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

15 (n) The Department may place children under 18 years of age
16 in licensed child care facilities when in the opinion of the
17 Department, appropriate services aimed at family preservation
18 have been unsuccessful and cannot ensure the child's health and
19 safety or are unavailable and such placement would be for their
20 best interest. Payment for board, clothing, care, training and
21 supervision of any child placed in a licensed child care
22 facility may be made by the Department, by the parents or
23 guardians of the estates of those children, or by both the
24 Department and the parents or guardians, except that no
25 payments shall be made by the Department for any child placed
26 in a licensed child care facility for board, clothing, care,

1 training and supervision of such a child that exceed the
2 average per capita cost of maintaining and of caring for a
3 child in institutions for dependent or neglected children
4 operated by the Department. However, such restriction on
5 payments does not apply in cases where children require
6 specialized care and treatment for problems of severe emotional
7 disturbance, physical disability, social adjustment, or any
8 combination thereof and suitable facilities for the placement
9 of such children are not available at payment rates within the
10 limitations set forth in this Section. All reimbursements for
11 services delivered shall be absolutely inalienable by
12 assignment, sale, attachment, garnishment or otherwise.

13 (o) The Department shall establish an administrative
14 review and appeal process for children and families who request
15 or receive child welfare services from the Department. Children
16 who are wards of the Department and are placed by private child
17 welfare agencies, and foster families with whom those children
18 are placed, shall be afforded the same procedural and appeal
19 rights as children and families in the case of placement by the
20 Department, including the right to an initial review of a
21 private agency decision by that agency. The Department shall
22 insure that any private child welfare agency, which accepts
23 wards of the Department for placement, affords those rights to
24 children and foster families. The Department shall accept for
25 administrative review and an appeal hearing a complaint made by
26 (i) a child or foster family concerning a decision following an

1 initial review by a private child welfare agency or (ii) a
2 prospective adoptive parent who alleges a violation of
3 subsection (j-5) of this Section. An appeal of a decision
4 concerning a change in the placement of a child shall be
5 conducted in an expedited manner.

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

23 (q) The Department may receive and use, in their entirety,
24 for the benefit of children any gift, donation or bequest of
25 money or other property which is received on behalf of such
26 children, or any financial benefits to which such children are

1 or may become entitled while under the jurisdiction or care of
2 the Department.

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

14 In disbursing funds from children's accounts, the
15 Department shall:

16 (1) Establish standards in accordance with State and
17 federal laws for disbursing money from children's
18 accounts. In all circumstances, the Department's
19 "Guardianship Administrator" or his or her designee must
20 approve disbursements from children's accounts. The
21 Department shall be responsible for keeping complete
22 records of all disbursements for each account for any
23 purpose.

24 (2) Calculate on a monthly basis the amounts paid from
25 State funds for the child's board and care, medical care
26 not covered under Medicaid, and social services; and

1 utilize funds from the child's account, as covered by
2 regulation, to reimburse those costs. Monthly,
3 disbursements from all children's accounts, up to 1/12 of
4 \$13,000,000, shall be deposited by the Department into the
5 General Revenue Fund and the balance over 1/12 of
6 \$13,000,000 into the DCFS Children's Services Fund.

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

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

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

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

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

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

24 The Department shall provide written notification to the
25 court of the specific arrangements for supervised visitation
26 and projected monthly costs within 60 days of the court order.

1 The Department shall send to the court information related to
2 the costs incurred except in cases where the court has
3 determined the parties are financially unable to pay. The court
4 may order additional periodic reports as appropriate.

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

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

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

21 (3) information containing details of the child's
22 individualized educational plan when the child is
23 receiving special education services.

24 The caretaker shall be informed of any known social or
25 behavioral information (including, but not limited to,
26 criminal background, fire setting, perpetuation of sexual

1 abuse, destructive behavior, and substance abuse) necessary to
2 care for and safeguard the children to be placed or currently
3 in the home. The Department may prepare a written summary of
4 the information required by this paragraph, which may be
5 provided to the foster or prospective adoptive parent in
6 advance of a placement. The foster or prospective adoptive
7 parent may review the supporting documents in the child's file
8 in the presence of casework staff. In the case of an emergency
9 placement, casework staff shall at least provide known
10 information verbally, if necessary, and must subsequently
11 provide the information in writing as required by this
12 subsection.

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

1 level.

2 (u-5) Effective July 1, 1995, only foster care placements
3 licensed as foster family homes pursuant to the Child Care Act
4 of 1969 shall be eligible to receive foster care payments from
5 the Department. Relative caregivers who, as of July 1, 1995,
6 were approved pursuant to approved relative placement rules
7 previously promulgated by the Department at 89 Ill. Adm. Code
8 335 and had submitted an application for licensure as a foster
9 family home may continue to receive foster care payments only
10 until the Department determines that they may be licensed as a
11 foster family home or that their application for licensure is
12 denied or until September 30, 1995, whichever occurs first.

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

1 trained by personnel from the Department of State Police. In
2 addition, one Office of the Inspector General investigator
3 shall have training in the use of the criminal history
4 information access system and have access to the terminal. The
5 Department of Children and Family Services and its employees
6 shall abide by rules and regulations established by the
7 Department of State Police relating to the access and
8 dissemination of this information.

9 (v-1) Prior to final approval for placement of a child, the
10 Department shall conduct a criminal records background check of
11 the prospective foster or adoptive parent, including
12 fingerprint-based checks of national crime information
13 databases. Final approval for placement shall not be granted if
14 the record check reveals a felony conviction for child abuse or
15 neglect, for spousal abuse, for a crime against children, or
16 for a crime involving violence, including rape, sexual assault,
17 or homicide, but not including other physical assault or
18 battery, or if there is a felony conviction for physical
19 assault, battery, or a drug-related offense committed within
20 the past 5 years.

21 (v-2) Prior to final approval for placement of a child, the
22 Department shall check its child abuse and neglect registry for
23 information concerning prospective foster and adoptive
24 parents, and any adult living in the home. If any prospective
25 foster or adoptive parent or other adult living in the home has
26 resided in another state in the preceding 5 years, the

1 Department shall request a check of that other state's child
2 abuse and neglect registry.

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

24 (Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06;
25 95-10, eff. 6-30-07; 95-601, eff. 9-11-07; 95-642, eff. 6-1-08;
26 95-876, eff. 8-21-08.)

1 (20 ILCS 505/5a) (from Ch. 23, par. 5005a)

2 Sec. 5a. Reimbursable services for which the Department of
3 Children and Family Services shall pay 100% of the reasonable
4 cost pursuant to a written contract negotiated between the
5 Department and the agency furnishing the services (which shall
6 include but not be limited to the determination of reasonable
7 cost, the services being purchased and the duration of the
8 agreement) include, but are not limited to:

9 SERVICE ACTIVITIES

10 Adjunctive Therapy;
11 Child Care Service, including day care;
12 Clinical Therapy;
13 Custodial Service;
14 Field Work Students;
15 Food Service;
16 Normal Education;
17 In-Service Training;
18 Intake or Evaluation, or both;
19 Medical Services;
20 Recreation;
21 Social Work or Counselling, or both;
22 Supportive Staff;
23 Volunteers.

1 OBJECT EXPENSES

2 Professional Fees and Contract Service Payments;
3 Supplies;
4 Telephone and Telegram;
5 Occupancy;
6 Local Transportation;
7 Equipment and Other Fixed Assets, including amortization
8 of same;
9 Miscellaneous.

10 ADMINISTRATIVE COSTS

11 Program Administration;
12 Supervision and Consultation;
13 Inspection and Monitoring for purposes of issuing
14 licenses;
15 Determination of Children who are eligible
16 for federal or other reimbursement;
17 Postage and Shipping;
18 Outside Printing, Artwork, etc.;
19 Subscriptions and Reference Publications;
20 Management and General Expense.

21 Reimbursement of administrative costs other than inspection
22 and monitoring for purposes of issuing licenses may not exceed
23 20% of the costs for other services.

24 The Department may offer services to any child or family
25 with respect to whom a report of suspected child abuse or

1 neglect has been called in to the hotline after completion of a
2 family assessment as provided under subsection (a-5) of Section
3 7.4 of the Abused and Neglected Child Reporting Act and the
4 Department has determined that services are needed to address
5 the safety of the child and other family members and the risk
6 of subsequent maltreatment. Acceptance of such services shall
7 be voluntary.

8 All Object Expenses, Service Activities and Administrative
9 Costs are allowable.

10 If a survey instrument is used in the rate setting process:

11 (a) with respect to any day care centers, it shall be
12 limited to those agencies which receive reimbursement from
13 the State;

14 (b) the cost survey instrument shall be promulgated by
15 rule;

16 (c) any requirements of the respondents shall be
17 promulgated by rule;

18 (d) all screens, limits or other tests of
19 reasonableness, allowability and reimbursability shall be
20 promulgated by rule;

21 (e) adjustments may be made by the Department to rates
22 when it determines that reported wage and salary levels are
23 insufficient to attract capable caregivers in sufficient
24 numbers.

25 The Department of Children and Family Services may pay 100%
26 of the reasonable costs of research and valuation focused

1 exclusively on services to wards of the Department. Such
2 research projects must be approved, in advance, by the Director
3 of the Department.

4 In addition to reimbursements otherwise provided for in
5 this Section, the Department of Human Services shall, in
6 accordance with annual written agreements, make advance
7 quarterly disbursements to local public agencies for child day
8 care services with funds appropriated from the Local Effort Day
9 Care Fund.

10 Neither the Department of Children and Family Services nor
11 the Department of Human Services shall pay or approve
12 reimbursement for day care in a facility which is operating
13 without a valid license or permit, except in the case of day
14 care homes or day care centers which are exempt from the
15 licensing requirements of the "Child Care Act of 1969".

16 (Source: P.A. 89-507, eff. 7-1-97.)

17 (20 ILCS 505/9.9) (from Ch. 23, par. 5009.9)

18 Sec. 9.9. Review under Administrative Review Law. Any
19 responsible parent or guardian affected by a final
20 administrative decision of the Department in a hearing,
21 conducted pursuant to this Act, may have the decision reviewed
22 only under and in accordance with the Administrative Review Law
23 as amended. The provisions of the Administrative Review Law,
24 and the rules adopted pursuant thereto, shall apply to and
25 govern all proceedings for the judicial review of such final

1 administrative decisions of the Department. The term
2 "administrative decision", is defined as in Section 3-101 of
3 the Code of Civil Procedure.

4 Review of a final administrative decision under the
5 Administrative Review Law is not applicable to a decision to
6 conduct a family assessment as provided under subsection (a-5)
7 of Section 7.4 of the Abused and Neglected Child Reporting Act
8 because no determination concerning child abuse or neglect is
9 made and nothing is reported to the central register.

10 Appeals from all final orders and judgments entered by a
11 court upon review of the Department's orders in any case may be
12 taken by either party to the proceeding and shall be governed
13 by the rules applicable to appeals in civil cases.

14 The remedy herein provided for appeal shall be exclusive,
15 and no court shall have jurisdiction to review the subject
16 matter of any order made by the Department except as herein
17 provided.

18 (Source: P.A. 83-1037.)

19 Section 10. The Abused and Neglected Child Reporting Act is
20 amended by changing Sections 7.4 and 11.6 as follows:

21 (325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

22 Sec. 7.4. (a) The Department shall be capable of receiving
23 reports of suspected child abuse or neglect 24 hours a day, 7
24 days a week. Whenever the Department receives a report alleging

1 that a child is a truant as defined in Section 26-2a of The
2 School Code, as now or hereafter amended, the Department shall
3 notify the superintendent of the school district in which the
4 child resides and the appropriate superintendent of the
5 educational service region. The notification to the
6 appropriate officials by the Department shall not be considered
7 an allegation of abuse or neglect under this Act.

8 (a-5) Beginning January 1, 2010, the Department of Children
9 and Family Services may implement a 5-year demonstration of a
10 "differential response program" in accordance with criteria,
11 standards, and procedures prescribed by rule. The program may
12 provide that, upon receiving a report, the Department shall
13 determine whether to conduct a family assessment or an
14 investigation as appropriate to prevent or provide a remedy for
15 child abuse or neglect.

16 For purposes of this subsection (a-5), "family assessment"
17 means a comprehensive assessment of child safety, risk of
18 subsequent child maltreatment, and family strengths and needs
19 that is applied to a child maltreatment report that does not
20 allege substantial child endangerment. "Family assessment"
21 does not include a determination as to whether child
22 maltreatment occurred but does determine the need for services
23 to address the safety of family members and the risk of
24 subsequent maltreatment.

25 For purposes of this subsection (a-5), "investigation"
26 means fact-gathering related to the current safety of a child

1 and the risk of subsequent abuse or neglect that determines
2 whether a report of suspected child abuse or neglect should be
3 indicated or unfounded and whether child protective services
4 are needed.

5 Under the "differential response program" implemented
6 under this subsection (a-5), the Department:

7 (1) Shall conduct an investigation on reports
8 involving substantial child abuse or neglect.

9 (2) Shall begin an immediate investigation if, at any
10 time when it is using a family assessment response, it
11 determines that there is reason to believe that substantial
12 child abuse or neglect or a serious threat to the child's
13 safety exists.

14 (3) May conduct a family assessment for reports that do
15 not allege substantial child endangerment. In determining
16 that a family assessment is appropriate, the Department may
17 consider issues including, but not limited to, child
18 safety, parental cooperation, and the need for an immediate
19 response.

20 (4) Shall promulgate criteria, standards, and
21 procedures that shall be applied in making this
22 determination, taking into consideration the Child
23 Endangerment Risk Assessment Protocol of the Department.

24 (5) May conduct a family assessment on a report that
25 was initially screened and assigned for an investigation.
26 In determining that a complete investigation is not

1 required, the Department must document the reason for
2 terminating the investigation and notify the local law
3 enforcement agency or the Department of State Police if the
4 local law enforcement agency or Department of State Police is
5 conducting a joint investigation.

6 Once it is determined that a "family assessment" will be
7 implemented, the case shall not be reported to the central
8 register of abuse and neglect reports.

9 During a family assessment, the Department shall collect
10 any available and relevant information to determine child
11 safety, risk of subsequent abuse or neglect, and family
12 strengths.

13 Information collected includes, but is not limited to, when
14 relevant: information with regard to the person reporting the
15 alleged abuse or neglect, including the nature of the
16 reporter's relationship to the child and to the alleged
17 offender, and the basis of the reporter's knowledge for the
18 report; the child allegedly being abused or neglected; the
19 alleged offender; the child's caretaker; and other collateral
20 sources having relevant information related to the alleged
21 abuse or neglect. Information relevant to the assessment must
22 be asked for, and may include:

23 (A) The child's sex and age, prior reports of abuse or
24 neglect, information relating to developmental
25 functioning, credibility of the child's statement, and
26 whether the information provided under this paragraph (A)

1 is consistent with other information collected during the
2 course of the assessment or investigation.

3 (B) The alleged offender's age, a record check for
4 prior reports of abuse or neglect, and criminal charges and
5 convictions. The alleged offender may submit supporting
6 documentation relevant to the assessment.

7 (C) Collateral source information regarding the
8 alleged abuse or neglect and care of the child. Collateral
9 information includes, when relevant: (i) a medical
10 examination of the child; (ii) prior medical records
11 relating to the alleged maltreatment or care of the child
12 maintained by any facility, clinic, or health care
13 professional, and an interview with the treating
14 professionals; and (iii) interviews with the child's
15 caretakers, including the child's parent, guardian, foster
16 parent, child care provider, teachers, counselors, family
17 members, relatives, and other persons who may have
18 knowledge regarding the alleged maltreatment and the care
19 of the child.

20 (D) Information on the existence of domestic abuse and
21 violence in the home of the child, and substance abuse.

22 Nothing in this subsection (a-5) precludes the Department
23 from collecting other relevant information necessary to
24 conduct the assessment or investigation. Nothing in this
25 subsection (a-5) shall be construed to allow the name or
26 identity of a reporter to be disclosed in violation of the

1 protections afforded under Section 7.19 of this Act.

2 After conducting the family assessment, the Department
3 shall determine whether services are needed to address the
4 safety of the child and other family members and the risk of
5 subsequent abuse or neglect.

6 Upon completion of the family assessment, if the Department
7 concludes that no services shall be offered, then the case
8 shall be closed. If the Department concludes that services
9 shall be offered, the Department shall develop a family
10 preservation plan and offer or refer services to the family.

11 At any time during a family assessment, if the Department
12 believes there is any reason to stop the assessment and conduct
13 an investigation based on the information discovered, the
14 Department shall do so.

15 The procedures available to the Department in conducting
16 investigations under this Act shall be followed as appropriate
17 during a family assessment.

18 The Department shall arrange for an independent evaluation
19 of the "differential response program" authorized and
20 implemented under this subsection (a-5) to determine whether it
21 is meeting the goals in accordance with Section 2 of this Act.
22 The Department may adopt administrative rules necessary for the
23 execution of this Section, in accordance with Section 4 of the
24 Children and Family Services Act.

25 The demonstration conducted under this subsection (a-5)
26 shall become a permanent program on January 1, 2015, upon

1 completion of the demonstration project period.

2 (b) (1) The following procedures shall be followed in the
3 investigation of all reports of suspected abuse or neglect
4 of a child, except as provided in subsection (c) of this
5 Section.

6 (2) If, during a family assessment authorized by
7 subsection (a-5) or an investigation, it appears that the
8 immediate safety or well-being of a child is endangered,
9 that the family may flee or the child disappear, or that
10 the facts otherwise so warrant, the Child Protective
11 Service Unit shall commence an investigation immediately,
12 regardless of the time of day or night. All other
13 investigations ~~In all other cases, investigation~~ shall be
14 commenced within 24 hours of receipt of the report. Upon
15 receipt of a report, the Child Protective Service Unit
16 shall conduct a family assessment authorized by subsection
17 (a-5) or begin ~~make~~ an initial investigation and make an
18 initial determination whether the report is a good faith
19 indication of alleged child abuse or neglect.

20 (3) Based on an initial investigation, if ~~if~~ the Unit
21 determines the report is a good faith indication of alleged
22 child abuse or neglect, then a formal investigation shall
23 commence and, pursuant to Section 7.12 of this Act, may or
24 may not result in an indicated report. The formal
25 investigation shall include: direct contact with the
26 subject or subjects of the report as soon as possible after

1 the report is received; an evaluation of the environment of
2 the child named in the report and any other children in the
3 same environment; a determination of the risk to such
4 children if they continue to remain in the existing
5 environments, as well as a determination of the nature,
6 extent and cause of any condition enumerated in such
7 report; the name, age and condition of other children in
8 the environment; and an evaluation as to whether there
9 would be an immediate and urgent necessity to remove the
10 child from the environment if appropriate family
11 preservation services were provided. After seeing to the
12 safety of the child or children, the Department shall
13 forthwith notify the subjects of the report in writing, of
14 the existence of the report and their rights existing under
15 this Act in regard to amendment or expungement. To fulfill
16 the requirements of this Section, the Child Protective
17 Service Unit shall have the capability of providing or
18 arranging for comprehensive emergency services to children
19 and families at all times of the day or night.

20 (4) If (i) at the conclusion of the Unit's initial
21 investigation of a report, the Unit determines the report
22 to be a good faith indication of alleged child abuse or
23 neglect that warrants a formal investigation by the Unit,
24 the Department, any law enforcement agency or any other
25 responsible agency and (ii) the person who is alleged to
26 have caused the abuse or neglect is employed or otherwise

1 engaged in an activity resulting in frequent contact with
2 children and the alleged abuse or neglect are in the course
3 of such employment or activity, then the Department shall,
4 except in investigations where the Director determines
5 that such notification would be detrimental to the
6 Department's investigation, inform the appropriate
7 supervisor or administrator of that employment or activity
8 that the Unit has commenced a formal investigation pursuant
9 to this Act, which may or may not result in an indicated
10 report. The Department shall also notify the person being
11 investigated, unless the Director determines that such
12 notification would be detrimental to the Department's
13 investigation.

14 (c) In an investigation of a report of suspected abuse or
15 neglect of a child by a school employee at a school or on
16 school grounds, the Department shall make reasonable efforts to
17 follow the following procedures:

18 (1) Investigations involving teachers shall not, to
19 the extent possible, be conducted when the teacher is
20 scheduled to conduct classes. Investigations involving
21 other school employees shall be conducted so as to minimize
22 disruption of the school day. The school employee accused
23 of child abuse or neglect may have his superior, his
24 association or union representative and his attorney
25 present at any interview or meeting at which the teacher or
26 administrator is present. The accused school employee

1 shall be informed by a representative of the Department, at
2 any interview or meeting, of the accused school employee's
3 due process rights and of the steps in the investigation
4 process. The information shall include, but need not
5 necessarily be limited to the right, subject to the
6 approval of the Department, of the school employee to
7 confront the accuser, if the accuser is 14 years of age or
8 older, or the right to review the specific allegations
9 which gave rise to the investigation, and the right to
10 review all materials and evidence that have been submitted
11 to the Department in support of the allegation. These due
12 process rights shall also include the right of the school
13 employee to present countervailing evidence regarding the
14 accusations.

15 (2) If a report of neglect or abuse of a child by a
16 teacher or administrator does not involve allegations of
17 sexual abuse or extreme physical abuse, the Child
18 Protective Service Unit shall make reasonable efforts to
19 conduct the initial investigation in coordination with the
20 employee's supervisor.

21 If the Unit determines that the report is a good faith
22 indication of potential child abuse or neglect, it shall
23 then commence a formal investigation under paragraph (3) of
24 subsection (b) of this Section.

25 (3) If a report of neglect or abuse of a child by a
26 teacher or administrator involves an allegation of sexual

1 abuse or extreme physical abuse, the Child Protective Unit
2 shall commence an investigation under paragraph (2) of
3 subsection (b) of this Section.

4 (c-5) In any instance in which a report is made or caused
5 to made by a school district employee involving the conduct of
6 a person employed by the school district, at the time the
7 report was made, as required under Section 4 of this Act, the
8 Child Protective Service Unit shall send a copy of its final
9 finding report to the general superintendent of that school
10 district.

11 (d) If the Department has contact with an employer, or with
12 a religious institution or religious official having
13 supervisory or hierarchical authority over a member of the
14 clergy accused of the abuse of a child, in the course of its
15 investigation, the Department shall notify the employer or the
16 religious institution or religious official, in writing, when a
17 report is unfounded so that any record of the investigation can
18 be expunged from the employee's or member of the clergy's
19 personnel or other records. The Department shall also notify
20 the employee or the member of the clergy, in writing, that
21 notification has been sent to the employer or to the
22 appropriate religious institution or religious official
23 informing the employer or religious institution or religious
24 official that the Department's investigation has resulted in an
25 unfounded report.

26 (e) Upon request by the Department, the Department of State

1 Police and law enforcement agencies are authorized to provide
2 criminal history record information as defined in the Illinois
3 Uniform Conviction Information Act and information maintained
4 in the adjudicatory and dispositional record system as defined
5 in Section 2605-355 of the Department of State Police Law (20
6 ILCS 2605/2605-355) to properly designated employees of the
7 Department of Children and Family Services if the Department
8 determines the information is necessary to perform its duties
9 under the Abused and Neglected Child Reporting Act, the Child
10 Care Act of 1969, and the Children and Family Services Act. The
11 request shall be in the form and manner required by the
12 Department of State Police. Any information obtained by the
13 Department of Children and Family Services under this Section
14 is confidential and may not be transmitted outside the
15 Department of Children and Family Services other than to a
16 court of competent jurisdiction or unless otherwise authorized
17 by law. Any employee of the Department of Children and Family
18 Services who transmits confidential information in violation
19 of this Section or causes the information to be transmitted in
20 violation of this Section is guilty of a Class A misdemeanor
21 unless the transmittal of the information is authorized by this
22 Section or otherwise authorized by law.

23 (Source: P.A. 95-908, eff. 8-26-08.)

24 (325 ILCS 5/11.6) (from Ch. 23, par. 2061.6)

25 Sec. 11.6. All final administrative decisions of the

1 Department under this Act are subject to judicial review under
2 the Administrative Review Law, as now or hereafter amended, and
3 the rules adopted pursuant thereto. The term "administrative
4 decision" is defined as in Section 3-101 of the Code of Civil
5 Procedure.

6 Review of a final administrative decision under the
7 Administrative Review Law is not applicable to a decision to
8 conduct a family assessment under subsection (a-5) of Section
9 7.4 because no determination concerning child abuse or neglect
10 is made and nothing is reported to the central register.
11 (Source: P.A. 82-783.)".