



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5363

Introduced 2/15/2012, by Rep. Robyn Gabel - Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

See Index

Amends the State Employees Group Insurance Act of 1971, the Alcoholism and Other Drug Abuse and Dependency Act, the Children and Family Services Act, the Illinois Commission on Volunteerism and Community Service Act, the Department of Human Services Act, the Domestic Violence Shelters Act, the Illinois Youthbuild Act, the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois, the Interagency Coordinating Council Act, the State Finance Act, the School Code, the Specialized Care for Children Act, the Abused and Neglected Child Reporting Act, the Early Intervention Services System Act, the Interagency Board for Children who are Deaf or Hard-of-Hearing and have an Emotional or Behavioral Disorder Act, the Community Services Act, the Reduction of Racial and Ethnic Health Disparities Act, the Illinois Family Case Management Act, the Hearing Screening for Newborns Act, the Prenatal and Newborn Care Act, the Problem Pregnancy Health Services and Care Act, Developmental Disability Prevention Act, the WIC Vendor Management Act, the Renal Disease Treatment Act, the Juvenile Court Act of 1987, the Cannabis Control Act, the Narcotics Profit Forfeiture Act, the Probation and Probation Officers Act, and the Illinois Domestic Violence Act of 1986. Transfers various programs, powers, and funding to the Department of Public Health. Creates the Office of Community Health, Prevention, and Wellness within the Department of Public Health. Repeals certain provisions of the Department of Human Services Act. Repeals the Prenatal and Newborn Care Act and the Problem Pregnancy Health Services and Care Act. Provides that the bill may be referred to as the Illinois Maternal and Child Health Leadership and Excellence Act of 2012.

LRB097 19769 RPM 65034 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public health.

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

4 Section 1. Short title. This Act may be referred to as the
5 Illinois Maternal and Child Health Leadership and Excellence
6 Act of 2012.

7 Section 2. Legislative findings and purpose. The General
8 Assembly finds the following:

9 (1) The people of Illinois continue to experience and
10 to bear the consequences of unacceptable rates and
11 disparities among racial and ethnic groups with regard to
12 maternal and child health, including low birth weight,
13 infant mortality, maternal mortality, early childhood
14 development, child and adolescent health problems
15 (including overweight and obesity), teen pregnancy,
16 adolescent substance abuse, juvenile delinquency, and
17 domestic violence.

18 (2) The resolution of these challenges requires an
19 integrated, comprehensive approach that considers the
20 health of the entire population and directs resources to
21 high-risk groups based on epidemiological analysis in
22 order to prevent disability, disease, death, or other
23 adverse circumstance or what may be termed a public health

1 approach.

2 (3) Highly qualified individuals with extensive
3 academic preparation and demonstrated experience are
4 required to lead such public health efforts.

5 (4) The State of Illinois, through the Department of
6 Human Services Act, made such an integrated, comprehensive
7 approach possible when it combined various programs from
8 the Department of Public Health, the Department of Children
9 and Family Services, the former Department of Public Aid,
10 and the former Department of Alcoholism and Substance Abuse
11 to create the Office of Community Health and Prevention in
12 the Department of Human Services at its inception on July
13 1, 1997.

14 (5) The Governor has acted to dissolve the Office of
15 Community Health and Prevention within the Department of
16 Human Services.

17 (6) Improving the health of all women, children, and
18 families in this State requires the use of a public health
19 approach under qualified leadership by an identifiable
20 point of responsibility within the executive branch.

21 Therefore, it is the purpose of this Act to establish a
22 unit within the Department of Public Health to lead and develop
23 Illinois' Maternal and Child Health Program; to set forth the
24 qualifications of the Deputy Director for the Office of
25 Community Health, Prevention, and Wellness, who will be
26 responsible for this new unit; and to transfer the statutory

1 authority and regulations, appropriations, programs, property,
2 and personnel that formerly comprised the Office of Community
3 Health and Prevention and the personnel, hardware, and software
4 for its principal management information system in the
5 Department of Human Services to the Department of Public
6 Health.

7 Section 5. The State Employees Group Insurance Act of 1971
8 is amended by changing Section 3 as follows:

9 (5 ILCS 375/3) (from Ch. 127, par. 523)

10 Sec. 3. Definitions. Unless the context otherwise
11 requires, the following words and phrases as used in this Act
12 shall have the following meanings. The Department may define
13 these and other words and phrases separately for the purpose of
14 implementing specific programs providing benefits under this
15 Act.

16 (a) "Administrative service organization" means any
17 person, firm or corporation experienced in the handling of
18 claims which is fully qualified, financially sound and capable
19 of meeting the service requirements of a contract of
20 administration executed with the Department.

21 (b) "Annuitant" means (1) an employee who retires, or has
22 retired, on or after January 1, 1966 on an immediate annuity
23 under the provisions of Articles 2, 14 (including an employee
24 who has elected to receive an alternative retirement

1 cancellation payment under Section 14-108.5 of the Illinois
2 Pension Code in lieu of an annuity), 15 (including an employee
3 who has retired under the optional retirement program
4 established under Section 15-158.2), paragraphs (2), (3), or
5 (5) of Section 16-106, or Article 18 of the Illinois Pension
6 Code; (2) any person who was receiving group insurance coverage
7 under this Act as of March 31, 1978 by reason of his status as
8 an annuitant, even though the annuity in relation to which such
9 coverage was provided is a proportional annuity based on less
10 than the minimum period of service required for a retirement
11 annuity in the system involved; (3) any person not otherwise
12 covered by this Act who has retired as a participating member
13 under Article 2 of the Illinois Pension Code but is ineligible
14 for the retirement annuity under Section 2-119 of the Illinois
15 Pension Code; (4) the spouse of any person who is receiving a
16 retirement annuity under Article 18 of the Illinois Pension
17 Code and who is covered under a group health insurance program
18 sponsored by a governmental employer other than the State of
19 Illinois and who has irrevocably elected to waive his or her
20 coverage under this Act and to have his or her spouse
21 considered as the "annuitant" under this Act and not as a
22 "dependent"; or (5) an employee who retires, or has retired,
23 from a qualified position, as determined according to rules
24 promulgated by the Director, under a qualified local
25 government, a qualified rehabilitation facility, a qualified
26 domestic violence shelter or service, or a qualified child

1 advocacy center. (For definition of "retired employee", see (p)
2 post).

3 (b-5) "New SERS annuitant" means a person who, on or after
4 January 1, 1998, becomes an annuitant, as defined in subsection
5 (b), by virtue of beginning to receive a retirement annuity
6 under Article 14 of the Illinois Pension Code (including an
7 employee who has elected to receive an alternative retirement
8 cancellation payment under Section 14-108.5 of that Code in
9 lieu of an annuity), and is eligible to participate in the
10 basic program of group health benefits provided for annuitants
11 under this Act.

12 (b-6) "New SURS annuitant" means a person who (1) on or
13 after January 1, 1998, becomes an annuitant, as defined in
14 subsection (b), by virtue of beginning to receive a retirement
15 annuity under Article 15 of the Illinois Pension Code, (2) has
16 not made the election authorized under Section 15-135.1 of the
17 Illinois Pension Code, and (3) is eligible to participate in
18 the basic program of group health benefits provided for
19 annuitants under this Act.

20 (b-7) "New TRS State annuitant" means a person who, on or
21 after July 1, 1998, becomes an annuitant, as defined in
22 subsection (b), by virtue of beginning to receive a retirement
23 annuity under Article 16 of the Illinois Pension Code based on
24 service as a teacher as defined in paragraph (2), (3), or (5)
25 of Section 16-106 of that Code, and is eligible to participate
26 in the basic program of group health benefits provided for

1 annuitants under this Act.

2 (c) "Carrier" means (1) an insurance company, a corporation
3 organized under the Limited Health Service Organization Act or
4 the Voluntary Health Services Plan Act, a partnership, or other
5 nongovernmental organization, which is authorized to do group
6 life or group health insurance business in Illinois, or (2) the
7 State of Illinois as a self-insurer.

8 (d) "Compensation" means salary or wages payable on a
9 regular payroll by the State Treasurer on a warrant of the
10 State Comptroller out of any State, trust or federal fund, or
11 by the Governor of the State through a disbursing officer of
12 the State out of a trust or out of federal funds, or by any
13 Department out of State, trust, federal or other funds held by
14 the State Treasurer or the Department, to any person for
15 personal services currently performed, and ordinary or
16 accidental disability benefits under Articles 2, 14, 15
17 (including ordinary or accidental disability benefits under
18 the optional retirement program established under Section
19 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or
20 Article 18 of the Illinois Pension Code, for disability
21 incurred after January 1, 1966, or benefits payable under the
22 Workers' Compensation or Occupational Diseases Act or benefits
23 payable under a sick pay plan established in accordance with
24 Section 36 of the State Finance Act. "Compensation" also means
25 salary or wages paid to an employee of any qualified local
26 government, qualified rehabilitation facility, qualified

1 domestic violence shelter or service, or qualified child
2 advocacy center.

3 (e) "Commission" means the State Employees Group Insurance
4 Advisory Commission authorized by this Act. Commencing July 1,
5 1984, "Commission" as used in this Act means the Commission on
6 Government Forecasting and Accountability as established by
7 the Legislative Commission Reorganization Act of 1984.

8 (f) "Contributory", when referred to as contributory
9 coverage, shall mean optional coverages or benefits elected by
10 the member toward the cost of which such member makes
11 contribution, or which are funded in whole or in part through
12 the acceptance of a reduction in earnings or the foregoing of
13 an increase in earnings by an employee, as distinguished from
14 noncontributory coverage or benefits which are paid entirely by
15 the State of Illinois without reduction of the member's salary.

16 (g) "Department" means any department, institution, board,
17 commission, officer, court or any agency of the State
18 government receiving appropriations and having power to
19 certify payrolls to the Comptroller authorizing payments of
20 salary and wages against such appropriations as are made by the
21 General Assembly from any State fund, or against trust funds
22 held by the State Treasurer and includes boards of trustees of
23 the retirement systems created by Articles 2, 14, 15, 16 and 18
24 of the Illinois Pension Code. "Department" also includes the
25 Illinois Comprehensive Health Insurance Board, the Board of
26 Examiners established under the Illinois Public Accounting

1 Act, and the Illinois Finance Authority.

2 (h) "Dependent", when the term is used in the context of
3 the health and life plan, means a member's spouse and any child
4 (1) from birth to age 26 including an adopted child, a child
5 who lives with the member from the time of the filing of a
6 petition for adoption until entry of an order of adoption, a
7 stepchild or adjudicated child, or a child who lives with the
8 member if such member is a court appointed guardian of the
9 child or (2) age 19 or over who is mentally or physically
10 disabled from a cause originating prior to the age of 19 (age
11 26 if enrolled as an adult child dependent). For the health
12 plan only, the term "dependent" also includes (1) any person
13 enrolled prior to the effective date of this Section who is
14 dependent upon the member to the extent that the member may
15 claim such person as a dependent for income tax deduction
16 purposes and (2) any person who has received after June 30,
17 2000 an organ transplant and who is financially dependent upon
18 the member and eligible to be claimed as a dependent for income
19 tax purposes. A member requesting to cover any dependent must
20 provide documentation as requested by the Department of Central
21 Management Services and file with the Department any and all
22 forms required by the Department.

23 (i) "Director" means the Director of the Illinois
24 Department of Central Management Services or of any successor
25 agency designated to administer this Act.

26 (j) "Eligibility period" means the period of time a member

1 has to elect enrollment in programs or to select benefits
2 without regard to age, sex or health.

3 (k) "Employee" means and includes each officer or employee
4 in the service of a department who (1) receives his
5 compensation for service rendered to the department on a
6 warrant issued pursuant to a payroll certified by a department
7 or on a warrant or check issued and drawn by a department upon
8 a trust, federal or other fund or on a warrant issued pursuant
9 to a payroll certified by an elected or duly appointed officer
10 of the State or who receives payment of the performance of
11 personal services on a warrant issued pursuant to a payroll
12 certified by a Department and drawn by the Comptroller upon the
13 State Treasurer against appropriations made by the General
14 Assembly from any fund or against trust funds held by the State
15 Treasurer, and (2) is employed full-time or part-time in a
16 position normally requiring actual performance of duty during
17 not less than 1/2 of a normal work period, as established by
18 the Director in cooperation with each department, except that
19 persons elected by popular vote will be considered employees
20 during the entire term for which they are elected regardless of
21 hours devoted to the service of the State, and (3) except that
22 "employee" does not include any person who is not eligible by
23 reason of such person's employment to participate in one of the
24 State retirement systems under Articles 2, 14, 15 (either the
25 regular Article 15 system or the optional retirement program
26 established under Section 15-158.2) or 18, or under paragraph

1 (2), (3), or (5) of Section 16-106, of the Illinois Pension
2 Code, but such term does include persons who are employed
3 during the 6 month qualifying period under Article 14 of the
4 Illinois Pension Code. Such term also includes any person who
5 (1) after January 1, 1966, is receiving ordinary or accidental
6 disability benefits under Articles 2, 14, 15 (including
7 ordinary or accidental disability benefits under the optional
8 retirement program established under Section 15-158.2),
9 paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of
10 the Illinois Pension Code, for disability incurred after
11 January 1, 1966, (2) receives total permanent or total
12 temporary disability under the Workers' Compensation Act or
13 Occupational Disease Act as a result of injuries sustained or
14 illness contracted in the course of employment with the State
15 of Illinois, or (3) is not otherwise covered under this Act and
16 has retired as a participating member under Article 2 of the
17 Illinois Pension Code but is ineligible for the retirement
18 annuity under Section 2-119 of the Illinois Pension Code.
19 However, a person who satisfies the criteria of the foregoing
20 definition of "employee" except that such person is made
21 ineligible to participate in the State Universities Retirement
22 System by clause (4) of subsection (a) of Section 15-107 of the
23 Illinois Pension Code is also an "employee" for the purposes of
24 this Act. "Employee" also includes any person receiving or
25 eligible for benefits under a sick pay plan established in
26 accordance with Section 36 of the State Finance Act. "Employee"

1 also includes (i) each officer or employee in the service of a
2 qualified local government, including persons appointed as
3 trustees of sanitary districts regardless of hours devoted to
4 the service of the sanitary district, (ii) each employee in the
5 service of a qualified rehabilitation facility, (iii) each
6 full-time employee in the service of a qualified domestic
7 violence shelter or service, and (iv) each full-time employee
8 in the service of a qualified child advocacy center, as
9 determined according to rules promulgated by the Director.

10 (l) "Member" means an employee, annuitant, retired
11 employee or survivor. In the case of an annuitant or retired
12 employee who first becomes an annuitant or retired employee on
13 or after the effective date of this amendatory Act of the 97th
14 General Assembly, the individual must meet the minimum vesting
15 requirements of the applicable retirement system in order to be
16 eligible for group insurance benefits under that system. In the
17 case of a survivor who first becomes a survivor on or after the
18 effective date of this amendatory Act of the 97th General
19 Assembly, the deceased employee, annuitant, or retired
20 employee upon whom the annuity is based must have been eligible
21 to participate in the group insurance system under the
22 applicable retirement system in order for the survivor to be
23 eligible for group insurance benefits under that system.

24 (m) "Optional coverages or benefits" means those coverages
25 or benefits available to the member on his or her voluntary
26 election, and at his or her own expense.

1 (n) "Program" means the group life insurance, health
2 benefits and other employee benefits designed and contracted
3 for by the Director under this Act.

4 (o) "Health plan" means a health benefits program offered
5 by the State of Illinois for persons eligible for the plan.

6 (p) "Retired employee" means any person who would be an
7 annuitant as that term is defined herein but for the fact that
8 such person retired prior to January 1, 1966. Such term also
9 includes any person formerly employed by the University of
10 Illinois in the Cooperative Extension Service who would be an
11 annuitant but for the fact that such person was made ineligible
12 to participate in the State Universities Retirement System by
13 clause (4) of subsection (a) of Section 15-107 of the Illinois
14 Pension Code.

15 (q) "Survivor" means a person receiving an annuity as a
16 survivor of an employee or of an annuitant. "Survivor" also
17 includes: (1) the surviving dependent of a person who satisfies
18 the definition of "employee" except that such person is made
19 ineligible to participate in the State Universities Retirement
20 System by clause (4) of subsection (a) of Section 15-107 of the
21 Illinois Pension Code; (2) the surviving dependent of any
22 person formerly employed by the University of Illinois in the
23 Cooperative Extension Service who would be an annuitant except
24 for the fact that such person was made ineligible to
25 participate in the State Universities Retirement System by
26 clause (4) of subsection (a) of Section 15-107 of the Illinois

1 Pension Code; and (3) the surviving dependent of a person who
2 was an annuitant under this Act by virtue of receiving an
3 alternative retirement cancellation payment under Section
4 14-108.5 of the Illinois Pension Code.

5 (q-2) "SERS" means the State Employees' Retirement System
6 of Illinois, created under Article 14 of the Illinois Pension
7 Code.

8 (q-3) "SURS" means the State Universities Retirement
9 System, created under Article 15 of the Illinois Pension Code.

10 (q-4) "TRS" means the Teachers' Retirement System of the
11 State of Illinois, created under Article 16 of the Illinois
12 Pension Code.

13 (q-5) "New SERS survivor" means a survivor, as defined in
14 subsection (q), whose annuity is paid under Article 14 of the
15 Illinois Pension Code and is based on the death of (i) an
16 employee whose death occurs on or after January 1, 1998, or
17 (ii) a new SERS annuitant as defined in subsection (b-5). "New
18 SERS survivor" includes the surviving dependent of a person who
19 was an annuitant under this Act by virtue of receiving an
20 alternative retirement cancellation payment under Section
21 14-108.5 of the Illinois Pension Code.

22 (q-6) "New SURS survivor" means a survivor, as defined in
23 subsection (q), whose annuity is paid under Article 15 of the
24 Illinois Pension Code and is based on the death of (i) an
25 employee whose death occurs on or after January 1, 1998, or
26 (ii) a new SURS annuitant as defined in subsection (b-6).

1 (q-7) "New TRS State survivor" means a survivor, as defined
2 in subsection (q), whose annuity is paid under Article 16 of
3 the Illinois Pension Code and is based on the death of (i) an
4 employee who is a teacher as defined in paragraph (2), (3), or
5 (5) of Section 16-106 of that Code and whose death occurs on or
6 after July 1, 1998, or (ii) a new TRS State annuitant as
7 defined in subsection (b-7).

8 (r) "Medical services" means the services provided within
9 the scope of their licenses by practitioners in all categories
10 licensed under the Medical Practice Act of 1987.

11 (s) "Unit of local government" means any county,
12 municipality, township, school district (including a
13 combination of school districts under the Intergovernmental
14 Cooperation Act), special district or other unit, designated as
15 a unit of local government by law, which exercises limited
16 governmental powers or powers in respect to limited
17 governmental subjects, any not-for-profit association with a
18 membership that primarily includes townships and township
19 officials, that has duties that include provision of research
20 service, dissemination of information, and other acts for the
21 purpose of improving township government, and that is funded
22 wholly or partly in accordance with Section 85-15 of the
23 Township Code; any not-for-profit corporation or association,
24 with a membership consisting primarily of municipalities, that
25 operates its own utility system, and provides research,
26 training, dissemination of information, or other acts to

1 promote cooperation between and among municipalities that
2 provide utility services and for the advancement of the goals
3 and purposes of its membership; the Southern Illinois
4 Collegiate Common Market, which is a consortium of higher
5 education institutions in Southern Illinois; the Illinois
6 Association of Park Districts; and any hospital provider that
7 is owned by a county that has 100 or fewer hospital beds and
8 has not already joined the program. "Qualified local
9 government" means a unit of local government approved by the
10 Director and participating in a program created under
11 subsection (i) of Section 10 of this Act.

12 (t) "Qualified rehabilitation facility" means any
13 not-for-profit organization that is accredited by the
14 Commission on Accreditation of Rehabilitation Facilities or
15 certified by the Department of Human Services (as successor to
16 the Department of Mental Health and Developmental
17 Disabilities) to provide services to persons with disabilities
18 and which receives funds from the State of Illinois for
19 providing those services, approved by the Director and
20 participating in a program created under subsection (j) of
21 Section 10 of this Act.

22 (u) "Qualified domestic violence shelter or service" means
23 any Illinois domestic violence shelter or service and its
24 administrative offices funded by the Department of Public
25 Health ~~Human Services~~ (as successor to the ~~Illinois~~ Department
26 of Human Services and the Department of Healthcare and Family

1 Services ~~Public Aid~~), approved by the Director and
2 participating in a program created under subsection (k) of
3 Section 10.

4 (v) "TRS benefit recipient" means a person who:

5 (1) is not a "member" as defined in this Section; and

6 (2) is receiving a monthly benefit or retirement
7 annuity under Article 16 of the Illinois Pension Code; and

8 (3) either (i) has at least 8 years of creditable
9 service under Article 16 of the Illinois Pension Code, or

10 (ii) was enrolled in the health insurance program offered

11 under that Article on January 1, 1996, or (iii) is the

12 survivor of a benefit recipient who had at least 8 years of

13 creditable service under Article 16 of the Illinois Pension

14 Code or was enrolled in the health insurance program

15 offered under that Article on the effective date of this

16 amendatory Act of 1995, or (iv) is a recipient or survivor

17 of a recipient of a disability benefit under Article 16 of

18 the Illinois Pension Code.

19 (w) "TRS dependent beneficiary" means a person who:

20 (1) is not a "member" or "dependent" as defined in this
21 Section; and

22 (2) is a TRS benefit recipient's: (A) spouse, (B)

23 dependent parent who is receiving at least half of his or

24 her support from the TRS benefit recipient, or (C) natural,

25 step, adjudicated, or adopted child who is (i) under age

26 26, (ii) was, on January 1, 1996, participating as a

1 dependent beneficiary in the health insurance program
2 offered under Article 16 of the Illinois Pension Code, or
3 (iii) age 19 or over who is mentally or physically disabled
4 from a cause originating prior to the age of 19 (age 26 if
5 enrolled as an adult child).

6 "TRS dependent beneficiary" does not include, as indicated
7 under paragraph (2) of this subsection (w), a dependent of the
8 survivor of a TRS benefit recipient who first becomes a
9 dependent of a survivor of a TRS benefit recipient on or after
10 the effective date of this amendatory Act of the 97th General
11 Assembly unless that dependent would have been eligible for
12 coverage as a dependent of the deceased TRS benefit recipient
13 upon whom the survivor benefit is based.

14 (x) "Military leave" refers to individuals in basic
15 training for reserves, special/advanced training, annual
16 training, emergency call up, activation by the President of the
17 United States, or any other training or duty in service to the
18 United States Armed Forces.

19 (y) (Blank).

20 (z) "Community college benefit recipient" means a person
21 who:

22 (1) is not a "member" as defined in this Section; and

23 (2) is receiving a monthly survivor's annuity or
24 retirement annuity under Article 15 of the Illinois Pension
25 Code; and

26 (3) either (i) was a full-time employee of a community

1 college district or an association of community college
2 boards created under the Public Community College Act
3 (other than an employee whose last employer under Article
4 15 of the Illinois Pension Code was a community college
5 district subject to Article VII of the Public Community
6 College Act) and was eligible to participate in a group
7 health benefit plan as an employee during the time of
8 employment with a community college district (other than a
9 community college district subject to Article VII of the
10 Public Community College Act) or an association of
11 community college boards, or (ii) is the survivor of a
12 person described in item (i).

13 (aa) "Community college dependent beneficiary" means a
14 person who:

15 (1) is not a "member" or "dependent" as defined in this
16 Section; and

17 (2) is a community college benefit recipient's: (A)
18 spouse, (B) dependent parent who is receiving at least half
19 of his or her support from the community college benefit
20 recipient, or (C) natural, step, adjudicated, or adopted
21 child who is (i) under age 26, or (ii) age 19 or over and
22 mentally or physically disabled from a cause originating
23 prior to the age of 19 (age 26 if enrolled as an adult
24 child).

25 "Community college dependent beneficiary" does not
26 include, as indicated under paragraph (2) of this subsection

1 (aa), a dependent of the survivor of a community college
2 benefit recipient who first becomes a dependent of a survivor
3 of a community college benefit recipient on or after the
4 effective date of this amendatory Act of the 97th General
5 Assembly unless that dependent would have been eligible for
6 coverage as a dependent of the deceased community college
7 benefit recipient upon whom the survivor annuity is based.

8 (bb) "Qualified child advocacy center" means any Illinois
9 child advocacy center and its administrative offices funded by
10 the Department of Children and Family Services, as defined by
11 the Children's Advocacy Center Act (55 ILCS 80/), approved by
12 the Director and participating in a program created under
13 subsection (n) of Section 10.

14 (Source: P.A. 96-756, eff. 1-1-10; 96-1519, eff. 2-4-11;
15 97-668, eff. 1-13-12.)

16 Section 10. The Alcoholism and Other Drug Abuse and
17 Dependency Act is amended by changing Sections 5-5, 10-30,
18 10-55, 35-5, 50-25, and 50-30 and by adding Section 50-1 as
19 follows:

20 (20 ILCS 301/5-5)

21 Sec. 5-5. Successor department; home rule.

22 (a) The Department of Human Services, as successor to the
23 Department of Alcoholism and Substance Abuse, shall assume the
24 various rights, powers, duties, and functions provided for in

1 this Act.

2 The Department of Human Services shall delegate the various
3 rights, powers, duties, and functions provided in this Act
4 regarding general education of the public and prevention of
5 alcoholism or substance abuse, including those specified in
6 subsection (a) of Section 20-5 of this Act, to the Department
7 of Public Health.

8 The Department of Public Health shall work closely with the
9 Department of Human Services to ensure that all of the
10 responsibilities set forth in this Act regarding general
11 education of the public and prevention of alcoholism and
12 substance abuse are performed as required by the Department of
13 Human Services.

14 (b) It is declared to be the public policy of this State,
15 pursuant to paragraphs (h) and (i) of Section 6 of Article VII
16 of the Illinois Constitution of 1970, that the powers and
17 functions set forth in this Act and expressly delegated to the
18 Department are exclusive State powers and functions. Nothing
19 herein prohibits the exercise of any power or the performance
20 of any function, including the power to regulate, for the
21 protection of the public health, safety, morals and welfare, by
22 any unit of local government, other than the powers and
23 functions set forth in this Act and expressly delegated to the
24 Department to be exclusive State powers and functions.

25 (c) The Department shall, through accountable and
26 efficient leadership, example and commitment to excellence,

1 strive to reduce the incidence and consequences of the abuse of
2 alcohol and other drugs by:

3 (1) fostering public understanding of alcoholism and
4 addiction as illnesses which affect individuals,
5 co-dependents, families and communities.

6 (2) promoting healthy lifestyles.

7 (3) promoting understanding and support for sound
8 public policies.

9 (4) ensuring quality prevention, intervention and
10 treatment programs and services which are accessible and
11 responsive to the diverse needs of individuals, families
12 and communities.

13 (Source: P.A. 88-80; 89-202, eff. 7-21-95; 89-507, eff.
14 7-1-97.)

15 (20 ILCS 301/10-30)

16 Sec. 10-30. Membership.

17 (a) The Committee shall be composed of 15 individuals
18 appointed by the chairperson of the Council, with the advice
19 and consent of the Secretary, from among the medical and
20 substance abuse prevention and treatment communities who have
21 expertise and experience in women-specific programming and
22 representatives of appropriate public agencies and shall
23 include the Director of Public Health or his or her designee.

24 Members may be, but need not be, members of the Council.

25 (b) Members shall serve 3-year terms and until their

1 successors are appointed and qualified, except that of the
2 initial appointments, 5 members shall be appointed for one
3 year, 5 members shall be appointed for 2 years, and 5 members
4 shall be appointed for 3 years and until their successors are
5 appointed and qualified. Appointments to fill vacancies shall
6 be made in the same manner as the original appointments, for
7 the unexpired portion of the vacated term. Initial terms shall
8 begin on January 1, 1994. The chairperson of the Council shall
9 annually appoint a chairperson from among the membership of the
10 Committee.

11 (Source: P.A. 88-80; 89-507, eff. 7-1-97.)

12 (20 ILCS 301/10-55)

13 Sec. 10-55. Medical Advisory Committee. The Secretary
14 shall appoint a Medical Advisory Committee to the Department,
15 consisting of up to 15 physicians licensed to practice medicine
16 in all of its branches in Illinois who shall serve in an
17 advisory capacity to the Secretary. The membership of the
18 Medical Advisory Committee shall reasonably reflect
19 representation from the geographic areas and the range of
20 alcoholism and other drug abuse and dependency service
21 providers in the State. In making appointments, the Secretary
22 shall give consideration to recommendations made by the
23 Illinois State Medical Society and other appropriate
24 professional organizations. All appointments shall be made
25 with regard to the interest and expertise of the individual

1 with regard to alcoholism and other drug abuse and dependency
2 services. At a minimum, those appointed to the Committee shall
3 include the Department of Public Health's Deputy Director for
4 Community Health, Prevention, and Wellness or, if the Deputy
5 Director is not a physician, the Medical Director of the
6 Department of Public Health's Division of Community Health,
7 Prevention, and Wellness, representatives of Board-certified
8 psychiatrists, community-based and hospital-based alcoholism
9 or other drug dependency treatment programs, and Illinois
10 medical schools.

11 Members shall serve 3-year terms and until their successors
12 are appointed and qualified, except that of the initial
13 appointments, one-third of the members shall be appointed for
14 one year, one-third shall be appointed for 2 years, and
15 one-third shall be appointed for 3 years and until their
16 successors are appointed and qualified. Appointments to fill
17 vacancies shall be made in the same manner as the original
18 appointments, for the unexpired portion of the vacated term.
19 Initial terms shall begin on January 1, 1994. Members shall
20 elect a chairperson annually from among their membership.

21 (Source: P.A. 88-80; 89-507, eff. 7-1-97.)

22 (20 ILCS 301/35-5)

23 Sec. 35-5. Services for pregnant women and mothers.

24 (a) In order to promote a comprehensive, statewide and
25 multidisciplinary approach to serving addicted pregnant women

1 and mothers, including those who are minors, and their children
2 who are affected by alcoholism and other drug abuse or
3 dependency, the Department shall have responsibility for an
4 ongoing exchange of referral information, as set forth in
5 subsections (b) and (c) of this Section, among the following:

6 (1) those who provide medical and social services to
7 pregnant women, mothers and their children, whether or not
8 there exists evidence of alcoholism or other drug abuse or
9 dependency. These include providers in the Family Case
10 Management ~~Healthy Moms/Healthy Kids~~ program, ~~the Drug~~
11 ~~Free Families With a Future~~ program, the Parents Too Soon
12 program, and any other State-funded medical or social
13 service programs which provide services to pregnant women.

14 (2) providers of treatment services to women affected
15 by alcoholism or other drug abuse or dependency.

16 (b) The Department may, in conjunction with the Departments
17 of Children and Family Services, Public Health, and Healthcare
18 and Family Services ~~Public Aid~~, develop and maintain an updated
19 and comprehensive list of medical and social service providers
20 by geographic region. The Department may periodically send this
21 comprehensive list of medical and social service providers to
22 all providers of treatment for alcoholism and other drug abuse
23 and dependency, identified under subsection (f) of this
24 Section, so that appropriate referrals can be made. The
25 Department shall obtain the specific consent of each provider
26 of services before publishing, distributing, verbally making

1 information available for purposes of referral, or otherwise
2 publicizing the availability of services from a provider. The
3 Department may make information concerning availability of
4 services available to recipients, but may not require
5 recipients to specific sources of care.

6 (c) The Department may, on an ongoing basis, keep all
7 medical and social service providers identified under
8 subsection (b) of this Section informed about any relevant
9 changes in any laws relating to alcoholism and other drug abuse
10 and dependency, about services that are available from any
11 State agencies for addicted pregnant women and addicted mothers
12 and their children, and about any other developments that the
13 Department finds to be informative.

14 (d) All providers of treatment for alcoholism and other
15 drug abuse and dependency may receive information from the
16 Department on the availability of services under ~~the Drug-Free~~
17 ~~Families with a Future or any comparable~~ program providing case
18 management services for alcoholic or addicted women, including
19 information on appropriate referrals for other services that
20 may be needed in addition to treatment.

21 (e) The Department may implement the policies and programs
22 set forth in this Section with the advice of the Committee on
23 Women's Alcohol and Substance Abuse Treatment created under
24 Section 10-20 of this Act.

25 (f) The Department shall develop and maintain an updated
26 and comprehensive directory of service providers that provide

1 treatment services to pregnant women, mothers, and their
2 children in this State. The Department shall disseminate an
3 updated directory as often as is necessary to the list of
4 medical and social service providers compiled under subsection
5 (b) of this Section. The Department shall obtain the specific
6 consent of each provider of services before publishing,
7 distributing, verbally making information available for
8 purposes of referral or otherwise using or publicizing the
9 availability of services from a provider. The Department may
10 make information concerning availability of services available
11 to recipients, but may not require recipients to use specific
12 sources of care.

13 (g) As a condition of any State grant or contract, the
14 Department shall require that any treatment program for
15 addicted women provide services, either by its own staff or by
16 agreement with other agencies or individuals, which include but
17 need not be limited to the following:

18 (1) coordination with the Family Case Management
19 ~~Healthy Moms/Healthy Kids~~ program, ~~the Drug Free Families~~
20 ~~with a Future program~~, or any comparable program providing
21 case management services to ensure ~~assure~~ ongoing
22 monitoring and coordination of services after the addicted
23 woman has returned home.

24 (2) coordination with medical services for individual
25 medical care of addicted pregnant women, including
26 prenatal care under the supervision of a physician.

1 (3) coordination with child care services under any
2 State plan developed pursuant to subsection (e) of Section
3 10-25 of this Act.

4 (h) As a condition of any State grant or contract, the
5 Department shall require that any nonresidential program
6 receiving any funding for treatment services accept women who
7 are pregnant, provided that such services are clinically
8 appropriate. Failure to comply with this subsection shall
9 result in termination of the grant or contract and loss of
10 State funding.

11 (i)(1) From funds appropriated expressly for the purposes
12 of this Section, the Department shall create or contract with
13 licensed, certified agencies to develop a program for the care
14 and treatment of addicted pregnant women, addicted mothers and
15 their children. The program shall be in Cook County in an area
16 of high density population having a disproportionate number of
17 addicted women and a high infant mortality rate.

18 (2) From funds appropriated expressly for the purposes of
19 this Section, the Department shall create or contract with
20 licensed, certified agencies to develop a program for the care
21 and treatment of low income pregnant women. The program shall
22 be located anywhere in the State outside of Cook County in an
23 area of high density population having a disproportionate
24 number of low income pregnant women.

25 (3) In implementing the programs established under this
26 subsection, the Department shall contract with existing

1 residencies or recovery homes in areas having a
2 disproportionate number of women who abuse alcohol or other
3 drugs and need residential treatment and counseling. Priority
4 shall be given to addicted and abusing women who:

5 (A) are pregnant,

6 (B) have minor children,

7 (C) are both pregnant and have minor children, or

8 (D) are referred by medical personnel because they
9 either have given birth to a baby addicted to a controlled
10 substance, or will give birth to a baby addicted to a
11 controlled substance.

12 (4) The services provided by the programs shall include but
13 not be limited to:

14 (A) individual medical care, including prenatal care,
15 under the supervision of a physician.

16 (B) temporary, residential shelter for pregnant women,
17 mothers and children when necessary.

18 (C) a range of educational or counseling services.

19 (D) comprehensive and coordinated social services,
20 including substance abuse therapy groups for the treatment
21 of alcoholism and other drug abuse and dependency; family
22 therapy groups; programs to develop positive
23 self-awareness; parent-child therapy; and residential
24 support groups.

25 (5) No services that require a license shall be provided
26 until and unless the recovery home or other residence obtains

1 and maintains the requisite license.

2 (Source: P.A. 88-80.)

3 (20 ILCS 301/50-1 new)

4 Sec. 50-1. Special funds. Funds received by the Department
5 of Human Services from the federal government or other sources
6 for the prevention of alcoholism or substance abuse shall be
7 transferred to the Department of Public Health to carry out the
8 responsibilities delegated to it under this Act.

9 (20 ILCS 301/50-25)

10 Sec. 50-25. Youth Alcoholism and Substance Abuse
11 Prevention Fund. There is hereby created in the State treasury
12 a special Fund to be known as the Youth Alcoholism and
13 Substance Abuse Prevention Fund. Monies in this Fund shall be
14 appropriated to the Department of Public Health and expended
15 for the purpose of helping support and establish community
16 based alcohol and other drug abuse prevention programs.

17 (Source: P.A. 91-25, eff. 6-9-99.)

18 (20 ILCS 301/50-30)

19 Sec. 50-30. Youth Drug Abuse Prevention Fund.

20 (a) There is hereby established the Youth Drug Abuse
21 Prevention Fund, to be held as a separate fund in the State
22 treasury. Monies in this fund shall be appropriated to the
23 Department of Public Health and expended for grants to

1 community-based agencies or non-profit organizations providing
2 residential or nonresidential treatment or prevention programs
3 or any combination thereof.

4 (b) There shall be deposited into the Youth Drug Abuse
5 Prevention Fund such monies as may be received under the income
6 tax checkoff provided for in subsection (b) of this Section.
7 There shall also be deposited into this fund such monies as may
8 be received under:

9 (1) subsection (a) of Section 10.2 of the Cannabis
10 Control Act.

11 (2) subsection (a) of Section 413 of the Illinois
12 Controlled Substances Act.

13 (3) subsection (a) of Section 5.2 of the Narcotics
14 Profit Forfeiture Act.

15 (4) Sections 5-9-1.1 and 5-9-1.2 of the Unified Code of
16 Corrections.

17 (Source: P.A. 88-80.)

18 Section 15. The Children and Family Services Act is amended
19 by changing Sections 17, 17a-2, 17a-3, 17a-4, 17a-5, 17a-6,
20 17a-7, 17a-9, 17a-10, 17a-11, and 17a-15 as follows:

21 (20 ILCS 505/17) (from Ch. 23, par. 5017)

22 Sec. 17. Youth and Community Services Program. The
23 Department of Public Health ~~Human Services~~ shall develop a
24 State program for youth and community services which will

1 ensure ~~assure~~ that youth who come into contact or may come into
2 contact with the child welfare and the juvenile justice systems
3 will have access to needed community, prevention, diversion,
4 emergency and independent living services. The term "youth"
5 means a person under the age of 19 years. The term "homeless
6 youth" means a youth who cannot be reunited with his or her
7 family and is not in a safe and stable living situation. This
8 Section shall not be construed to require the Department of
9 Public Health ~~Human Services~~ to provide services under this
10 Section to any homeless youth who is at least 18 years of age
11 but is younger than 19 years of age; however, the Department of of
12 Public Health may, in its discretion, provide services under
13 this Section to any such homeless youth.

14 (a) The goals of the program shall be to:

15 (1) maintain children and youths in their own
16 community;

17 (2) eliminate unnecessary categorical funding of
18 programs by funding more comprehensive and integrated
19 programs;

20 (3) encourage local volunteers and voluntary
21 associations in developing programs aimed at preventing
22 and controlling juvenile delinquency;

23 (4) address voids in services and close service gaps;

24 (5) develop program models aimed at strengthening the
25 relationships between youth and their families and aimed at
26 developing healthy, independent lives for homeless youth;

1 (6) contain costs by redirecting funding to more
2 comprehensive and integrated community-based services; and

3 (7) coordinate education, employment, training and
4 other programs for youths with other State agencies.

5 (b) The duties of the Department under the program shall be
6 to:

7 (1) design models for service delivery by local
8 communities;

9 (2) test alternative systems for delivering youth
10 services;

11 (3) develop standards necessary to achieve and
12 maintain, on a statewide basis, more comprehensive and
13 integrated community-based youth services;

14 (4) monitor and provide technical assistance to local
15 boards and local service systems;

16 (5) assist local organizations in developing programs
17 which address the problems of youths and their families
18 through direct services, advocacy with institutions, and
19 improvement of local conditions; and

20 (6) develop a statewide adoption awareness campaign
21 aimed at pregnant teenagers.

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

23 (20 ILCS 505/17a-2) (from Ch. 23, par. 5017a-2)

24 Sec. 17a-2. Local boards and service systems; Department of
25 Public Health ~~Human Services~~. The Department of Public Health

1 ~~Human Services~~ shall promulgate regulations for the
2 establishment and recognition of service areas and local boards
3 or local service systems responsible for the development or
4 coordination of more comprehensive and integrated
5 community-based youth services. Such service areas, local
6 boards and local service systems shall be reviewed every 4
7 years. Any entity formed in conformity with the regulations of
8 the Department desiring recognition as a local board or local
9 service system for a service area may apply to the Department
10 for such recognition. The Department may refuse to renew or may
11 withdraw recognition of a service area, local board or local
12 service system if such area, board or system substantially
13 fails to comply with the regulations and minimum service
14 requirements promulgated by the Department under this Section.
15 The Department shall assist in the organization and
16 establishment of local service systems and may provide for
17 community youth services in any area of the State where no
18 recognized local board or local services system exists.

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

20 (20 ILCS 505/17a-3) (from Ch. 23, par. 5017a-3)

21 Sec. 17a-3. Annual community youth service plan;
22 Department of Public Health ~~Human Services~~. Each local board or
23 local service system shall, in conformity with regulations of
24 the Department of Public Health ~~Human Services~~, prepare an
25 annual community youth service plan and annual budget to

1 implement the community youth service plan. Such plans shall be
2 transmitted to the regional youth planning committees and
3 included in a regional youth service plan. Each plan shall
4 demonstrate, at a minimum, the following components of a youth
5 service system: (a) community needs assessment and resource
6 development; (b) case management (including case review,
7 tracking, service evaluation and networking); (c)
8 accountability; (d) staff development; (e) consultation with
9 and technical assistance for providers; and (f) assurance of
10 the availability of the following: (i) community services,
11 including primary prevention, outreach and recreational
12 opportunities, and the use of indigenous community volunteers
13 to provide programs designed to correct conditions
14 contributing to delinquency; (ii) diversion services,
15 including client advocacy, family counseling, employment and
16 educational assistance and service brokerage; (iii) emergency
17 services, including 24-hours crisis intervention and shelter
18 care; (iv) comprehensive independent living services,
19 including outreach, referral for public assistance or other
20 benefits to which homeless youth may be entitled, emergency
21 shelter care homes, transitional support programs in a
22 residential setting, outward bound experiences and
23 transitional independent living skills support, in a
24 non-residential facility, with special emphasis on youth
25 employment and training opportunities; and (v) mental health
26 services. Each component of the annual community youth service

1 plan shall expressly address the following high-risk
2 populations: homeless youth, pregnant youth and youth who are
3 parents.

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

5 (20 ILCS 505/17a-4) (from Ch. 23, par. 5017a-4)

6 Sec. 17a-4. Grants for community-based youth services;
7 Department of Public Health ~~Human Services~~.

8 (a) The Department of Public Health ~~Human Services~~ shall
9 make grants for the purpose of planning, establishing,
10 operating, coordinating and evaluating programs aimed at
11 reducing or eliminating the involvement of youth in the child
12 welfare or juvenile justice systems. The programs shall include
13 those providing for more comprehensive and integrated
14 community-based youth services including Unified Delinquency
15 Intervention Services programs and for community services
16 programs. The Department may authorize advance disbursement of
17 funds for such youth services programs. When the appropriation
18 for "comprehensive community-based service to youth" is equal
19 to or exceeds \$5,000,000, the Department shall allocate the
20 total amount of such appropriated funds in the following
21 manner:

22 (1) no more than 20% of the grant funds appropriated
23 shall be awarded by the Department for new program
24 development and innovation;

25 (2) not less than 80% of grant funds appropriated shall

1 be allocated to community-based youth services programs
2 based upon population of youth under 18 years of age and
3 other demographic variables defined by the Department of
4 Public Health ~~Human Services~~ by rule, which may include
5 weighting for service priorities relating to special needs
6 identified in the annual plans of the regional youth
7 planning committees established under this Act;

8 (3) if any amount so allocated under paragraph (2) of
9 this subsection (a) remains unobligated such funds shall be
10 reallocated in a manner equitable and consistent with the
11 purpose of paragraph (2) of this subsection (a); and

12 (4) the local boards or local service systems shall
13 certify prior to receipt of grant funds from the Department
14 of Public Health ~~Human Services~~ that a 10% local public or
15 private financial or in-kind commitment is allocated to
16 supplement the State grant.

17 (b) Notwithstanding any provision in this Act or rules
18 promulgated under this Act to the contrary, unless expressly
19 prohibited by federal law or regulation, all individuals,
20 corporations, or other entities that provide medical or mental
21 health services, whether organized as for-profit or
22 not-for-profit entities, shall be eligible for consideration
23 by the Department of Public Health ~~Human Services~~ to
24 participate in any program funded or administered by the
25 Department. This subsection shall not apply to the receipt of
26 federal funds administered and transferred by the Department

1 for services when the federal government has specifically
2 provided that those funds may be received only by those
3 entities organized as not-for-profit entities.

4 (Source: P.A. 89-392, eff. 8-20-95; 89-507, eff. 7-1-97;
5 90-655, eff. 7-30-98.)

6 (20 ILCS 505/17a-5) (from Ch. 23, par. 5017a-5)

7 Sec. 17a-5. The Department of Public Health ~~Human Services~~
8 shall be successor to the Department of Human Services inasmuch
9 as the Department of Human Services succeeded the Department of
10 Children and Family Services in the latter Department's
11 capacity as successor to the Illinois Law Enforcement
12 Commission in the functions of that Commission relating to
13 juvenile justice and the federal Juvenile Justice and
14 Delinquency Prevention Act of 1974 as amended, and shall have
15 the powers, duties and functions specified in this Section
16 relating to juvenile justice and the federal Juvenile Justice
17 and Delinquency Prevention Act of 1974, as amended.

18 (1) Definitions. As used in this Section:

19 (a) "juvenile justice system" means all activities by
20 public or private agencies or persons pertaining to the
21 handling of youth involved or having contact with the
22 police, courts or corrections;

23 (b) "unit of general local government" means any
24 county, municipality or other general purpose political
25 subdivision of this State;

1 (c) "Commission" means the Illinois Juvenile Justice
2 Commission provided for in Section 17a-9 of this Act.

3 (2) Powers and Duties of Department. The Department of
4 Public Health ~~Human Services~~ shall serve as the official State
5 Planning Agency for juvenile justice for the State of Illinois
6 and in that capacity is authorized and empowered to discharge
7 any and all responsibilities imposed on such bodies by the
8 federal Juvenile Justice and Delinquency Prevention Act of
9 1974, as amended, specifically the deinstitutionalization of
10 status offenders, separation of juveniles and adults in
11 municipal and county jails, removal of juveniles from county
12 and municipal jails and monitoring of compliance with these
13 mandates. In furtherance thereof, the Department of Public
14 Health has the powers and duties set forth in paragraphs 3
15 through 15 of this Section:

16 (3) To develop annual comprehensive plans based on analysis
17 of juvenile crime problems and juvenile justice and delinquency
18 prevention needs in the State, for the improvement of juvenile
19 justice throughout the State, such plans to be in accordance
20 with the federal Juvenile Justice and Delinquency Prevention
21 Act of 1974, as amended;

22 (4) To define, develop and correlate programs and projects
23 relating to administration of juvenile justice for the State
24 and units of general local government within the State or for
25 combinations of such units for improvement in law enforcement;

26 (5) To advise, assist and make recommendations to the

1 Governor as to how to achieve a more efficient and effective
2 juvenile justice system;

3 (5.1) To develop recommendations to ensure the effective
4 reintegration of youth offenders into communities to which they
5 are returning. The Illinois Juvenile Justice Commission,
6 utilizing available information provided by the Department of
7 Juvenile Justice, the Prisoner Review Board, the Illinois
8 Criminal Justice Information Authority, and any other relevant
9 State agency, shall develop by September 30, 2010, a report on
10 juveniles who have been the subject of a parole revocation
11 within the past year in Illinois. The report shall provide
12 information on the number of youth confined in the Department
13 of Juvenile Justice for revocation based on a technical parole
14 violation, the length of time the youth spent on parole prior
15 to the revocation, the nature of the committing offense that
16 served as the basis for the original commitment, demographic
17 information including age, race, sex, and zip code of the
18 underlying offense and the conduct leading to revocation. In
19 addition, the Juvenile Justice Commission shall develop
20 recommendations to:

21 (A) recommend the development of a tracking system to
22 provide quarterly statewide reports on youth released from
23 the Illinois Department of Juvenile Justice including
24 lengths of stay in the Illinois Department of Juvenile
25 Justice prior to release, length of monitoring
26 post-release, pre-release services provided to each youth,

1 violations of release conditions including length of
2 release prior to violation, nature of violation, and
3 intermediate sanctions offered prior to violation;

4 (B) recommend outcome measures of educational
5 attainment, employment, homelessness, recidivism, and
6 other appropriate measures that can be used to assess the
7 performance of the State of Illinois in operating youth
8 offender reentry programs;

9 (C) recommend due process protections for youth during
10 release decision-making processes including, but not
11 limited to, parole revocation proceedings and release on
12 parole.

13 The Commission shall study and make recommendations to the
14 Governor and General Assembly to ensure the effective treatment
15 and supervision of the specialized population of juvenile
16 offenders who are adjudicated delinquent for a sex offense. The
17 Illinois Juvenile Justice Commission shall utilize available
18 information and research on best practices within the State and
19 across the nation including, but not limited to research and
20 recommendations from the U.S. Department of Justice. Among
21 other relevant options, the Commission shall: consider
22 requiring specially trained probation, parole or aftercare
23 officers to supervise juveniles adjudicated as sex offenders;
24 explore the development of individualized probation or parole
25 orders which would include, but is not limited to, supervision
26 and treatment options for juveniles adjudicated as sex

1 offenders; and consider the appropriateness and feasibility of
2 restricting juveniles adjudicated as sex offenders from
3 certain locations including schools and parks.

4 The Juvenile Justice Commission shall include information
5 and recommendations on the effectiveness of the State's
6 juvenile reentry programming, including progress on the
7 recommendations in subparagraphs (A) and (B) of this paragraph
8 (5.1), in its annual submission of recommendations to the
9 Governor and the General Assembly on matters relative to its
10 function, and in its annual juvenile justice plan. This
11 paragraph (5.1) may be cited as the Youth Reentry Improvement
12 Law of 2009;

13 (6) To act as a central repository for federal, State,
14 regional and local research studies, plans, projects, and
15 proposals relating to the improvement of the juvenile justice
16 system;

17 (7) To act as a clearing house for information relating to
18 all aspects of juvenile justice system improvement;

19 (8) To undertake research studies to aid in accomplishing
20 its purposes;

21 (9) To establish priorities for the expenditure of funds
22 made available by the United States for the improvement of the
23 juvenile justice system throughout the State;

24 (10) To apply for, receive, allocate, disburse, and account
25 for grants of funds made available by the United States
26 pursuant to the federal Juvenile Justice and Delinquency

1 Prevention Act of 1974, as amended; and such other similar
2 legislation as may be enacted from time to time in order to
3 plan, establish, operate, coordinate, and evaluate projects
4 directly or through grants and contracts with public and
5 private agencies for the development of more effective
6 education, training, research, prevention, diversion,
7 treatment and rehabilitation programs in the area of juvenile
8 delinquency and programs to improve the juvenile justice
9 system;

10 (11) To ensure ~~insure~~ that no more than the maximum
11 percentage of the total annual State allotment of juvenile
12 justice funds be utilized for the administration of such funds;

13 (12) To provide at least 66-2/3 per centum of funds
14 received by the State under the Juvenile Justice and
15 Delinquency Prevention Act of 1974, as amended, are expended
16 through:

17 (a) programs of units of general local government or
18 combinations thereof, to the extent such programs are
19 consistent with the State plan; and

20 (b) programs of local private agencies, to the extent
21 such programs are consistent with the State plan;

22 (13) To enter into agreements with the United States
23 government which may be required as a condition of obtaining
24 federal funds;

25 (14) To enter into contracts and cooperate with units of
26 general local government or combinations of such units, State

1 agencies, and private organizations of all types, for the
2 purpose of carrying out the duties of the Department imposed by
3 this Section or by federal law or regulations;

4 (15) To exercise all other powers that are reasonable and
5 necessary to fulfill its functions under applicable federal law
6 or to further the purposes of this Section.

7 (Source: P.A. 96-853, eff. 12-23-09; 96-1271, eff. 1-1-11;
8 97-163, eff. 1-1-12.)

9 (20 ILCS 505/17a-6) (from Ch. 23, par. 5017a-6)

10 Sec. 17a-6. (A) Personnel exercising the rights, powers and
11 duties in the Department of Children and Family Services
12 ~~Illinois Law Enforcement Commission~~ that are transferred to the
13 Department of Public Health ~~Children and Family Services~~ are
14 transferred to the Department of Public Health ~~Children and~~
15 ~~Family Services~~. However, the rights of the employees, the
16 State and its agencies under the Personnel Code or any
17 collective bargaining agreement, or under any pension,
18 retirement or annuity plan shall not be affected by the
19 provisions of this amendatory Act.

20 (B) All books, records, papers, documents, property (real
21 or personal), unexpended appropriations and pending business
22 in any way pertaining to the rights, powers and duties
23 transferred from the Department of Children and Family Services
24 ~~Illinois Law Enforcement Commission~~ to the Department of Public
25 Health ~~Children and Family Services~~ shall be delivered and

1 transferred to the Department of Public Health ~~Children and~~
2 ~~Family Services~~.

3 (C) (Blank). ~~The provisions of subsections (A) and (B) of~~
4 ~~this Section are superseded by the applicable transfer and~~
5 ~~savings provisions of the Department of Human Services Act.~~

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

7 (20 ILCS 505/17a-7) (from Ch. 23, par. 5017a-7)

8 Sec. 17a-7. Units of General Local Government - Agreements
9 for Funds. Units of general local government may apply for,
10 receive, disburse, allocate and account for grants of funds
11 made available by the United States government, or by the State
12 of Illinois, particularly including grants made available
13 pursuant to the federal Juvenile Justice and Delinquency
14 Prevention Act of 1974, including subsequent amendments or
15 reenactments, if any: and may enter into agreements with the
16 Department of Public Health or with the United States
17 government which may be required as a condition of obtaining
18 federal or State funds, or both.

19 (Source: P.A. 82-975.)

20 (20 ILCS 505/17a-9) (from Ch. 23, par. 5017a-9)

21 Sec. 17a-9. Illinois Juvenile Justice Commission.

22 (a) There is hereby created the Illinois Juvenile Justice
23 Commission which shall consist of 25 persons appointed by the
24 Governor. The Chairperson of the Commission shall be appointed

1 by the Governor. Of the initial appointees, 8 shall serve a
2 one-year term, 8 shall serve a two-year term and 9 shall serve
3 a three-year term. Thereafter, each successor shall serve a
4 three-year term. Vacancies shall be filled in the same manner
5 as original appointments. Once appointed, members shall serve
6 until their successors are appointed and qualified. Members
7 shall serve without compensation, except they shall be
8 reimbursed for their actual expenses in the performance of
9 their duties. The Commission shall carry out the rights, powers
10 and duties established in subparagraph (3) of paragraph (a) of
11 Section 223 of the Federal "Juvenile Justice and Delinquency
12 Prevention Act of 1974", as now or hereafter amended. The
13 Commission shall determine the priorities for expenditure of
14 funds made available to the State by the Federal Government
15 pursuant to that Act. The Commission shall have the following
16 powers and duties:

17 (1) Development, review and final approval of the
18 State's juvenile justice plan for funds under the Federal
19 "Juvenile Justice and Delinquency Prevention Act of 1974";

20 (2) Review and approve or disapprove juvenile justice
21 and delinquency prevention grant applications to the
22 Department for federal funds under that Act;

23 (3) Annual submission of recommendations to the
24 Governor and the General Assembly concerning matters
25 relative to its function;

26 (4) Responsibility for the review of funds allocated to

1 Illinois under the "Juvenile Justice and Delinquency
2 Prevention Act of 1974" to ensure compliance with all
3 relevant federal laws and regulations;

4 (5) Function as the advisory committee for the State
5 Youth and Community Services Program as authorized under
6 Section 17 of this Act, and in that capacity be authorized
7 and empowered to assist and advise the Director of Public
8 Health ~~Secretary of Human Services~~ on matters related to
9 juvenile justice and delinquency prevention programs and
10 services; and

11 (6) Study the impact of, develop timelines, and propose
12 a funding structure to accommodate the expansion of the
13 jurisdiction of the Illinois Juvenile Court to include
14 youth age 17 under the jurisdiction of the Juvenile Court
15 Act of 1987. The Commission shall submit a report by
16 December 31, 2011 to the General Assembly with
17 recommendations on extending juvenile court jurisdiction
18 to youth age 17 charged with felony offenses.

19 (b) On the effective date of this amendatory Act of the
20 96th General Assembly, the Illinois Juvenile Jurisdiction Task
21 Force created by Public Act 95-1031 is abolished and its duties
22 are transferred to the Illinois Juvenile Justice Commission as
23 provided in paragraph (6) of subsection (a) of this Section.

24 (Source: P.A. 96-1199, eff. 1-1-11.)

25 (20 ILCS 505/17a-10) (from Ch. 23, par. 5017a-10)

1 Sec. 17a-10. The Department of Public Health ~~Human Services~~
2 may administer unified delinquency intervention services to
3 provide community-based alternatives to commitment to the
4 Department of Corrections of children adjudicated as
5 delinquent minors, and who meet such criteria as established by
6 rules of the Department of Public Health ~~Human Services~~.

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

8 (20 ILCS 505/17a-11) (from Ch. 23, par. 5017a-11)

9 Sec. 17a-11. Governor's Youth Services Initiative. In
10 cooperation with the Department of Juvenile Justice, the
11 Department of Human Services, the Department of Public Health,
12 and the Illinois State Board of Education, the Department of
13 Children and Family Services shall establish the Governor's
14 Youth Services Initiative. This program shall offer assistance
15 to multi-problem youth whose difficulties are not the clear
16 responsibility of any one state agency, and who are referred to
17 the program by the juvenile court. The decision to establish
18 and to maintain an initiative program shall be based upon the
19 availability of program funds and the overall needs of the
20 service area.

21 A Policy Board shall be established as the decision-making
22 body of the Governor's Youth Services Initiative. The Board
23 shall be composed of State agency liaisons appointed by the
24 Secretary of Human Services, the Directors of the Department of
25 Children and Family Services and the Department of Juvenile

1 Justice, and the State Superintendent of Education. The Board
2 shall meet at least quarterly.

3 The Department of Children and Family Services may
4 establish a system of regional interagency councils in the
5 various geographic regions of the State to address, at the
6 regional or local level, the delivery of services to
7 multi-problem youth.

8 The Department of Children and Family Services in
9 consultation with the aforementioned sponsors of the program
10 shall promulgate rules and regulations pursuant to the Illinois
11 Administrative Procedure Act, for the development of
12 initiative programs in densely populated areas of the State to
13 meet the needs of multi-problem youth.

14 (Source: P.A. 94-696, eff. 6-1-06.)

15 (20 ILCS 505/17a-15)

16 Sec. 17a-15. Community service programs; Department of
17 Public Health ~~Human Services~~.

18 (a) The Department of Public Health ~~Human Services~~ must
19 establish a program to award grants to area projects to plan,
20 establish, operate, coordinate, and evaluate community
21 services programs. For purposes of this Section, "area project"
22 means an entity whose purpose is to develop, manage, provide,
23 and coordinate a community services program and "community
24 services program" means a program, based on the Chicago Area
25 Project Model, aimed at changing social, cultural, and

1 environmental conditions that prevent youth and families from
2 maximizing their potential and that place youth in a condition
3 that increases their tendency to become involved in the
4 juvenile justice or child welfare systems.

5 (b) The Department of Public Health ~~Human Services~~ must, by
6 rule, establish the eligibility criteria for an area project,
7 including the composition and responsibilities of the
8 governing authority of an area project, application
9 requirements, service components of community services
10 programs, and the review and monitoring of community services
11 program plans. At a minimum, an area project must be a
12 not-for-profit organization (i) (A) whose preponderance of
13 resources is directed to community services programs that are
14 different than intervention-oriented youth services or (B)
15 that creates through an amendment to its by-laws or other
16 binding agreement a specific body whose purpose is to develop,
17 manage, provide, and coordinate a community services program
18 and (ii) that includes representation from any community
19 committee, as defined by rule of the Department of Public
20 Health ~~Human Services~~, of the area project and may also include
21 business and industry leaders, educators, and other concerned
22 citizens.

23 (c) The Department of Public Health ~~Human Services~~ shall
24 fund community services programs by grants made through
25 negotiated contracts, which are written agreements mutually
26 agreed upon by the Department and the area project. The payment

1 of funds to area projects under the community services program
2 shall be in the form of a grant paid in equal monthly
3 installments. In the event of reduced or insufficient funding,
4 existing grants shall receive proportionate reductions.

5 (Source: P.A. 93-730, eff. 7-14-04.)

6 Section 20. The Illinois Commission on Volunteerism and
7 Community Service Act is amended by changing Sections 1, 2,
8 6.1, and 7 as follows:

9 (20 ILCS 710/1) (from Ch. 127, par. 3801)

10 Sec. 1. Creation. There is created in the Department of
11 Public Health ~~Human Services~~ the Illinois Commission on
12 Volunteerism and Community Service.

13 (Source: P.A. 91-798, eff. 7-9-00.)

14 (20 ILCS 710/2) (from Ch. 127, par. 3802)

15 Sec. 2. Purpose. The purpose of the Illinois Commission on
16 Volunteerism and Community Service is to promote and support
17 community service in public and private programs to meet the
18 needs of Illinois citizens; to stimulate new volunteerism and
19 community service initiatives and partnerships; and to serve as
20 a resource and advocate within the Department of Public Health
21 ~~Human Services~~ for community service agencies, volunteers, and
22 programs which utilize State and private volunteers.

23 (Source: P.A. 91-798, eff. 7-9-00.)

1 (20 ILCS 710/6.1)

2 Sec. 6.1. Functions of Commission. The Commission shall
3 meet at least quarterly and shall advise and consult with the
4 Department of Public Health ~~Human Services~~ and the Director of of
5 Public Health on all matters relating to community service in
6 Illinois. In addition, the Commission shall have the following
7 duties:

8 (a) prepare a 3-year national and community service plan,
9 developed through an open, public process and updated annually;

10 (b) prepare the financial assistance applications of the
11 State under the National and Community Service Trust Fund Act
12 of 1993;

13 (c) assist in the preparation of the application by the
14 State Board of Education for assistance under that Act;

15 (d) prepare the State's application under that Act for the
16 approval of national service positions;

17 (e) assist in the provision of health care and child care
18 benefits under that Act;

19 (f) develop a State recruitment, placement, and
20 information dissemination system for participants in programs
21 that receive assistance under the national service laws;

22 (g) administer the State's grant program including
23 selection, oversight, and evaluation of grant recipients;

24 (h) make technical assistance available to enable
25 applicants to plan and implement service programs and to apply

1 for assistance under the national service laws;

2 (i) develop projects, training methods, curriculum
3 materials, and other activities related to service;

4 (j) coordinate its functions with any division of the
5 federal Corporation for National and Community Service
6 outlined in the National and Community Service Trust Fund Act
7 of 1993.

8 (k) publicize Commission services and promote community
9 involvement in the activities of the Commission;

10 (l) promote increased visibility and support for
11 volunteers of all ages, especially youth and senior citizens,
12 and community service in meeting the needs of Illinois
13 citizens; and

14 (m) represent the Department of Public Health ~~Human~~
15 ~~Services~~ on such occasions and in such manner as the Department
16 may provide.

17 (Source: P.A. 91-798, eff. 7-9-00.)

18 (20 ILCS 710/7)

19 Sec. 7. Transfer. On May 19, 2006 (the effective date of
20 Public Act 94-793) ~~this amendatory Act of the 91st General~~
21 ~~Assembly~~, the authority, powers, and duties in this Act of the
22 Department of Commerce and Community Affairs (now Department of
23 Commerce and Economic Opportunity) are transferred to the
24 Department of Human Services.

25 On the effective date of this amendatory Act of the 97th

1 General Assembly, the authority, powers, and duties in this Act
2 under the Department of Human Services are transferred to the
3 Department of Public Health.

4 (Source: P.A. 94-793, eff. 5-19-06.)

5 Section 25. The Department of Human Services Act is amended
6 by changing Sections 80-10 and 80-15 as follows:

7 (20 ILCS 1305/80-10)

8 Sec. 80-10. Discontinued departments and offices;
9 successor agency.

10 (a) The Department of Alcoholism and Substance Abuse, the
11 Department of Mental Health and Developmental Disabilities,
12 and the Department of Rehabilitation Services are abolished on
13 July 1, 1997.

14 (b) The terms of the persons then serving as the directors
15 and assistant directors of the Department of Alcoholism and
16 Substance Abuse, the Department of Mental Health and
17 Developmental Disabilities, and the Department of
18 Rehabilitation Services shall end on July 1, 1997, and those
19 offices are abolished on that date.

20 (c) For the purposes of the Successor Agency Act, the
21 Department of Human Services is declared to be the successor
22 agency of the Department of Alcoholism and Substance Abuse, the
23 Department of Mental Health and Developmental Disabilities,
24 and the Department of Rehabilitation Services.

1 (d) For the purposes of the Successor Agency Act, the
2 Department of Human Services is declared to be the successor
3 agency of the Department of Public Aid,~~the Department of~~
4 ~~Public Health,~~ and the Department of Children and Family
5 Services, but only with respect to the functions of those
6 Departments that are transferred to the Department of Human
7 Services under this Act.

8 (Source: P.A. 89-507, eff. 7-3-96.)

9 (20 ILCS 1305/80-15)

10 Sec. 80-15. Transfer of powers.

11 (a) Except as otherwise provided in this Act, all of the
12 rights, powers, duties, and functions vested by law in the
13 Department of Alcoholism and Substance Abuse, the Department of
14 Mental Health and Developmental Disabilities, and the
15 Department of Rehabilitation Services or in any office,
16 council, committee, division, or bureau thereof are
17 transferred to the Department of Human Services on July 1,
18 1997.

19 (b) The rights, powers, duties, and functions vested in the
20 Department of Public Aid (or in any office, council, committee,
21 division, or bureau thereof) under Articles III, IV, VI, IX,
22 and IXA of the Illinois Public Aid Code, with certain
23 exceptions specified in that Code, are transferred to the
24 Department of Human Services on July 1, 1997.

25 In addition, the Department of Human Services may also

1 exercise the rights, powers, duties, and functions vested in
2 the Department of Public Aid under Articles I, II, VIIIA, XI,
3 XII, and XIII of the Illinois Public Aid Code to the extent
4 that they relate to the Department of Human Services' rights,
5 powers, duties, and functions under Articles III, IV, VI, IX,
6 and IXA of the Illinois Public Aid Code, subject to certain
7 exceptions specified in that Code.

8 (c) (Blank). ~~Certain rights, powers, duties, and functions~~
9 ~~vested in the Department of Public Health are transferred to~~
10 ~~the Department of Human Services on July 1, 1997, as provided~~
11 ~~in Article 90 of this Act.~~

12 (d) Certain rights, powers, duties, and functions vested in
13 the Department of Children and Family Services are transferred
14 to the Department of Human Services on July 1, 1997, as
15 provided in Article 90 of this Act.

16 (e) Certain rights, powers, duties, and functions that were
17 transferred from the Department of Children and Family Services
18 to the Department of Human Services on July 1, 1997 are
19 transferred to the Department of Public Health pursuant to this
20 amendatory Act of the 97th General Assembly.

21 (Source: P.A. 89-507, eff. 7-3-96.)

22 Section 30. The Domestic Violence Shelters Act is amended
23 by changing Sections 2, 3, and 3.2 as follows:

24 (20 ILCS 1310/2) (from Ch. 40, par. 2402)

1 Sec. 2. The Department of Public Health ~~Human Services~~
2 shall administer domestic violence shelters and service
3 programs, or shall provide for their administration by
4 not-for-profit corporations with whom the Department has
5 contracts, for adults and their dependents who are the subjects
6 of domestic violence.

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

8 (20 ILCS 1310/3) (from Ch. 40, par. 2403)

9 Sec. 3. The Department of Public Health ~~Human Services~~
10 shall provide for the funding of domestic violence shelters and
11 service programs in part from the Domestic Violence Shelter and
12 Service Fund and in part from the General Revenue Fund. In
13 allotting monies from such fund, the Department shall give
14 priority to shelters or programs offering or proposing to offer
15 the broadest range of services and referrals to the community
16 served. Such shelters or programs may be operated by
17 community-based organizations or units of local government.
18 The Department shall require shelters or programs eligible for
19 funding under this Act to provide matching funds in such
20 percentage as the Department shall by rule determine and such
21 percentage shall be uniform throughout the State.

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

23 (20 ILCS 1310/3.2) (from Ch. 40, par. 2403.2)

24 Sec. 3.2. All funds collected pursuant to P.A. 82-645,

1 which are held in escrow for refund and for which a refund is
2 not approved by September 1, 1988, shall be forwarded to the
3 State Treasurer for deposit into the Domestic Violence Shelter
4 and Service Fund. The Domestic Violence Shelter and Service
5 Fund shall also include fines received by the State Treasurer
6 from circuit clerks in accordance with Section 5-9-1.5 of the
7 Unified Code of Corrections. Monies deposited in the Fund
8 pursuant to this Section and the income tax check-off for the
9 Domestic Violence Shelter and Service Fund authorized by
10 Section 507F of the Illinois Income Tax Act shall be
11 appropriated to the Department of Public Health ~~Human Services~~
12 for the purpose of providing services specified by this Act;
13 however, the Department may waive the matching funds
14 requirement of this Act with respect to such monies. Any such
15 waiver shall be uniform throughout the State. This amendatory
16 Act of 1987 applies to all funds collected pursuant to PA
17 82-645, held in escrow and for which no refund is approved by
18 September 1, 1988, whether those funds are administered by the
19 State, a county, a court, or any other unit or agency of
20 government.

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

22 Section 35. The Illinois Youthbuild Act is amended by
23 changing Sections 10, 15, 20, 40 and 45 as follows:

24 (20 ILCS 1315/10)

1 Sec. 10. Definitions. In this Act:

2 "Applicant" means a public or private not-for-profit
3 agency eligible to provide education and employment training
4 under federal or State employment training programs.

5 "Director" means the Director of Public Health.

6 ~~"Secretary" means the Secretary of Human Services.~~

7 "Very low-income" means a person or household whose income
8 is at or below 50% of the median family income, adjusted for
9 household size, for the county where the household is located.

10 "Youthbuild" means any program that provides disadvantaged
11 youth with opportunities for employment, education, leadership
12 development, entrepreneurial skills development, and training
13 in the construction or rehabilitation of housing for special
14 need populations, very low-income households, or low-income
15 households.

16 (Source: P.A. 90-247, eff. 1-1-98.)

17 (20 ILCS 1315/15)

18 Sec. 15. Program requirements. The Director ~~Secretary~~
19 shall, subject to appropriation, make grants to applicants for
20 the purpose of carrying out Youthbuild programs as approved
21 under this Section. All programs funded pursuant to the
22 provisions of this Section shall reflect strong youth and
23 community involvement. In addition, funding provided under
24 this Section shall be used by each Youthbuild program to
25 provide, at a minimum, the following services:

1 (a) Acquisition, rehabilitation, acquisition and
2 rehabilitation, or construction of housing and related
3 facilities to be used for the purpose of providing home
4 ownership for disadvantaged persons, residential housing
5 for homeless individuals, and low-income and very
6 low-income families, or transitional housing for persons
7 who are homeless, have disabilities, are ill, are
8 deinstitutionalized, or have special needs, and
9 rehabilitation or construction of community facilities
10 owned by not-for-profit or public agencies.

11 (b) Integrated education and job skills training
12 services and activities which are evenly divided within the
13 program, with 50% of students' time spent in
14 classroom-based instruction, counseling, and leadership
15 development instruction and 50% of their time spent in
16 experiential training on the construction site. The
17 programs shall include, at a minimum, the following
18 elements:

19 (1) An education component which includes basic
20 skills instruction, secondary education services, and
21 other activities designed to lead to the attainment of
22 a high school diploma or its equivalent. The curriculum
23 for this component shall include math, language arts,
24 vocational education, life skills training, social
25 studies related to the cultural and community history
26 of the students, leadership skills, and other topics at

1 the discretion of the programs. Bilingual services
2 shall be available for individuals with
3 limited-English proficiency. The desired minimum
4 teacher to student ratio shall be one teacher for every
5 18 students.

6 (2) A work experience and skills training
7 component program that includes the construction and
8 rehabilitation activities described in subsection (a).
9 The process of construction must be coupled with skills
10 training and with close on-site supervision by
11 experienced trainers. The curriculum for this
12 component shall contain a set of locally agreed upon
13 skills and competencies that are systematically
14 taught, with a student's mastery assessed individually
15 on a regular, ongoing basis. Safety skills shall be
16 taught at the outset. The desired trainer to student
17 ratio shall be one trainer for every 7 students. The
18 work experience and skills training component shall be
19 coordinated to the maximum extent feasible with
20 preapprenticeship and apprenticeship programs.

21 (3) Assistance in attaining post secondary
22 education and required financial aid shall be made
23 available to participants prior to graduation.

24 (c) Counseling services designed to assist
25 participants to positively participate in society, which
26 should include all of the following if necessary: outreach,

1 assessment, and orientation; individual and peer
2 counseling; life skills training, drug and alcohol abuse
3 education and prevention; and referral to appropriate drug
4 rehabilitation, medical, mental health, legal, housing,
5 and other services and resources in the community. The
6 desired counselor to participant ratio shall be one
7 counselor for every 28 students.

8 (d) Leadership development training that provides
9 participants with meaningful opportunities to develop
10 leadership skills such as decision making, problem
11 solving, and negotiating. The program must also encourage
12 participants to develop strong peer group ties that support
13 their mutual pursuit of skills and values.

14 All programs must establish a youth council in which
15 participants are afforded opportunities to develop public
16 speaking and negotiating skills, and management and policy
17 making participation in specific aspects of the program.

18 (e) Stipends and wages. A training subsidy, living
19 allowance, or stipend that will be no less than minimum
20 wage must be provided to program participants for the time
21 spent at the worksite in construction training. For those
22 participants who receive public assistance, this training
23 subsidy, living allowance, or stipend will not affect their
24 housing benefits, medical benefits, child care benefits or
25 food stamp benefits. Stipends and wages may be distributed
26 in a manner that offers incentives for good performance.

1 (f) Full time participation in a Youthbuild program
2 shall be offered for a period of not less than 6 months and
3 not more than 24 months.

4 (g) A concentrated effort shall be made to find
5 construction, construction-related, and nonconstruction
6 jobs for all graduates of the program who have performed
7 well. The skills training curriculum shall provide
8 participants with basic preparation for seeking and
9 maintaining a job. Follow-up counseling and assistance in
10 job-seeking shall also be provided to participants for at
11 least 12 months following graduation from the program.

12 (h) All programs serving 28 trainees or more are
13 required to have a full-time director responsible for the
14 coordination of all aspects of the Youthbuild program.

15 (Source: P.A. 95-524, eff. 8-28-07.)

16 (20 ILCS 1315/20)

17 Sec. 20. Eligible activities. Implementation grants may be
18 used to carry out the activities listed in Section 15. Other
19 eligible activities include the following:

20 (a) Legal fees for housing acquisition.

21 (b) Administrative costs of the applicant which may not
22 exceed 15% of the amount of assistance provided, or such higher
23 percentage as the Director ~~Secretary~~ determines is necessary to
24 support capacity development of a private nonprofit
25 community-based organization.

1 (c) Defraying costs for the ongoing training and technical
2 assistance needs of the recipient that are related to
3 developing and carrying out the Youthbuild program including:

4 (1) The Director ~~Secretary~~ may reserve up to 5% of the
5 Illinois Youthbuild program appropriations to enter into a
6 contract with Youthbuild USA to provide assistance to the
7 Director ~~Secretary~~ in the provision of training and to
8 technical assistance to, or in the management,
9 supervision, and coordination of, Youthbuild programs
10 under this Act.

11 (Source: P.A. 90-247, eff. 1-1-98.)

12 (20 ILCS 1315/40)

13 Sec. 40. Application requirements. The Director ~~Secretary~~
14 shall require that an application for Youthbuild funds under
15 this Act contain at a minimum:

16 (1) a request for an implementation grant, specifying
17 the amount of the grant requested and its proposed uses;

18 (2) a description of the applicant and a statement of
19 its qualifications, including a description of the
20 applicant's past experience running a Youthbuild program,
21 and with housing rehabilitation or construction and with
22 youth and youth education, youth leadership development
23 and employment training programs, and its relationship
24 with local unions and youth apprenticeship programs, and
25 other community groups;

1 (3) a description of the proposed construction site for
2 the program and evidence of site control;

3 (4) a description of the educational and job training
4 activities, work opportunities, and other services that
5 will be provided to participants;

6 (5) a description of the proposed construction or
7 rehabilitation activities to be undertaken and the
8 anticipated schedule for carrying out such activities;

9 (6) a description of the manner in which eligible
10 youths will be recruited and selected, including a
11 description of the arrangements which will be made with
12 community-based organizations, local educational agencies,
13 including agencies of Native American nations, public
14 assistance agencies, the courts of jurisdiction for status
15 and youth offenders, shelters for homeless individuals and
16 other agencies that serve homeless youth, foster care
17 agencies, and other appropriate public and private
18 agencies;

19 (7) a description of the special efforts that will be
20 undertaken to recruit eligible young women (including
21 young women with dependent children) with appropriate
22 supports, especially childcare;

23 (8) a description of how the proposed program will be
24 coordinated with other federal, State, and local
25 activities and activities conducted by Native American
26 nations, including public schools, national service, crime

1 prevention programs, vocational, adult, and bilingual
2 education programs, and job training;

3 (9) assurances that there will be a sufficient number
4 of adequately trained supervisory personnel in the program
5 who have attained the level of journeyman or its
6 equivalent;

7 (10) a description of the applicant's relationship
8 with any local building trade unions which may exist,
9 regarding their involvement in training, and the
10 relationship of the Youthbuild program with registered
11 apprenticeship programs;

12 (11) a description of activities that will be
13 undertaken to develop the leadership skills of
14 participants, including their role in decision making;

15 (12) a detailed budget and a description of the system
16 of fiscal controls and auditing and accountability
17 procedures that will be used to ensure fiscal soundness;

18 (13) a description of any contracts and arrangements
19 entered into between the applicant and other agencies and
20 entities including all in-kind donations and grants from
21 both public and private entities that will serve to augment
22 Illinois Youthbuild Act funds;

23 (14) identification and description of the financing
24 proposed for any:

25 (A) acquisition of the property;

26 (B) rehabilitation; or

1 (C) construction;

2 (15) identification and description of the entity that
3 will operate and manage the property;

4 (16) a certification that the applicant will comply
5 with the requirements of the Fair Housing Act, Title VI of
6 the Civil Rights Act of 1964, Section 504 of the
7 Rehabilitation Act of 1973, and the Age Discrimination Act
8 of 1975, and will affirmatively further fair housing; and

9 (17) the qualifications and past experience of the
10 person who will fill the full-time program director
11 position.

12 (Source: P.A. 95-524, eff. 8-28-07.)

13 (20 ILCS 1315/45)

14 Sec. 45. Annual report. The Department of Public Health
15 ~~Human Services~~ shall prepare an annual report summarizing costs
16 and outcome data associated with the Youthbuild programs. The
17 report must include, but not be limited to, the following
18 information: (i) the number of participants in the program,
19 (ii) the average cost per participant, (iii) the number of
20 participants who achieve a high school diploma or its
21 equivalent, and (iv) the number of projects completed by
22 Youthbuild participants during that year. The Department of
23 Public Health must submit the report to the General Assembly by
24 July 1, 2008 and by July 1 of each year thereafter.

25 (Source: P.A. 95-524, eff. 8-28-07.)

1 Section 40. The Department of Public Health Powers and
2 Duties Law of the Civil Administrative Code of Illinois is
3 amended by changing Section 2310-435 and by adding Sections
4 2310-665, 2310-670, 2310-675, 2310-680, 2310-685, 2310-690,
5 2310-695, 2310-700, 2310-705, and 2310-710 as follows:

6 (20 ILCS 2310/2310-435) (was 20 ILCS 2310/55.44)

7 Sec. 2310-435. Smoking cessation program for WIC
8 participants.

9 (a) (Blank).

10 (b) (Blank).

11 (c) The Department, ~~in cooperation with the Department of~~
12 ~~Human Services,~~ shall maintain a smoking cessation program for
13 participants in the Women, Infants and Children Nutrition
14 Program. The program shall include, but not be limited to,
15 tobacco use screening, education on the effects of tobacco use,
16 and smoking cessation counseling and referrals.

17 (Source: P.A. 91-239, eff. 1-1-00.)

18 (20 ILCS 2310/2310-665 new)

19 Sec. 2310-665. Infant mortality reduction; special
20 population groups. The Department shall include within its
21 infant mortality reduction programs and materials information
22 directed toward Hispanics, people of African descent, and other
23 population groups residing in areas that experience high rates

1 of infant mortality. The information shall inform these groups
2 about the causes of infant mortality and the steps which may be
3 taken to reduce the risk of early infant death.

4 (20 ILCS 2310/2310-670 new)

5 Sec. 2310-670. The Crisis Nursery Fund. From
6 appropriations to the Department from the Crisis Nursery Fund,
7 which was created by Public Act 96-627 as a special fund in the
8 State treasury, the Department shall make grants, in equal
9 amounts, to crisis nurseries located in Illinois. For the
10 purposes of this Section, a "crisis nursery" is an organization
11 licensed by the Department that operates on a continuous basis
12 and provides immediate crisis child care, respite care, parent
13 support, and parent education groups. A child care center does
14 not qualify as a crisis nursery under this Section.

15 (20 ILCS 2310/2310-675 new)

16 Sec. 2310-675. Postpartum depression.

17 (a) The Department shall develop and distribute a brochure
18 or other information about the signs, symptoms, screening or
19 detection techniques, and care for postpartum depression,
20 including, but not limited to, methods for patients and family
21 members to better understand the nature and causes of
22 postpartum depression in order to lower the likelihood that new
23 mothers will continue to suffer from this illness. This
24 brochure shall be developed in conjunction with the Illinois

1 State Medical Society, the Illinois Society for Advanced
2 Practice Nursing, and any other appropriate statewide
3 organization of licensed professionals.

4 (b) The brochure required under subsection (a) of this
5 Section shall be distributed, at a minimum, to physicians
6 licensed to practice medicine in all its branches, certified
7 nurse midwives, and other health care professionals who provide
8 care to pregnant women in a hospital, office, or clinic.

9 (c) The Director may contract with a statewide organization
10 of physicians licensed to practice medicine in all its branches
11 for the purposes of this Section.

12 (20 ILCS 2310/2310-680 new)

13 Sec. 2310-680. Women, Infants, and Children (WIC)
14 nutrition program.

15 (a) The Department shall participate in the Women, Infants,
16 and Children nutrition program of the federal government to the
17 maximum extent permitted by the federal appropriation and
18 allocation to the State. The Department shall report quarterly
19 to the Governor and the General Assembly the status of
20 obligations and expenditures of the WIC nutrition program
21 appropriation and make recommendations on actions necessary to
22 expend all available federal funds. Other appropriations and
23 funds from any public or private source in addition to federal
24 funds may be used by the Department for the purpose of maximum
25 participation in the WIC nutrition program.

1 (b) The Department shall maintain a drug abuse education
2 program for participants in the Women, Infants, and Children
3 nutrition program. The program shall include, but need not be
4 limited to, (1) the provision of information concerning the
5 dangers of drug abuse and (2) the referral of participants who
6 are suspected drug abusers to drug abuse clinics, treatment
7 programs, counselors, or other drug abuse treatment providers.

8 (c) The Department may contract with any bank as defined by
9 the Illinois Banking Act to redeem bank drafts issued by the
10 Department under the United States Department of Agriculture
11 Special Supplemental Food Program for Women, Infants, and
12 Children (WIC). Any bank with which the Department has entered
13 into a contract to redeem bank drafts may receive, pursuant to
14 an appropriation to the Department, an initial advance and
15 periodic payment of funds for the Women, Infants, and Children
16 Program in amounts determined by the Director. Notwithstanding
17 any other law, such funds shall be retained in a separate
18 account by the bank. Any interest earned by monies in such
19 account shall accrue to the USDA Women, Infants, and Children
20 Fund and shall be used exclusively for the redemption of bank
21 drafts issued by the Department. WIC program food funds
22 received by the bank from the Department shall be used
23 exclusively for the redemption of bank drafts. The bank shall
24 not use such food funds, or interest accrued thereon, for any
25 other purpose including, but not limited to, reimbursement of
26 administrative expenses or payments of administrative fees due

1 the bank pursuant to its contract or contracts with the
2 Department.

3 Such initial and periodic payments by the Department to the
4 bank shall be effected, pursuant to an appropriation, in an
5 amount needed for the redemption of bank drafts issued by the
6 Department under the United States Department of Agriculture
7 Special Supplemental Food Program for Women, Infants, and
8 Children in any initial or succeeding period. The State
9 Comptroller shall, upon presentation by the Director of
10 adequate certification of funds needed for redemption of bank
11 drafts, promptly draw a warrant payable to the bank for deposit
12 to the separate account of the bank. Such certification may be
13 in magnetic tape or computer output form, indicating the amount
14 of the total payment made by the bank for the redemption of
15 bank drafts from funds provided to the bank under this Section.

16 The separate account of the bank established under this
17 Section, any payments to that account, and the use of such
18 account and funds shall be subject to (1) audit by the
19 Department or a private contractor authorized by the Department
20 to conduct audits, including, but not limited to, such audits
21 as may be required by State law, (2) audit by the federal
22 government or a private contractor authorized by the federal
23 government, and (3) post audit pursuant to the Illinois State
24 Auditing Act.

25 (d) The Department may include a program of lactation
26 support services as part of the benefits and services provided

1 for pregnant and breast feeding participants in the Women,
2 Infants, and Children nutrition program. The program may
3 include payment for breast pumps, breast shields, or any supply
4 deemed essential for the successful maintenance of lactation,
5 as well as lactation specialists who are registered nurses,
6 licensed dietitians, or persons who have successfully
7 completed a lactation management training program.

8 (e) The Department shall coordinate the operation of the
9 Women, Infants, and Children program with the Medicaid program
10 by interagency agreement whereby each program provides
11 information about the services offered by the other to
12 applicants for services.

13 (20 ILCS 2310/2310-685 new)

14 Sec. 2310-685. Sexual assault education program.

15 (a) The Department shall conduct a comprehensive study of
16 the needs of women with disabilities who reside in the
17 community as well as structured living environments regarding
18 sexual assault and the threat of sexual violence. The study
19 must include a needs assessment during the first year that
20 gathers input from women with disabilities, service providers,
21 and advocacy organizations. This study must inform the
22 development and implementation of educational programs for
23 women with disabilities, including distribution of information
24 materials during the first year. These materials must include
25 information on indications of possible occurrences of sexual

1 assault, the rights of sexual-assault victims, and any public
2 or private victim-assistance programs and resources available,
3 including resources available through the Office of the
4 Attorney General.

5 (b) The Department shall seek to attain any federal grants
6 or other funding that may be available for the purpose of this
7 Section.

8 (c) The Department shall adopt any rule necessary for the
9 implementation and administration of the program under this
10 Section.

11 (20 ILCS 2310/2310-690 new)

12 Sec. 2310-690. Folic acid; public information campaign.
13 The Department shall conduct a public information campaign to
14 (i) educate women about the benefits of consuming folic acid
15 before and during pregnancy to improve their chances of having
16 a healthy baby and (ii) increase the consumption of folic acid
17 by women of child-bearing age. The campaign must include
18 information about the sources of folic acid.

19 (20 ILCS 2310/2310-695 new)

20 Sec. 2310-695. Hispanic/Latino Teen Pregnancy Prevention
21 and Intervention Initiative.

22 (a) The Department is authorized to establish a
23 Hispanic/Latino Teen Pregnancy Prevention and Intervention
24 Initiative program.

1 (b) As a part of the program established under subsection
2 (a), the Department is authorized to award a grant to a
3 qualified entity for the purpose of conducting research,
4 education, and prevention activities to reduce pregnancy among
5 Hispanic teenagers.

6 (20 ILCS 2310/2310-700 new)

7 Sec. 2310-700. Illinois Steps for Attaining Higher
8 Education through Academic Development Program established.
9 The Illinois Steps for Attaining Higher Education through
10 Academic Development ("Illinois Steps AHEAD") program is
11 established in the Department of Public Health. Illinois Steps
12 AHEAD shall provide educational services and post-secondary
13 educational scholarships for low-income middle and high school
14 students. Program components shall include increased parent
15 involvement, creative and engaging academic support for
16 students, career exploration programs, college preparation,
17 and increased collaboration with local schools. The Department
18 of Public Health shall administer the program. The Department
19 shall implement the program only if federal funding is made
20 available for that purpose. All moneys received pursuant to the
21 federal Gaining Early Awareness and Readiness for
22 Undergraduate Programs shall be deposited into the Gaining
23 Early Awareness and Readiness for Undergraduate Programs Fund,
24 a special fund created in the State treasury. Moneys in this
25 fund shall be appropriated to the Department of Public Health

1 and expended for the purposes and activities specified by the
2 federal agency making the grant. All interest earnings on
3 amounts in the Gaining Early Awareness and Readiness for
4 Undergraduate Programs Fund shall accrue to the Gaining
5 Awareness and Readiness for Undergraduate Programs Fund and be
6 used in accordance with 34 C.F.R. 75.703.

7 (20 ILCS 2310/2310-705 new)

8 Sec. 2310-705. Division of Community Health, Prevention,
9 and Wellness.

10 (a) The Division of Community Health, Prevention, and
11 Wellness is created within the Department of Public Health. The
12 Division shall have an officer as its head who shall be known
13 as the Deputy Director for Community Health, Prevention, and
14 Wellness and shall be under the direction, supervision, and
15 control of the Director of Public Health and shall perform the
16 duties prescribed by the Director. The Deputy Director for
17 Community Health, Prevention, and Wellness shall serve as the
18 Director of Illinois' Maternal and Child Program, including the
19 Maternal and Child Health Services Block Grant and other grants
20 authorized by Title V of the federal Social Security Act.

21 (b) All of the rights, powers, duties, and functions vested
22 by law in the Department of Public Health's Office of Health
23 Promotion and the Department of Human Services' Division of
24 Community Health and Prevention or in any office, council,
25 committee, division, or bureau thereof are transferred to the

1 Department of Public Health's Division of Community Health,
2 Prevention, and Wellness on July 1, 2014.

3 (c) Personnel employed by the Department of Public Health's
4 Office of Health Promotion and the Department of Human
5 Services' Division of Community Health and Prevention, as that
6 Division was staffed and structured on June 30, 2011, are
7 transferred to the Department of Public Health's Division of
8 Community Health, Prevention, and Wellness on July 1, 2014.

9 Personnel employed by any other predecessor agency or
10 office on June 30, 2011 to perform duties within the Department
11 of Public Health's Office of Health Promotion and the
12 Department of Human Services' Division of Community Health and
13 Prevention are transferred to the Department of Public Health's
14 Office of Community Health, Prevention, and Wellness on July 1,
15 2014.

16 In the case of a person employed by a predecessor agency or
17 office to perform both duties pertaining to a function
18 transferred to the Department of Public Health's Office of
19 Community Health, Prevention, and Wellness under this Section
20 and duties pertaining to a function retained by the predecessor
21 agency or office, the Director, in consultation with the head
22 of the predecessor agency or office, shall determine whether to
23 transfer the employee to the Department of Public Health's
24 Office of Community Health, Prevention, and Wellness; until
25 this determination has been made, the transfer shall not take
26 effect.

1 The rights of State employees, the State, and its agencies
2 under the Personnel Code and applicable collective bargaining
3 agreements and retirement plans are not affected by this
4 Section.

5 (d) Except as provided in this subsection (d), all books,
6 records, documents, property (real and personal), including
7 office space, unencumbered appropriations, and pending
8 business pertaining to the rights, powers, duties, and
9 functions transferred to the Department of Public Health's
10 Office of Community Health, Prevention, and Wellness under this
11 Section shall be transferred and delivered to the Department of
12 Public Health's Office of Community Health, Prevention, and
13 Wellness effective July 1, 2014.

14 All of the general revenue funds, other State funds, and
15 federal funds authorized for use by the Office of Community
16 Health and Prevention shall be transferred and delivered to the
17 Department of Public Health's Office of Community Health,
18 Prevention, and Wellness effective July 1, 2014.

19 In the case of books, records, or documents that pertain
20 both to a function transferred to the Department of Public
21 Health's Office of Community Health, Prevention, and Wellness
22 under this Section and to a function retained by a predecessor
23 agency or office, the Director, in consultation with the head
24 of the predecessor agency or office, shall determine whether
25 the books, records, or documents shall be transferred, copied,
26 or left with the predecessor agency or office; until this

1 determination has been made, the transfer shall not take
2 effect.

3 In the case of property or an unexpended appropriation that
4 pertains both to a function transferred to the Department of
5 Public Health's Office of Community Health, Prevention, and
6 Wellness under this Section and to a function retained by a
7 predecessor agency or office, the Director, in consultation
8 with the head of the predecessor agency or office, shall
9 determine whether the property or unexpended appropriation
10 shall be transferred, divided, or left with the predecessor
11 agency or office; until this determination has been made (and,
12 in the case of an unexpended appropriation, notice of the
13 determination has been filed with the State Comptroller), the
14 transfer shall not take effect.

15 In the case of administrative functions performed by other
16 units within the Department of Human Services and for the
17 allocation of State or federal funds that benefited the Office
18 of Community Health and Prevention as well as other divisions
19 within the agency, the Director of Public Health and the
20 Secretary of Human Services shall establish interagency
21 agreements to continue these services and distribute these
22 funds after July 1, 2014.

23 (e) The transfer authorized under this Section shall
24 include the staff and contractors from the Department of Human
25 Services' Office of Management Information Services who are
26 responsible for the Cornerstone and eCornerstone management

1 information systems, as well as the equipment and computer
2 hardware and software used to support the Cornerstone and
3 eCornerstone management information systems and any contracts
4 for end-user training.

5 (f) The transfer authorized under this Section shall
6 include the following programs: Commodity Supplemental Food
7 Program; Family Planning Services; Healthy Start; Health
8 Support Services; Parents Too Soon; Positive Youth
9 Development; School-Based/School-Linked Health Centers;
10 Subsequent Pregnancy Project; Tri-Agency Program; Unmarried
11 Parents; Americorps; All Our Kids (AOK) Early Childhood
12 Networks; Chicago Maternal and Child Health Grant; Childhood
13 Asthma; Communities for Youth; Community Youth Services;
14 Delinquency Prevention; Developmental Child Education;
15 Disproportionate Minority Contact; Doula; Ending Violence
16 Against Women With Disabilities; Enforcing Underage Drinking
17 Laws; Farmers' Market Nutrition Program; Fetal Alcohol
18 Spectrum Disorder; Fetal and Infant Mortality Review;
19 HealthWorks of Illinois; Healthy Child Care Illinois; Healthy
20 Families Illinois; High Risk Infant Follow-Up; HIV Project;
21 Homeless Youth; Illinois Fatherhood Initiative; Juvenile
22 Detention Alternatives Initiative; Juvenile Justice
23 Transportation; Male Involvement; Mentoring Children of
24 Prisoners (MCOP); Parents Care and Share; Partners for Hope;
25 Partnerships for Success; Project LAUNCH; Release Upon
26 Request; Responsible Parenting; School Health; Targeted

1 Intensive Prenatal Case Management; Team Illinois; Teen Parent
2 Services; Teen Pregnancy Prevention-Primary; Teen REACH;
3 Truancy Review Boards; and Youth Opportunity.

4 (g) The Director of Public Health shall appoint a
5 transition team that includes relevant management and staff of
6 the affected agencies, the Maternal and Child Health Advisory
7 Board, advocates, other advisory bodies, local service
8 providers, and service provider associations with expertise in
9 maternal and child health, faculty from the University of
10 Illinois at Chicago School of Public Health, and other
11 consultants as the Director shall deem necessary to advise him
12 or her on the structure of the Office of Community Health,
13 Prevention, and Wellness and related programs and
14 administrative functions of the Department of Public Health.
15 The transition team shall serve from the effective date of this
16 amendatory Act of the 97th General Assembly until December 31,
17 2014.

18 The Department of Public Health shall be responsible for
19 staffing the transition team and for paying expenses associated
20 with the team's activities. Other than consultants, members of
21 the transition team shall serve without compensation. Members
22 may be reimbursed for travel expenses related to the work of
23 the transition team.

24 By December 31, 2013, the transition team shall send the
25 Governor, President of the Senate, Speaker of the House of
26 Representatives, Minority Leader of the Senate, and Minority

1 Leader of the House a plan for the transition. The plan shall
2 include any further recommendations from the transition team
3 for legislation to support and effect the transfer.

4 (h) The Director of Public Health, the Secretary of Human
5 Services, and the Director of the University of Illinois at
6 Chicago Division of Specialized Care for Children shall
7 collaborate earnestly and diligently to effect the transfer
8 authorized under this Section.

9 (20 ILCS 2310/2310-710 new)

10 Sec. 2310-710. Deputy Director for the Office of Community
11 Health, Prevention, and Wellness.

12 (a) The Deputy Director shall report directly to the
13 Director of Public Health. In choosing the Deputy Director for
14 the Office of Community Health, Prevention, and Wellness, the
15 Director of Public Health shall consult with the Maternal and
16 Child Health Advisory Board.

17 (b) The Deputy Director must:

18 (1) hold a doctoral degree in one of the health
19 sciences;

20 (2) hold at least a master's degree in public health;
21 and

22 (3) have several years of demonstrated leadership
23 experience in public-sector maternal and child health
24 programs.

25 (c) If the Deputy Director is a physician, then he or she

1 must be board certified in obstetrics and gynecology,
2 pediatrics, or family practice. If the Deputy Director is not a
3 physician, then the Department must appoint a medical director
4 who is board certification in obstetrics and gynecology,
5 pediatrics, or family practice and holds at least a master's
6 degree in public health to advise the Deputy Director.

7 Section 45. The Interagency Coordinating Council Act is
8 amended by changing Section 2 as follows:

9 (20 ILCS 3970/2) (from Ch. 127, par. 3832)

10 Sec. 2. Interagency Coordinating Council. There is hereby
11 created an Interagency Coordinating Council which shall be
12 composed of the Directors, or their designees, of the Illinois
13 Department of Children and Family Services, Illinois
14 Department of Commerce and Economic Opportunity, Illinois
15 Department of Corrections, Illinois Department of Employment
16 Security, Illinois Department of Public Health, and Illinois
17 Department of Healthcare and Family Services; the Secretary of
18 Human Services or his or her designee; the Executive Director,
19 or a designee, of the Illinois Community College Board, the
20 Board of Higher Education, and the Illinois Planning Council on
21 Developmental Disabilities; the State Superintendent of
22 Education, or a designee; and a designee representing the
23 University of Illinois - Division of Specialized Care for
24 Children. The Secretary of Human Services (or the member who is

1 the designee for the Secretary of Human Services) and the State
2 Superintendent of Education (or the member who is the designee
3 for the State Superintendent of Education) shall be co-chairs
4 of the Council. The co-chairs shall be responsible for ensuring
5 that the functions described in Section 3 of this Act are
6 carried out.

7 (Source: P.A. 94-793, eff. 5-19-06; 95-331, eff. 8-21-07.)

8 Section 50. The State Finance Act is amended by changing
9 Section 25 as follows:

10 (30 ILCS 105/25) (from Ch. 127, par. 161)

11 Sec. 25. Fiscal year limitations.

12 (a) All appropriations shall be available for expenditure
13 for the fiscal year or for a lesser period if the Act making
14 that appropriation so specifies. A deficiency or emergency
15 appropriation shall be available for expenditure only through
16 June 30 of the year when the Act making that appropriation is
17 enacted unless that Act otherwise provides.

18 (b) Outstanding liabilities as of June 30, payable from
19 appropriations which have otherwise expired, may be paid out of
20 the expiring appropriations during the 2-month period ending at
21 the close of business on August 31. Any service involving
22 professional or artistic skills or any personal services by an
23 employee whose compensation is subject to income tax
24 withholding must be performed as of June 30 of the fiscal year

1 in order to be considered an "outstanding liability as of June
2 30" that is thereby eligible for payment out of the expiring
3 appropriation.

4 (b-1) However, payment of tuition reimbursement claims
5 under Section 14-7.03 or 18-3 of the School Code may be made by
6 the State Board of Education from its appropriations for those
7 respective purposes for any fiscal year, even though the claims
8 reimbursed by the payment may be claims attributable to a prior
9 fiscal year, and payments may be made at the direction of the
10 State Superintendent of Education from the fund from which the
11 appropriation is made without regard to any fiscal year
12 limitations, except as required by subsection (j) of this
13 Section. Beginning on June 30, 2021, payment of tuition
14 reimbursement claims under Section 14-7.03 or 18-3 of the
15 School Code as of June 30, payable from appropriations that
16 have otherwise expired, may be paid out of the expiring
17 appropriation during the 4-month period ending at the close of
18 business on October 31.

19 (b-2) All outstanding liabilities as of June 30, 2010,
20 payable from appropriations that would otherwise expire at the
21 conclusion of the lapse period for fiscal year 2010, and
22 interest penalties payable on those liabilities under the State
23 Prompt Payment Act, may be paid out of the expiring
24 appropriations until December 31, 2010, without regard to the
25 fiscal year in which the payment is made, as long as vouchers
26 for the liabilities are received by the Comptroller no later

1 than August 31, 2010.

2 (b-2.5) All outstanding liabilities as of June 30, 2011,
3 payable from appropriations that would otherwise expire at the
4 conclusion of the lapse period for fiscal year 2011, and
5 interest penalties payable on those liabilities under the State
6 Prompt Payment Act, may be paid out of the expiring
7 appropriations until December 31, 2011, without regard to the
8 fiscal year in which the payment is made, as long as vouchers
9 for the liabilities are received by the Comptroller no later
10 than August 31, 2011.

11 (b-3) Medical payments may be made by the Department of
12 Veterans' Affairs from its appropriations for those purposes
13 for any fiscal year, without regard to the fact that the
14 medical services being compensated for by such payment may have
15 been rendered in a prior fiscal year, except as required by
16 subsection (j) of this Section. Beginning on June 30, 2021,
17 medical payments payable from appropriations that have
18 otherwise expired may be paid out of the expiring appropriation
19 during the 4-month period ending at the close of business on
20 October 31.

21 (b-4) Medical payments may be made by the Department of
22 Healthcare and Family Services and medical payments and child
23 care payments may be made by the Department of Human Services
24 (as successor to the Department of Public Aid) from
25 appropriations for those purposes for any fiscal year, without
26 regard to the fact that the medical or child care services

1 being compensated for by such payment may have been rendered in
2 a prior fiscal year; and payments may be made at the direction
3 of the Department of Healthcare and Family Services from the
4 Health Insurance Reserve Fund and the Local Government Health
5 Insurance Reserve Fund without regard to any fiscal year
6 limitations, except as required by subsection (j) of this
7 Section. Beginning on June 30, 2021, medical payments made by
8 the Department of Healthcare and Family Services, child care
9 payments made by the Department of Human Services, and payments
10 made at the discretion of the Department of Healthcare and
11 Family Services from the Health Insurance Reserve Fund and the
12 Local Government Health Insurance Reserve Fund payable from
13 appropriations that have otherwise expired may be paid out of
14 the expiring appropriation during the 4-month period ending at
15 the close of business on October 31.

16 (b-5) Medical payments may be made by the Department of
17 Human Services from its appropriations relating to substance
18 abuse treatment services for any fiscal year, without regard to
19 the fact that the medical services being compensated for by
20 such payment may have been rendered in a prior fiscal year,
21 provided the payments are made on a fee-for-service basis
22 consistent with requirements established for Medicaid
23 reimbursement by the Department of Healthcare and Family
24 Services, except as required by subsection (j) of this Section.
25 Beginning on June 30, 2021, medical payments made by the
26 Department of Human Services relating to substance abuse

1 treatment services payable from appropriations that have
2 otherwise expired may be paid out of the expiring appropriation
3 during the 4-month period ending at the close of business on
4 October 31.

5 (b-6) Additionally, payments may be made by the Department
6 of Human Services from its appropriations, or any other State
7 agency from its appropriations with the approval of the
8 Department of Human Services, from the Immigration Reform and
9 Control Fund for purposes authorized pursuant to the
10 Immigration Reform and Control Act of 1986, without regard to
11 any fiscal year limitations, except as required by subsection
12 (j) of this Section. Beginning on June 30, 2021, payments made
13 by the Department of Human Services from the Immigration Reform
14 and Control Fund for purposes authorized pursuant to the
15 Immigration Reform and Control Act of 1986 payable from
16 appropriations that have otherwise expired may be paid out of
17 the expiring appropriation during the 4-month period ending at
18 the close of business on October 31.

19 (b-7) Payments may be made in accordance with a plan
20 authorized by paragraph (11) or (12) of Section 405-105 of the
21 Department of Central Management Services Law from
22 appropriations for those payments without regard to fiscal year
23 limitations.

24 (c) Further, payments may be made by the Department of
25 Public Health, ~~the Department of Human Services (acting as~~
26 ~~successor to the Department of Public Health under the~~

1 ~~Department of Human Services Act),~~ and the Department of
2 Healthcare and Family Services (acting as successor to the
3 Department of Human Services for the chronic renal disease and
4 hemophilia programs) from their respective appropriations for
5 grants for medical care to or on behalf of persons suffering
6 from chronic renal disease, persons suffering from hemophilia,
7 rape victims, and premature and high-mortality risk infants and
8 their mothers and for grants for supplemental food supplies
9 provided under the United States Department of Agriculture
10 Women, Infants and Children Nutrition Program, for any fiscal
11 year without regard to the fact that the services being
12 compensated for by such payment may have been rendered in a
13 prior fiscal year, except as required by subsection (j) of this
14 Section. Beginning on June 30, 2021, payments made by the
15 Department of Public Health, the Department of Human Services,
16 and the Department of Healthcare and Family Services from their
17 respective appropriations for grants for medical care to or on
18 behalf of persons suffering from chronic renal disease, persons
19 suffering from hemophilia, rape victims, and premature and
20 high-mortality risk infants and their mothers and for grants
21 for supplemental food supplies provided under the United States
22 Department of Agriculture Women, Infants and Children
23 Nutrition Program payable from appropriations that have
24 otherwise expired may be paid out of the expiring
25 appropriations during the 4-month period ending at the close of
26 business on October 31.

1 (d) The Department of Public Health and the Department of
2 Human Services (acting as successor to the Department of Public
3 Health under the Department of Human Services Act) shall each
4 annually submit to the State Comptroller, Senate President,
5 Senate Minority Leader, Speaker of the House, House Minority
6 Leader, and the respective Chairmen and Minority Spokesmen of
7 the Appropriations Committees of the Senate and the House, on
8 or before December 31, a report of fiscal year funds used to
9 pay for services provided in any prior fiscal year. This report
10 shall document by program or service category those
11 expenditures from the most recently completed fiscal year used
12 to pay for services provided in prior fiscal years.

13 (e) The Department of Public Health and the Department of
14 Healthcare and Family Services (acting as successor to the
15 Department of Human Services for the chronic renal disease and
16 hemophilia programs), ~~the Department of Human Services (acting~~
17 ~~as successor to the Department of Public Aid), and the~~
18 ~~Department of Human Services making fee for service payments~~
19 ~~relating to substance abuse treatment services provided during~~
20 ~~a previous fiscal year~~ shall each annually submit to the State
21 Comptroller, Senate President, Senate Minority Leader, Speaker
22 of the House, House Minority Leader, the respective Chairmen
23 and Minority Spokesmen of the Appropriations Committees of the
24 Senate and the House, on or before November 30, a report that
25 shall document by program or service category those
26 expenditures from the most recently completed fiscal year used

1 to pay for (i) services provided in prior fiscal years and (ii)
2 services for which claims were received in prior fiscal years.

3 (f) The Department of Human Services (as successor to the
4 Department of Public Aid) shall annually submit to the State
5 Comptroller, Senate President, Senate Minority Leader, Speaker
6 of the House, House Minority Leader, and the respective
7 Chairmen and Minority Spokesmen of the Appropriations
8 Committees of the Senate and the House, on or before December
9 31, a report of fiscal year funds used to pay for services
10 (other than medical care) provided in any prior fiscal year.
11 This report shall document by program or service category those
12 expenditures from the most recently completed fiscal year used
13 to pay for services provided in prior fiscal years.

14 (g) In addition, each annual report required to be
15 submitted by the Department of Healthcare and Family Services
16 under subsection (e) shall include the following information
17 with respect to the State's Medicaid program:

18 (1) Explanations of the exact causes of the variance
19 between the previous year's estimated and actual
20 liabilities.

21 (2) Factors affecting the Department of Healthcare and
22 Family Services' liabilities, including but not limited to
23 numbers of aid recipients, levels of medical service
24 utilization by aid recipients, and inflation in the cost of
25 medical services.

26 (3) The results of the Department's efforts to combat

1 fraud and abuse.

2 (h) As provided in Section 4 of the General Assembly
3 Compensation Act, any utility bill for service provided to a
4 General Assembly member's district office for a period
5 including portions of 2 consecutive fiscal years may be paid
6 from funds appropriated for such expenditure in either fiscal
7 year.

8 (i) An agency which administers a fund classified by the
9 Comptroller as an internal service fund may issue rules for:

10 (1) billing user agencies in advance for payments or
11 authorized inter-fund transfers based on estimated charges
12 for goods or services;

13 (2) issuing credits, refunding through inter-fund
14 transfers, or reducing future inter-fund transfers during
15 the subsequent fiscal year for all user agency payments or
16 authorized inter-fund transfers received during the prior
17 fiscal year which were in excess of the final amounts owed
18 by the user agency for that period; and

19 (3) issuing catch-up billings to user agencies during
20 the subsequent fiscal year for amounts remaining due when
21 payments or authorized inter-fund transfers received from
22 the user agency during the prior fiscal year were less than
23 the total amount owed for that period.

24 User agencies are authorized to reimburse internal service
25 funds for catch-up billings by vouchers drawn against their
26 respective appropriations for the fiscal year in which the

1 catch-up billing was issued or by increasing an authorized
2 inter-fund transfer during the current fiscal year. For the
3 purposes of this Act, "inter-fund transfers" means transfers
4 without the use of the voucher-warrant process, as authorized
5 by Section 9.01 of the State Comptroller Act.

6 (i-1) Beginning on July 1, 2021, all outstanding
7 liabilities, not payable during the 4-month lapse period as
8 described in subsections (b-1), (b-3), (b-4), (b-5), (b-6), and
9 (c) of this Section, that are made from appropriations for that
10 purpose for any fiscal year, without regard to the fact that
11 the services being compensated for by those payments may have
12 been rendered in a prior fiscal year, are limited to only those
13 claims that have been incurred but for which a proper bill or
14 invoice as defined by the State Prompt Payment Act has not been
15 received by September 30th following the end of the fiscal year
16 in which the service was rendered.

17 (j) Notwithstanding any other provision of this Act, the
18 aggregate amount of payments to be made without regard for
19 fiscal year limitations as contained in subsections (b-1),
20 (b-3), (b-4), (b-5), (b-6), and (c) of this Section, and
21 determined by using Generally Accepted Accounting Principles,
22 shall not exceed the following amounts:

23 (1) \$6,000,000,000 for outstanding liabilities related
24 to fiscal year 2012;

25 (2) \$5,300,000,000 for outstanding liabilities related
26 to fiscal year 2013;

1 (3) \$4,600,000,000 for outstanding liabilities related
2 to fiscal year 2014;

3 (4) \$4,000,000,000 for outstanding liabilities related
4 to fiscal year 2015;

5 (5) \$3,300,000,000 for outstanding liabilities related
6 to fiscal year 2016;

7 (6) \$2,600,000,000 for outstanding liabilities related
8 to fiscal year 2017;

9 (7) \$2,000,000,000 for outstanding liabilities related
10 to fiscal year 2018;

11 (8) \$1,300,000,000 for outstanding liabilities related
12 to fiscal year 2019;

13 (9) \$600,000,000 for outstanding liabilities related
14 to fiscal year 2020; and

15 (10) \$0 for outstanding liabilities related to fiscal
16 year 2021 and fiscal years thereafter.

17 (Source: P.A. 96-928, eff. 6-15-10; 96-958, eff. 7-1-10;
18 96-1501, eff. 1-25-11; 97-75, eff. 6-30-11; 97-333, eff.
19 8-12-11.)

20 Section 55. The School Code is amended by changing Section
21 2-3.70 as follows:

22 (105 ILCS 5/2-3.70) (from Ch. 122, par. 2-3.70)

23 Sec. 2-3.70. Alcohol and substance abuse education and
24 prevention programs. To review, subject to the rules and

1 regulations of the State Board of Education, grants made
2 available to all education agencies by the Department of Public
3 Health ~~Human Services~~ for school based alcohol and substance
4 abuse education and prevention programs, and to enter into
5 agreements with the Department to establish such programs.

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

7 Section 60. The Specialized Care for Children Act is
8 amended by changing Section 2 and by adding Section 4 as
9 follows:

10 (110 ILCS 345/2) (from Ch. 144, par. 67.2)

11 Sec. 2. An Advisory Board for Specialized Care for Children
12 is created to advise the University of Illinois relative to
13 qualifying for federal funds and aid in relation to the
14 administration of the Division of Specialized Care for
15 Children, to make recommendations to the University regarding
16 the operation of services to children with special health care
17 needs, and to consult regarding professional considerations
18 dealing with services to children with special health care
19 needs. The Department of Public Health's Deputy Director for
20 the Office of Community Health, Prevention, and Wellness or, if
21 the Deputy Director is not a physician, the Medical Director of
22 the Department of Public Health's Office of Community Health,
23 Prevention, and Wellness shall serve as chairperson. The
24 Advisory Board shall be composed of such health care

1 professionals as the Board of Trustees of the University of
2 Illinois deems necessary and appropriate, who shall all be
3 appointed to the Advisory Board by the Board of Trustees.

4 (Source: P.A. 91-207, eff. 7-20-99.)

5 (110 ILCS 345/4 new)

6 Sec. 4. Coordination of programs and services.

7 (a) In order to ensure collaboration between the University
8 of Illinois at Chicago's Division of Specialized Care for
9 Children and the Illinois Department of Public Health's Office
10 of Community Health, Prevention, and Wellness, the 2
11 departments shall undertake the activities set forth in this
12 Section.

13 (b) The Division of Specialized Care for Children and the
14 Department of Public Health shall collaborate to ensure that
15 individuals or families who receive services from either
16 agency, whether directly or through contractors, are informed
17 of the services available from the other agency and that
18 individuals or community organizations that provide services
19 on behalf of either agency collaborate to ensure that services
20 are appropriately coordinated for participating families. To
21 facilitate this collaboration, the administrators of the
22 Division of Specialized Care for Children's regional offices
23 shall meet on a quarterly basis with the administrators of the
24 local health departments and other maternal and child health
25 service providers that serve their regions.

1 (c) The Director of the University of Illinois at Chicago's
2 Division of Specialized Care for Children and the Deputy
3 Director for the Department of Public Health's Office of
4 Community Health, Prevention, and Wellness shall collaborate
5 and jointly conduct surveillance activities and apply the
6 principles of epidemiology to the design, management, and
7 evaluation of the State's services under Title V of the federal
8 Social Security Act.

9 (d) The Director of the University of Illinois at Chicago's
10 Division of Specialized Care for Children and the Deputy
11 Director for the Department of Public Health's Office of
12 Community Health, Prevention, and Wellness shall collaborate
13 on the further development and funding of comprehensive
14 community-based service delivery systems to improve the health
15 and well-being of all children and families, including children
16 with special health care needs.

17 (e) The Director of the University of Illinois at Chicago's
18 Division of Specialized Care for Children and the Deputy
19 Director for the Department of Public Health's Office of
20 Community Health, Prevention, and Wellness shall report
21 annually to the Advisory Board for Specialized Care for
22 Children and to the Community Health, Prevention, and Wellness
23 Advisory Board established by the Family Case Management Act on
24 their activities pursuant to this Section.

25 Section 65. The Illinois Public Aid Code is amended by

1 changing Section 5-5.24 as follows:

2 (305 ILCS 5/5-5.24)

3 Sec. 5-5.24. Prenatal and perinatal care. The Department of
4 Healthcare and Family Services may provide reimbursement under
5 this Article for all prenatal and perinatal health care
6 services that are provided for the purpose of preventing
7 low-birthweight infants, reducing the need for neonatal
8 intensive care hospital services, and promoting perinatal
9 health. These services may include comprehensive risk
10 assessments for pregnant women, women with infants, and
11 infants, lactation counseling, nutrition counseling,
12 childbirth support, psychosocial counseling, treatment and
13 prevention of periodontal disease, and other support services
14 that have been proven to improve birth outcomes. The Department
15 shall maximize the use of preventive prenatal and perinatal
16 health care services consistent with federal statutes, rules,
17 and regulations. The Department of Public Aid (now Department
18 of Healthcare and Family Services) shall develop a plan for
19 prenatal and perinatal preventive health care and shall present
20 the plan to the General Assembly by January 1, 2004. On or
21 before January 1, 2006 and every 2 years thereafter, the
22 Department, in collaboration with the Department of Public
23 Health, shall report to the General Assembly concerning the
24 effectiveness of prenatal and perinatal health care services
25 reimbursed under this Section in preventing low-birthweight

1 infants and reducing the need for neonatal intensive care
2 hospital services. Each such report shall include an evaluation
3 of how the ratio of expenditures for treating low-birthweight
4 infants compared with the investment in promoting healthy
5 births and infants in local community areas throughout Illinois
6 relates to healthy infant development in those areas.

7 (Source: P.A. 95-331, eff. 8-21-07.)

8 Section 70. The Abused and Neglected Child Reporting Act is
9 amended by changing Sections 7.1 and 7.3b as follows:

10 (325 ILCS 5/7.1) (from Ch. 23, par. 2057.1)

11 Sec. 7.1. (a) To the fullest extent feasible, the
12 Department shall cooperate with and shall seek the cooperation
13 and involvement of all appropriate public and private agencies,
14 including health, education, social service and law
15 enforcement agencies, religious institutions, courts of
16 competent jurisdiction, and agencies, organizations, or
17 programs providing or concerned with human services related to
18 the prevention, identification or treatment of child abuse or
19 neglect.

20 Such cooperation and involvement shall include joint
21 consultation and services, joint planning, joint case
22 management, joint public education and information services,
23 joint utilization of facilities, joint staff development and
24 other training, and the creation of multidisciplinary case

1 diagnostic, case handling, case management, and policy
2 planning teams. Such cooperation and involvement shall also
3 include consultation and planning with the Illinois Department
4 of Public Health ~~Human Services~~ regarding referrals to
5 designated perinatal centers of newborn children requiring
6 protective custody under this Act, whose life or development
7 may be threatened by a developmental disability or handicapping
8 condition.

9 For implementing such intergovernmental cooperation and
10 involvement, units of local government and public and private
11 agencies may apply for and receive federal or State funds from
12 the Department under this Act or seek and receive gifts from
13 local philanthropic or other private local sources in order to
14 augment any State funds appropriated for the purposes of this
15 Act.

16 (b) The Department may establish up to 5 demonstrations of
17 multidisciplinary teams to advise, review and monitor cases of
18 child abuse and neglect brought by the Department or any member
19 of the team. The Director shall determine the criteria by which
20 certain cases of child abuse or neglect are brought to the
21 multidisciplinary teams. The criteria shall include but not be
22 limited to geographic area and classification of certain cases
23 where allegations are of a severe nature. Each
24 multidisciplinary team shall consist of 7 to 10 members
25 appointed by the Director, including, but not limited to
26 representatives from the medical, mental health, educational,

1 juvenile justice, law enforcement and social service fields.

2 (Source: P.A. 92-801, eff. 8-16-02.)

3 (325 ILCS 5/7.3b) (from Ch. 23, par. 2057.3b)

4 Sec. 7.3b. All persons required to report under Section 4
5 may refer to the Department of Human Services any pregnant
6 person in this State who is addicted as defined in the
7 Alcoholism and Other Drug Abuse and Dependency Act. The
8 Department of Human Services shall notify the local family case
9 management ~~Infant Mortality Reduction Network~~ service provider
10 ~~or Department funded prenatal care provider~~ in the area in
11 which the person resides. The service provider shall prepare a
12 case management plan and assist the pregnant woman in obtaining
13 counseling and treatment from a local substance abuse service
14 provider licensed by the Department of Human Services or a
15 licensed hospital which provides substance abuse treatment
16 services. The local family case management ~~Infant Mortality~~
17 ~~Reduction Network~~ service provider ~~and Department funded~~
18 ~~prenatal care provider~~ shall monitor the pregnant woman through
19 the service program. The Department of Human Services shall
20 have the authority to promulgate rules and regulations to
21 implement this Section.

22 (Source: P.A. 88-670, eff. 12-2-94; 89-507 (Sections 9C-25 and
23 9M-5), eff. 7-1-97.)

24 Section 75. The Early Intervention Services System Act is

1 amended by changing Sections 4 and 5 as follows:

2 (325 ILCS 20/4) (from Ch. 23, par. 4154)

3 Sec. 4. Illinois Interagency Council on Early
4 Intervention.

5 (a) There is established the Illinois Interagency Council
6 on Early Intervention. The Council shall be composed of at
7 least 15 but not more than 25 members. The members of the
8 Council and the designated chairperson of the Council shall be
9 appointed by the Governor. The Council member representing the
10 lead agency may not serve as chairperson of the Council. The
11 Council shall be composed of the following members:

12 (1) The Director of Public Health ~~Secretary of Human~~
13 ~~Services~~ (or his or her designee) and 2 additional
14 representatives of the Department of Public Health ~~Human~~
15 ~~Services~~ designated by the Director ~~Secretary~~, plus the
16 Directors (or their designees) of the following State
17 agencies involved in the provision of or payment for early
18 intervention services to eligible infants and toddlers and
19 their families:

20 (A) Illinois State Board of Education;

21 (B) (Blank);

22 (C) (Blank);

23 (D) Illinois Department of Children and Family
24 Services;

25 (E) (Blank) ~~University of Illinois Division of~~

1 ~~Specialized Care for Children;~~

2 (F) Illinois Department of Healthcare and Family
3 Services;

4 (G) Illinois Department of Human Services ~~Public~~
5 ~~Health;~~

6 (H) (Blank);

7 (I) Illinois Planning Council on Developmental
8 Disabilities; and

9 (J) Illinois Department of Insurance.

10 (2) Other members as follows:

11 (A) At least 20% of the members of the Council
12 shall be parents, including minority parents, of
13 infants or toddlers with disabilities or children with
14 disabilities aged 12 or younger, with knowledge of, or
15 experience with, programs for infants and toddlers
16 with disabilities. At least one such member shall be a
17 parent of an infant or toddler with a disability or a
18 child with a disability aged 6 or younger;

19 (B) At least 20% of the members of the Council
20 shall be public or private providers of early
21 intervention services;

22 (C) One member shall be a representative of the
23 General Assembly; and

24 (D) One member shall be involved in the preparation
25 of professional personnel to serve infants and
26 toddlers similar to those eligible for services under

1 this Act.

2 The Council shall meet at least quarterly and in such
3 places as it deems necessary. Terms of the initial members
4 appointed under paragraph (2) shall be determined by lot at the
5 first Council meeting as follows: of the persons appointed
6 under subparagraphs (A) and (B), one-third shall serve one year
7 terms, one-third shall serve 2 year terms, and one-third shall
8 serve 3 year terms; and of the persons appointed under
9 subparagraphs (C) and (D), one shall serve a 2 year term and
10 one shall serve a 3 year term. Thereafter, successors appointed
11 under paragraph (2) shall serve 3 year terms. Once appointed,
12 members shall continue to serve until their successors are
13 appointed. No member shall be appointed to serve more than 2
14 consecutive terms.

15 Council members shall serve without compensation but shall
16 be reimbursed for reasonable costs incurred in the performance
17 of their duties, including costs related to child care, and
18 parents may be paid a stipend in accordance with applicable
19 requirements.

20 The Council shall prepare and approve a budget using funds
21 appropriated for the purpose to hire staff, and obtain the
22 services of such professional, technical, and clerical
23 personnel as may be necessary to carry out its functions under
24 this Act. This funding support and staff shall be directed by
25 the lead agency.

26 (b) The Council shall:

1 (1) advise and assist the lead agency in the
2 performance of its responsibilities including but not
3 limited to the identification of sources of fiscal and
4 other support services for early intervention programs,
5 and the promotion of interagency agreements which assign
6 financial responsibility to the appropriate agencies;

7 (2) advise and assist the lead agency in the
8 preparation of applications and amendments to
9 applications;

10 (3) review and advise on relevant regulations and
11 standards proposed by the related State agencies;

12 (4) advise and assist the lead agency in the
13 development, implementation and evaluation of the
14 comprehensive early intervention services system; and

15 (5) prepare and submit an annual report to the Governor
16 and to the General Assembly on the status of early
17 intervention programs for eligible infants and toddlers
18 and their families in Illinois. The annual report shall
19 include (i) the estimated number of eligible infants and
20 toddlers in this State, (ii) the number of eligible infants
21 and toddlers who have received services under this Act and
22 the cost of providing those services, (iii) the estimated
23 cost of providing services under this Act to all eligible
24 infants and toddlers in this State, and (iv) data and other
25 information as is requested to be included by the
26 Legislative Advisory Committee established under Section

1 13.50 of this Act. The report shall be posted by the lead
2 agency on the early intervention website as required under
3 paragraph (f) of Section 5 of this Act.

4 No member of the Council shall cast a vote on or
5 participate substantially in any matter which would provide a
6 direct financial benefit to that member or otherwise give the
7 appearance of a conflict of interest under State law. All
8 provisions and reporting requirements of the Illinois
9 Governmental Ethics Act shall apply to Council members.
10 (Source: P.A. 95-331, eff. 8-21-07.)

11 (325 ILCS 20/5) (from Ch. 23, par. 4155)

12 Sec. 5. Lead Agency. The Department of Public Health ~~Human~~
13 ~~Services~~ is designated the lead agency and shall provide
14 leadership in establishing and implementing the coordinated,
15 comprehensive, interagency and interdisciplinary system of
16 early intervention services. The lead agency shall not have the
17 sole responsibility for providing these services. Each
18 participating State agency shall continue to coordinate those
19 early intervention services relating to health, social service
20 and education provided under this authority.

21 The lead agency is responsible for carrying out the
22 following:

23 (a) The general administration, supervision, and
24 monitoring of programs and activities receiving assistance
25 under Section 673 of the Individuals with Disabilities

1 Education Act (20 United States Code 1473).

2 (b) The identification and coordination of all
3 available resources within the State from federal, State,
4 local and private sources.

5 (c) The development of procedures to ensure that
6 services are provided to eligible infants and toddlers and
7 their families in a timely manner pending the resolution of
8 any disputes among public agencies or service providers.

9 (d) The resolution of intra-agency and interagency
10 regulatory and procedural disputes.

11 (e) The development and implementation of formal
12 interagency agreements, and the entry into such
13 agreements, between the lead agency and (i) the Department
14 of Healthcare and Family Services, (ii) the University of
15 Illinois Division of Specialized Care for Children, and
16 (iii) other relevant State agencies that:

17 (1) define the financial responsibility of each
18 agency for paying for early intervention services
19 (consistent with existing State and federal law and
20 rules, including the requirement that early
21 intervention funds be used as the payor of last
22 resort), a hierarchical order of payment as among the
23 agencies for early intervention services that are
24 covered under or may be paid by programs in other
25 agencies, and procedures for direct billing,
26 collecting reimbursements for payments made, and

1 resolving service and payment disputes; and

2 (2) include all additional components necessary to
3 ensure meaningful cooperation and coordination.

4 Interagency agreements under this paragraph (e) must
5 be reviewed and revised to implement the purposes of this
6 amendatory Act of the 92nd General Assembly no later than
7 60 days after the effective date of this amendatory Act of
8 the 92nd General Assembly.

9 (f) The maintenance of an early intervention website.
10 Within 30 days after the effective date of this amendatory
11 Act of the 92nd General Assembly, the lead agency shall
12 post and keep posted on this website the following: (i) the
13 current annual report required under subdivision (b) (5) of
14 Section 4 of this Act, and the annual reports of the prior
15 3 years, (ii) the most recent Illinois application for
16 funds prepared under Section 637 of the Individuals with
17 Disabilities Education Act filed with the United States
18 Department of Education, (iii) proposed modifications of
19 the application prepared for public comment, (iv) notice of
20 Council meetings, Council agendas, and minutes of its
21 proceedings for at least the previous year, (v) proposed
22 and final early intervention rules, (vi) requests for
23 proposals, and (vii) all reports created for dissemination
24 to the public that are related to the early intervention
25 program, including reports prepared at the request of the
26 Council, the General Assembly, and the Legislative

1 Advisory Committee established under Section 13.50 of this
2 Act. Each such document shall be posted on the website
3 within 3 working days after the document's completion.
4 (Source: P.A. 95-331, eff. 8-21-07.)

5 Section 80. The Interagency Board for Children who are Deaf
6 or Hard-of-Hearing and have an Emotional or Behavioral Disorder
7 Act is amended by changing Section 4 as follows:

8 (325 ILCS 35/4) (from Ch. 23, par. 6704)

9 Sec. 4. Appointment. The Board shall consist of 13 ~~12~~
10 members, one of whom shall be appointed by the Governor. The
11 State Superintendent of Education shall appoint 2 members, one
12 of whom shall be a parent of a child who is deaf or
13 hard-of-hearing and has an emotional or behavioral disorder,
14 and one of whom shall be an employee of the agency. The
15 Director of Children and Family Services shall appoint 2
16 members, one of whom shall be a parent, foster parent, or legal
17 guardian of a child who is deaf or hard-of-hearing and has an
18 emotional or behavioral disorder, and one of whom shall be an
19 employee of the agency. The Secretary of Human Services shall
20 appoint 4 members, 2 of whom shall be parents of children who
21 are deaf or hard of hearing and have an emotional or behavioral
22 disorder, and 2 of whom shall be employees of the agency.

23 The Director of Healthcare and Family Services shall
24 appoint one member who shall be an employee of the agency. The

1 Director of Public Health shall appoint one member who shall be
2 an employee of the agency. The Community and Residential
3 Services Authority for Behavior Disturbed and Severe
4 Emotionally Disturbed Students shall appoint one member who
5 shall be an employee of the Authority, and the Director of the
6 Division of Specialized Care for Children shall appoint one
7 member who shall be an employee of that agency.

8 Each appointing authority shall give preference to any
9 qualified deaf employee when making appointments to the Board.

10 (Source: P.A. 95-331, eff. 8-21-07.)

11 Section 85. The Community Services Act is amended by
12 changing Section 3 as follows:

13 (405 ILCS 30/3) (from Ch. 91 1/2, par. 903)

14 Sec. 3. Responsibilities for Community Services. Pursuant
15 to this Act, the Department of Human Services shall facilitate
16 the establishment of a comprehensive and coordinated array of
17 community services based upon a federal, State and local
18 partnership. In order to assist in implementation of this Act,
19 the Department shall prescribe and publish rules and
20 regulations. The Department may request the assistance of other
21 State agencies, including the Department of Public Health with
22 regard to substance abuse prevention, local government
23 entities, direct services providers, trade associations, and
24 others in the development of these regulations or other

1 policies related to community services.

2 The Department shall assume the following roles and
3 responsibilities for community services:

4 (a) Service Priorities. Within the service categories
5 described in Section 2 of this Act, establish and publish
6 priorities for community services to be rendered, and priority
7 populations to receive these services.

8 (b) Planning. By January 1, 1994 and by January 1 of each
9 third year thereafter, prepare and publish a Plan which
10 describes goals and objectives for community services
11 state-wide and for regions and subregions needs assessment,
12 steps and time-tables for implementation of the goals also
13 shall be included; programmatic goals and objectives for
14 community services shall cover the service categories defined
15 in Section 2 of this Act; the Department shall insure local
16 participation in the planning process.

17 (c) Public Information and Education. Develop programs
18 aimed at improving the relationship between communities and
19 their residents with disabilities; prepare and disseminate
20 public information and educational materials on the prevention
21 of developmental disabilities, mental illness, and alcohol or
22 drug dependence, and on available treatment and habilitation
23 services for persons with these disabilities.

24 (d) Quality Assurance. Promulgate minimum program
25 standards, rules and regulations to insure that Department
26 funded services maintain acceptable quality and assure

1 enforcement of these standards through regular monitoring of
2 services and through program evaluation; this applies except
3 where this responsibility is explicitly given by law to another
4 State agency.

5 (d-5) Accreditation requirements for providers of mental
6 health and substance abuse treatment services. Except when the
7 federal or State statutes authorizing a program, or the federal
8 regulations implementing a program, are to the contrary,
9 accreditation shall be accepted by the Department in lieu of
10 the Department's facility or program certification or
11 licensure onsite review requirements and shall be accepted as a
12 substitute for the Department's administrative and program
13 monitoring requirements, except as required by subsection
14 (d-10), in the case of:

15 (1) Any organization from which the Department
16 purchases mental health or substance abuse services and
17 that is accredited under any of the following: the
18 Comprehensive Accreditation Manual for Behavioral Health
19 Care (Joint Commission on Accreditation of Healthcare
20 Organizations (JCAHO)); the Comprehensive Accreditation
21 Manual for Hospitals (JCAHO); the Standards Manual for the
22 Council on Accreditation for Children and Family Services
23 (Council on Accreditation for Children and Family Services
24 (COA)); or the Standards Manual for Organizations Serving
25 People with Disabilities (the Rehabilitation Accreditation
26 Commission (CARF)).

1 (2) Any mental health facility or program licensed or
2 certified by the Department, or any substance abuse service
3 licensed by the Department, that is accredited under any of
4 the following: the Comprehensive Accreditation Manual for
5 Behavioral Health Care (JCAHO); the Comprehensive
6 Accreditation Manual for Hospitals (JCAHO); the Standards
7 Manual for the Council on Accreditation for Children and
8 Family Services (COA); or the Standards Manual for
9 Organizations Serving People with Disabilities (CARF).

10 (3) Any network of providers from which the Department
11 purchases mental health or substance abuse services and
12 that is accredited under any of the following: the
13 Comprehensive Accreditation Manual for Behavioral Health
14 Care (JCAHO); the Comprehensive Accreditation Manual for
15 Hospitals (JCAHO); the Standards Manual for the Council on
16 Accreditation for Children and Family Services (COA); the
17 Standards Manual for Organizations Serving People with
18 Disabilities (CARF); or the National Committee for Quality
19 Assurance. A provider organization that is part of an
20 accredited network shall be afforded the same rights under
21 this subsection.

22 (d-10) For mental health and substance abuse services, the
23 Department may develop standards or promulgate rules that
24 establish additional standards for monitoring and licensing
25 accredited programs, services, and facilities that the
26 Department has determined are not covered by the accreditation

1 standards and processes. These additional standards for
2 monitoring and licensing accredited programs, services, and
3 facilities and the associated monitoring must not duplicate the
4 standards and processes already covered by the accrediting
5 bodies.

6 (d-15) The Department shall be given proof of compliance
7 with fire and health safety standards, which must be submitted
8 as required by rule.

9 (d-20) The Department, by accepting the survey or
10 inspection of an accrediting organization, does not forfeit its
11 rights to perform inspections at any time, including contract
12 monitoring to ensure that services are provided in accordance
13 with the contract. The Department reserves the right to monitor
14 a provider of mental health and substance abuse treatment
15 services when the survey or inspection of an accrediting
16 organization has established any deficiency in the
17 accreditation standards and processes.

18 (d-25) On and after the effective date of this amendatory
19 Act of the 92nd General Assembly, the accreditation
20 requirements of this Section apply to contracted organizations
21 that are already accredited.

22 (e) Program Evaluation. Develop a system for conducting
23 evaluation of the effectiveness of community services,
24 according to preestablished performance standards; evaluate
25 the extent to which performance according to established
26 standards aids in achieving the goals of this Act; evaluation

1 data also shall be used for quality assurance purposes as well
2 as for planning activities.

3 (f) Research. Conduct research in order to increase
4 understanding of mental illness, developmental disabilities
5 and alcohol and drug dependence.

6 (g) Technical Assistance. Provide technical assistance to
7 provider agencies receiving funds or serving clients in order
8 to assist these agencies in providing appropriate, quality
9 services; also provide assistance and guidance to other State
10 agencies and local governmental bodies serving the disabled in
11 order to strengthen their efforts to provide appropriate
12 community services; and assist provider agencies in accessing
13 other available funding, including federal, State, local,
14 third-party and private resources.

15 (h) Placement Process. Promote the appropriate placement
16 of clients in community services through the development and
17 implementation of client assessment and diagnostic instruments
18 to assist in identifying the individual's service needs; client
19 assessment instruments also can be utilized for purposes of
20 program evaluation; whenever possible, assure that placements
21 in State-operated facilities are referrals from community
22 agencies.

23 (i) Interagency Coordination. Assume leadership in
24 promoting cooperation among State health and human service
25 agencies to insure that a comprehensive, coordinated community
26 services system is in place; to insure persons with a

1 disability access to needed services; and to insure continuity
2 of care and allow clients to move among service settings as
3 their needs change; also work with other agencies to establish
4 effective prevention programs.

5 (j) Financial Assistance. Provide financial assistance to
6 local provider agencies through purchase-of-care contracts and
7 grants, pursuant to Section 4 of this Act.

8 (Source: P.A. 95-682, eff. 10-11-07.)

9 Section 90. The Reduction of Racial and Ethnic Health
10 Disparities Act is amended by changing Sections 5 and 35 as
11 follows:

12 (410 ILCS 100/5)

13 Sec. 5. Legislative findings and intent.

14 (a) The General Assembly finds that despite State
15 investments in health care programs, certain racial and ethnic
16 populations in Illinois continue to have significantly poorer
17 health outcomes when compared to non-Hispanic whites. The
18 General Assembly finds that local solutions to health care
19 problems can have a dramatic and positive effect on the health
20 status of these populations. Local governments and communities
21 are best equipped to: identify the health education, health
22 promotion, and disease prevention needs of the racial and
23 ethnic populations in their communities; mobilize the
24 community to address health outcome disparities; enlist and

1 organize local public and private resources and faith-based
2 organizations to address these disparities; and evaluate the
3 effectiveness of interventions.

4 (b) The Illinois Department of Public Health ~~Human Services~~
5 has several initiatives to reduce racial and ethnic disparities
6 in infant mortality and diabetes, and ~~the Illinois Department~~
7 ~~of Public Health has~~ several initiatives to address asthma;
8 breast, cervical, prostate, and colorectal cancer; kidney
9 disease; HIV/AIDS; hepatitis C; sexually transmitted diseases;
10 adult and child immunizations; cardiovascular disease; and
11 accidental injuries and violence.

12 (c) It is therefore the intent of the General Assembly to
13 provide funds within Illinois counties, in the form of
14 "Reducing Racial and Ethnic Health Disparities: Closing the
15 Gap" grants, to stimulate the development of community-based
16 and neighborhood-based projects that will improve the health
17 outcomes of racial and ethnic populations. Further, it is the
18 intent of the General Assembly that these programs foster the
19 development of coordinated, collaborative, and broad-based
20 participation by public and private entities and by faith-based
21 organizations. Finally, it is the intent of the General
22 Assembly that the grant program function as a partnership
23 between State and local governments, faith-based
24 organizations, and private-sector health care providers,
25 including managed care, voluntary health care resources,
26 social service providers, and nontraditional partners.

1 (Source: P.A. 94-447, eff. 1-1-06.)

2 (410 ILCS 100/35)

3 Sec. 35. Continued operation of programs to reduce racial
4 and ethnic disparities in infant mortality and diabetes.
5 Subject to the amounts appropriated for that purpose, the
6 Illinois Department of Public Health ~~Human Services~~ shall
7 continue to operate programs to reduce racial and ethnic
8 disparities in infant mortality and diabetes.

9 (Source: P.A. 94-447, eff. 1-1-06.)

10 Section 95. The Illinois Family Case Management Act is
11 amended by changing Sections 10 and 20 as follows:

12 (410 ILCS 212/10)

13 Sec. 10. Definitions. In this Act:

14 "Department" means the ~~Illinois~~ Department of Public
15 Health ~~Human Services~~.

16 "Director" means the Director of Public Health.

17 "Eligible participant" means: (i) subject to available
18 appropriations, any pregnant woman or child through the age of
19 one year enrolled in the Medicaid program on the effective date
20 of this Act or whose income is up to 200% of the federal
21 poverty level; and (ii) subject to additional appropriations,
22 any child through the age of 4 years enrolled in Medicaid or
23 whose income is up to 200% of the federal poverty level.

1 "Family Case Management program" or "program" means the
2 program established under Section 15 of this Act.

3 "Infant mortality rate" means the number of infant deaths
4 per 1,000 live births as reported on a calendar year basis by
5 the federal Department of Health and Human Services.

6 ~~"Secretary" means the Secretary of Human Services.~~

7 "Targeted Intensive Case Management" means services
8 provided to any program-eligible pregnant woman or infant
9 through the age of one, where an assessment has been performed
10 that deems the participant at greater risk for infant mortality
11 or morbidity.

12 (Source: P.A. 94-407, eff. 8-2-05.)

13 (410 ILCS 212/20)

14 Sec. 20. Community Health, Prevention, and Wellness
15 ~~Maternal and Child Health~~ Advisory Board.

16 (a) The Maternal and Child Health Advisory Board ("the
17 Board") is created within the Department ~~to advise the~~
18 ~~Department on the implementation of this Act, including~~
19 ~~assessments and advice regarding rate structure, and other~~
20 ~~activities related to maternal and child health and infant~~
21 ~~mortality reduction programs in the State of Illinois.~~ The
22 Board shall consist of the Department of Public Health's Deputy
23 Director of the Office of Community Health, Prevention, and
24 Wellness ~~Secretary of Human Services (or his or her designee),~~
25 ~~who shall serve as chairman, and one additional representative~~

1 ~~of the Department of Human Services designated by the Secretary~~
2 ~~who has direct responsibility with the family case management~~
3 ~~program;~~ one representative each from the Departments of
4 Children and Family Services, Human Services, and Healthcare
5 and Family Services ~~Public Health, and Public Aid;~~ the Director
6 of the University of Illinois at Chicago Division of
7 Specialized Care for Children; and 4 members of the Illinois
8 General Assembly, one each appointed by the President and
9 Minority Leader of the Senate and the Speaker and Minority
10 Leader of the House of Representatives. In addition, the
11 Director of Public Health ~~Governor~~ shall appoint 20 additional
12 members of the Board. Of the members appointed by the Director
13 ~~Governor~~, 2 shall be physicians licensed to practice medicine
14 in all of its branches who currently serve patients enrolled in
15 a Department-funded maternal and child health ~~the family case~~
16 ~~management~~ program, one of whom shall be an individual with a
17 specialty in obstetrics and gynecology and one of whom shall be
18 an individual with a specialty in pediatric medicine; 16
19 persons with expertise in the health of women, infants, young
20 children, school-aged children, adolescents, and children with
21 special health care needs and with expertise in public health,
22 epidemiology, behavioral health, nursing, social work,
23 substance abuse prevention, juvenile justice, oral health,
24 child development, domestic violence, sexual assault, chronic
25 disease prevention, health promotion, and education; 5
26 ~~representatives, one each from certified local health~~

1 ~~departments within the 5 counties with the largest number of~~
2 ~~family case management enrollees; 5 representatives from~~
3 ~~certified local health departments outside the Chicago~~
4 ~~metropolitan and collar counties areas that shall include a~~
5 ~~balance of urban and rural health departments; a registered~~
6 ~~professional nurse serving as a public health nurse within a~~
7 ~~certified local health department; 5 individuals representing~~
8 ~~community based programs currently providing family case~~
9 ~~management services within Cook County that are not certified~~
10 ~~local health departments; and 2 consumers who are receiving or~~
11 ~~have received family case management services. The members of~~
12 ~~the Board shall choose a chairperson and vice chairperson from~~
13 ~~among their members. The chairperson and vice chairperson shall~~
14 ~~serve concurrently for 2-year terms.~~

15 Legislative members shall serve during their term of office
16 in the Illinois General Assembly. The members appointed by the
17 Director shall be selected to represent the racial, ethnic, and
18 geographic diversity of the State's population and shall
19 include direct service providers, faculty of the University of
20 Illinois at Chicago School of Public Health's Maternal and
21 Child Health Training Program, as well as other persons with
22 relevant expertise. Members appointed by the Director ~~Governor~~
23 shall serve a term of 4 ~~3~~ years or until their successors are
24 appointed. The members first appointed by the Director under
25 this amendatory Act of the 97th General Assembly shall be
26 appointed to serve for staggered terms as follows: 7 members

1 shall be appointed for terms of 4 years, 7 members shall be
2 appointed for terms of 3 years, and 6 members shall be
3 appointed for terms of 2 years. Thereafter, all appointments
4 shall be for terms of 4 years. Any member appointed to fill a
5 vacancy occurring prior to the expiration of the term for which
6 his or her predecessor was appointed shall be appointed for the
7 remainder of such term. Members of the Board shall serve
8 without compensation but shall be reimbursed for necessary
9 expenses incurred in the performance of their duties.

10 (b) The Board shall advise the Director ~~Secretary~~ on
11 improving the well-being of mothers, fathers, infants,
12 children, families, and adults, considering both physical and
13 social determinants of health, and using a life-span approach
14 to health promotion and disease prevention ~~efforts related to~~
15 ~~maternal and child health programs, including infant mortality~~
16 ~~reduction,~~ in the State of Illinois. In addition, the Board
17 shall review and make recommendations to the Department ~~and the~~
18 ~~Governor~~ in regard to the system for maternal and child health
19 programs, collaboration, and interrelation between and
20 delivery of programs, both within the Department and related
21 programs in other departments ~~including but not limited to~~
22 ~~Family Case Management, Targeted Intensive Prenatal Case~~
23 ~~Management, the Special Supplemental Nutrition Program for~~
24 ~~Women, Infants and Children (WIC), and HealthWorks,~~ and the
25 adequacy of ~~family case management~~ funding and ~~reimbursement~~
26 ~~levels.~~ In performing its duties, the Board may hold hearings

1 throughout the State and advise and receive advice from any
2 State or local advisory bodies created to address maternal and
3 child health ~~the infant mortality problem.~~

4 (c) The Board shall participate in the development of the
5 State's annual Maternal and Child Health Services Block Grant
6 application and annual report ~~report to the General Assembly,~~
7 ~~on January 1 of each year, a listing of activities taken in~~
8 ~~regard to this Act, other efforts to address maternal and child~~
9 ~~health and infant mortality in Illinois, and proposed~~
10 ~~recommendations regarding funding and reimbursement levels to~~
11 ~~adequately support the family case management program. The~~
12 initial members of the Board shall be appointed within 60 days
13 after the effective date of this amendatory Act of the 97th
14 General Assembly. The Board shall advise the Director on the
15 creation of the Office of Community Health, Prevention, and
16 Wellness.

17 (Source: P.A. 94-407, eff. 8-2-05.)

18 Section 100. The Hearing Screening for Newborns Act is
19 amended by changing Sections 20 and 30 as follows:

20 (410 ILCS 213/20)

21 Sec. 20. Hearing screening advisory committee. By July 1,
22 2000, the Department of Public Health ~~Human Services~~ shall
23 organize an advisory committee including representatives from
24 the ~~Department of Public Health,~~ the University of Illinois

1 Division of Specialized Care for Children, public and private
2 hospitals, pediatric associations, audiologists, health
3 insurance plans, hearing-impaired persons, parents of
4 hearing-impaired children, and early intervention services.

5 The committee shall:

6 (a) Develop and conduct training for hospitals
7 implementing newborn hearing screening.

8 (b) Develop a tracking and follow-up program for diagnostic
9 hearing testing for those infants failing hospital-based
10 screening, in order to diagnose congenital hearing loss.

11 (c) Develop a referral system to early intervention
12 services and hearing aids for those infants diagnosed with
13 hearing loss.

14 (d) Develop an application process for financial
15 assistance by the Division of Specialized Care for Children for
16 follow-up diagnostic hearing testing of newborns failing
17 hospital-based screening.

18 (e) Develop educational and informational materials for
19 hospital personnel, health care professionals, and parents on
20 appropriate follow-up procedures for infants failing
21 hospital-based screening.

22 (f) Monitor any reports made available to the State with
23 respect to the hearing screening status of all newborns.

24 (g) Monitor the availability of third party reimbursement
25 for universal hospital-based hearing screening of newborn
26 infants.

1 (h) Review administrative rules and make recommendations
2 to the Department regarding such rules.

3 (Source: P.A. 91-67, eff. 7-9-99.)

4 (410 ILCS 213/30)

5 Sec. 30. Rules. The Department of Public Health ~~Human~~
6 ~~Services~~ shall promulgate rules necessary to implement this
7 Act.

8 (Source: P.A. 91-67, eff. 7-9-99.)

9 Section 105. The Developmental Disability Prevention Act
10 is amended by changing Section 8 as follows:

11 (410 ILCS 250/8) (from Ch. 111 1/2, par. 2108)

12 Sec. 8. The Department of Public Health, ~~in cooperation~~
13 ~~with the Department of Human Services,~~ shall establish
14 guidelines for the development of areawide or local programs
15 designed to prevent high risk pregnancies through early
16 identification, screening, management, and followup of the
17 childbearing age high risk female. Such programs shall be based
18 on the local assessment typically by schools, health
19 departments, hospitals, perinatal centers, and local medical
20 societies of need and with emphasis on the coordination of
21 existing resources private and public and in conjunction with
22 local health planning agencies. Funding needs for
23 demonstration and continuing programs shall be determined by

1 the Department of Public Health ~~Human Services~~ and reported to
2 the General Assembly along with the guidelines for such
3 programs.

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

5 Section 110. The WIC Vendor Management Act is amended by
6 changing Sections 2 and 3 as follows:

7 (410 ILCS 255/2) (from Ch. 111 1/2, par. 7552)

8 Sec. 2. The purpose of this Act is to establish the
9 statutory authority for the authorization, limitation,
10 education and compliance review of WIC retail vendors by the
11 Department of Public Health ~~Human Services~~, and to enable the
12 Department to carry out its responsibilities for fiscal
13 management and accountability for the food delivery system
14 under its jurisdiction.

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

16 (410 ILCS 255/3) (from Ch. 111 1/2, par. 7553)

17 Sec. 3. As used in this Act, unless the context otherwise
18 requires:

19 (a) "Department" means the Illinois Department of Public
20 Health ~~Human Services~~.

21 (b) "Women, Infants and Children nutrition program" and
22 "WIC" mean the federal Special Supplemental Food Program for
23 Women, Infants and Children created by federal Public Law

1 92-433, as amended.

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

3 Section 115. The Renal Disease Treatment Act is amended by
4 changing Section 3 as follows:

5 (410 ILCS 430/3) (from Ch. 111 1/2, par. 22.33)

6 Sec. 3. Duties of the Department ~~Departments~~ of Healthcare
7 and Family Services ~~and Public Health~~.

8 (A) The Department of Healthcare and Family Services shall:

9 (a) With the advice of the Renal Disease Advisory
10 Committee, develop standards for determining eligibility
11 for care and treatment under this program. Among other
12 standards so developed under this paragraph, candidates,
13 to be eligible for care and treatment, must be evaluated in
14 a center properly staffed and equipped for such evaluation.

15 (b) (Blank).

16 (c) (Blank).

17 (d) Extend financial assistance to persons suffering
18 from chronic renal diseases in obtaining the medical,
19 surgical, nursing, pharmaceutical, and technical services
20 necessary in caring for such diseases, including the
21 renting of home dialysis equipment. The Renal Disease
22 Advisory Committee shall recommend to the Department the
23 extent of financial assistance, including the reasonable
24 charges and fees, for:

- 1 (1) Treatment in a dialysis facility;
- 2 (2) Hospital treatment for dialysis and transplant
- 3 surgery;
- 4 (3) Treatment in a limited care facility;
- 5 (4) Home dialysis training; and
- 6 (5) Home dialysis.

7 (e) Assist in equipping dialysis centers.

8 (B) (Blank). ~~The Department of Public Health shall:~~

9 ~~(a) Assist in the development and expansion of programs~~
10 ~~for the care and treatment of persons suffering from~~
11 ~~chronic renal diseases, including dialysis and other~~
12 ~~medical or surgical procedures and techniques that will~~
13 ~~have a lifesaving effect in the care and treatment of~~
14 ~~persons suffering from these diseases.~~

15 ~~(b) Assist in the development of programs for the~~
16 ~~prevention of chronic renal diseases.~~

17 ~~(c) Institute and carry on an educational program among~~
18 ~~physicians, hospitals, public health departments, and the~~
19 ~~public concerning chronic renal diseases, including the~~
20 ~~dissemination of information and the conducting of~~
21 ~~educational programs concerning the prevention of chronic~~
22 ~~renal diseases and the methods for the care and treatment~~
23 ~~of persons suffering from these diseases.~~

24 (Source: P.A. 95-331, eff. 8-21-07.)

25 Section 120. The Juvenile Court Act of 1987 is amended by

1 changing Section 5-715 as follows:

2 (705 ILCS 405/5-715)

3 Sec. 5-715. Probation.

4 (1) The period of probation or conditional discharge shall
5 not exceed 5 years or until the minor has attained the age of
6 21 years, whichever is less, except as provided in this Section
7 for a minor who is found to be guilty for an offense which is
8 first degree murder, a Class X felony or a forcible felony. The
9 juvenile court may terminate probation or conditional
10 discharge and discharge the minor at any time if warranted by
11 the conduct of the minor and the ends of justice; provided,
12 however, that the period of probation for a minor who is found
13 to be guilty for an offense which is first degree murder, a
14 Class X felony, or a forcible felony shall be at least 5 years.

15 (2) The court may as a condition of probation or of
16 conditional discharge require that the minor:

17 (a) not violate any criminal statute of any
18 jurisdiction;

19 (b) make a report to and appear in person before any
20 person or agency as directed by the court;

21 (c) work or pursue a course of study or vocational
22 training;

23 (d) undergo medical or psychiatric treatment, rendered
24 by a psychiatrist or psychological treatment rendered by a
25 clinical psychologist or social work services rendered by a

1 clinical social worker, or treatment for drug addiction or
2 alcoholism;

3 (e) attend or reside in a facility established for the
4 instruction or residence of persons on probation;

5 (f) support his or her dependents, if any;

6 (g) refrain from possessing a firearm or other
7 dangerous weapon, or an automobile;

8 (h) permit the probation officer to visit him or her at
9 his or her home or elsewhere;

10 (i) reside with his or her parents or in a foster home;

11 (j) attend school;

12 (j-5) with the consent of the superintendent of the
13 facility, attend an educational program at a facility other
14 than the school in which the offense was committed if he or
15 she committed a crime of violence as defined in Section 2
16 of the Crime Victims Compensation Act in a school, on the
17 real property comprising a school, or within 1,000 feet of
18 the real property comprising a school;

19 (k) attend a non-residential program for youth;

20 (l) make restitution under the terms of subsection (4)
21 of Section 5-710;

22 (m) contribute to his or her own support at home or in
23 a foster home;

24 (n) perform some reasonable public or community
25 service;

26 (o) participate with community corrections programs

1 including unified delinquency intervention services
2 administered by the Department of Public Health ~~Human~~
3 ~~Services~~ subject to Section 5 of the Children and Family
4 Services Act;

5 (p) pay costs;

6 (q) serve a term of home confinement. In addition to
7 any other applicable condition of probation or conditional
8 discharge, the conditions of home confinement shall be that
9 the minor:

10 (i) remain within the interior premises of the
11 place designated for his or her confinement during the
12 hours designated by the court;

13 (ii) admit any person or agent designated by the
14 court into the minor's place of confinement at any time
15 for purposes of verifying the minor's compliance with
16 the conditions of his or her confinement; and

17 (iii) use an approved electronic monitoring device
18 if ordered by the court subject to Article 8A of
19 Chapter V of the Unified Code of Corrections;

20 (r) refrain from entering into a designated geographic
21 area except upon terms as the court finds appropriate. The
22 terms may include consideration of the purpose of the
23 entry, the time of day, other persons accompanying the
24 minor, and advance approval by a probation officer, if the
25 minor has been placed on probation, or advance approval by
26 the court, if the minor has been placed on conditional

1 discharge;

2 (s) refrain from having any contact, directly or
3 indirectly, with certain specified persons or particular
4 types of persons, including but not limited to members of
5 street gangs and drug users or dealers;

6 (s-5) undergo a medical or other procedure to have a
7 tattoo symbolizing allegiance to a street gang removed from
8 his or her body;

9 (t) refrain from having in his or her body the presence
10 of any illicit drug prohibited by the Cannabis Control Act,
11 the Illinois Controlled Substances Act, or the
12 Methamphetamine Control and Community Protection Act,
13 unless prescribed by a physician, and shall submit samples
14 of his or her blood or urine or both for tests to determine
15 the presence of any illicit drug; or

16 (u) comply with other conditions as may be ordered by
17 the court.

18 (3) The court may as a condition of probation or of
19 conditional discharge require that a minor found guilty on any
20 alcohol, cannabis, methamphetamine, or controlled substance
21 violation, refrain from acquiring a driver's license during the
22 period of probation or conditional discharge. If the minor is
23 in possession of a permit or license, the court may require
24 that the minor refrain from driving or operating any motor
25 vehicle during the period of probation or conditional
26 discharge, except as may be necessary in the course of the

1 minor's lawful employment.

2 (3.5) The court shall, as a condition of probation or of
3 conditional discharge, require that a minor found to be guilty
4 and placed on probation for reasons that include a violation of
5 Section 3.02 or Section 3.03 of the Humane Care for Animals Act
6 or paragraph (d) of subsection (1) of Section 21-1 of the
7 Criminal Code of 1961 undergo medical or psychiatric treatment
8 rendered by a psychiatrist or psychological treatment rendered
9 by a clinical psychologist. The condition may be in addition to
10 any other condition.

11 (3.10) The court shall order that a minor placed on
12 probation or conditional discharge for a sex offense as defined
13 in the Sex Offender Management Board Act undergo and
14 successfully complete sex offender treatment. The treatment
15 shall be in conformance with the standards developed under the
16 Sex Offender Management Board Act and conducted by a treatment
17 provider approved by the Board. The treatment shall be at the
18 expense of the person evaluated based upon that person's
19 ability to pay for the treatment.

20 (4) A minor on probation or conditional discharge shall be
21 given a certificate setting forth the conditions upon which he
22 or she is being released.

23 (5) The court shall impose upon a minor placed on probation
24 or conditional discharge, as a condition of the probation or
25 conditional discharge, a fee of \$50 for each month of probation
26 or conditional discharge supervision ordered by the court,

1 unless after determining the inability of the minor placed on
2 probation or conditional discharge to pay the fee, the court
3 assesses a lesser amount. The court may not impose the fee on a
4 minor who is made a ward of the State under this Act while the
5 minor is in placement. The fee shall be imposed only upon a
6 minor who is actively supervised by the probation and court
7 services department. The court may order the parent, guardian,
8 or legal custodian of the minor to pay some or all of the fee on
9 the minor's behalf.

10 (6) The General Assembly finds that in order to protect the
11 public, the juvenile justice system must compel compliance with
12 the conditions of probation by responding to violations with
13 swift, certain, and fair punishments and intermediate
14 sanctions. The Chief Judge of each circuit shall adopt a system
15 of structured, intermediate sanctions for violations of the
16 terms and conditions of a sentence of supervision, probation or
17 conditional discharge, under this Act.

18 The court shall provide as a condition of a disposition of
19 probation, conditional discharge, or supervision, that the
20 probation agency may invoke any sanction from the list of
21 intermediate sanctions adopted by the chief judge of the
22 circuit court for violations of the terms and conditions of the
23 sentence of probation, conditional discharge, or supervision,
24 subject to the provisions of Section 5-720 of this Act.

25 (Source: P.A. 96-1414, eff. 1-1-11.)

1 Section 125. The Cannabis Control Act is amended by
2 changing Section 10.2 as follows:

3 (720 ILCS 550/10.2) (from Ch. 56 1/2, par. 710.2)

4 Sec. 10.2. (a) Twelve and one-half percent of all amounts
5 collected as fines pursuant to the provisions of this Act shall
6 be paid into the Youth Drug Abuse Prevention Fund, which is
7 hereby created in the State treasury, to be used by the
8 Department of Human Services for the funding of programs and
9 services for drug-abuse treatment, and the Department of Public
10 Health prevention and education services, for juveniles.

11 (b) Eighty-seven and one-half percent of the proceeds of
12 all fines received under the provisions of this Act shall be
13 transmitted to and deposited in the treasurer's office at the
14 level of government as follows:

15 (1) If such seizure was made by a combination of law
16 enforcement personnel representing differing units of
17 local government, the court levying the fine shall
18 equitably allocate 50% of the fine among these units of
19 local government and shall allocate 37 1/2% to the county
20 general corporate fund. In the event that the seizure was
21 made by law enforcement personnel representing a unit of
22 local government from a municipality where the number of
23 inhabitants exceeds 2 million in population, the court
24 levying the fine shall allocate 87 1/2% of the fine to that
25 unit of local government. If the seizure was made by a

1 combination of law enforcement personnel representing
2 differing units of local government, and at least one of
3 those units represents a municipality where the number of
4 inhabitants exceeds 2 million in population, the court
5 shall equitably allocate 87 1/2% of the proceeds of the
6 fines received among the differing units of local
7 government.

8 (2) If such seizure was made by State law enforcement
9 personnel, then the court shall allocate 37 1/2% to the
10 State treasury and 50% to the county general corporate
11 fund.

12 (3) If a State law enforcement agency in combination
13 with a law enforcement agency or agencies of a unit or
14 units of local government conducted the seizure, the court
15 shall equitably allocate 37 1/2% of the fines to or among
16 the law enforcement agency or agencies of the unit or units
17 of local government which conducted the seizure and shall
18 allocate 50% to the county general corporate fund.

19 (c) The proceeds of all fines allocated to the law
20 enforcement agency or agencies of the unit or units of local
21 government pursuant to subsection (b) shall be made available
22 to that law enforcement agency as expendable receipts for use
23 in the enforcement of laws regulating controlled substances and
24 cannabis. The proceeds of fines awarded to the State treasury
25 shall be deposited in a special fund known as the Drug Traffic
26 Prevention Fund, except that amounts distributed to the

1 Secretary of State shall be deposited into the Secretary of
2 State Evidence Fund to be used as provided in Section 2-115 of
3 the Illinois Vehicle Code. Monies from this fund may be used by
4 the Department of State Police for use in the enforcement of
5 laws regulating controlled substances and cannabis; to satisfy
6 funding provisions of the Intergovernmental Drug Laws
7 Enforcement Act; to defray costs and expenses associated with
8 returning violators of this Act, the Illinois Controlled
9 Substances Act, and the Methamphetamine Control and Community
10 Protection Act only, as provided in such Acts, when punishment
11 of the crime shall be confinement of the criminal in the
12 penitentiary; and all other monies shall be paid into the
13 general revenue fund in the State treasury.

14 (Source: P.A. 94-556, eff. 9-11-05.)

15 Section 130. The Narcotics Profit Forfeiture Act is amended
16 by changing Sections 5 and 5.2 as follows:

17 (725 ILCS 175/5) (from Ch. 56 1/2, par. 1655)

18 Sec. 5. (a) A person who commits the offense of narcotics
19 racketeering shall:

20 (1) be guilty of a Class 1 felony; and

21 (2) be subject to a fine of up to \$250,000.

22 A person who commits the offense of narcotics racketeering
23 or who violates Section 3 of the Drug Paraphernalia Control Act
24 shall forfeit to the State of Illinois: (A) any profits or

1 proceeds and any property or property interest he has acquired
2 or maintained in violation of this Act or Section 3 of the Drug
3 Paraphernalia Control Act or has used to facilitate a violation
4 of this Act that the court determines, after a forfeiture
5 hearing, under subsection (b) of this Section to have been
6 acquired or maintained as a result of narcotics racketeering or
7 violating Section 3 of the Drug Paraphernalia Control Act, or
8 used to facilitate narcotics racketeering; and (B) any interest
9 in, security of, claim against, or property or contractual
10 right of any kind affording a source of influence over, any
11 enterprise which he has established, operated, controlled,
12 conducted, or participated in the conduct of, in violation of
13 this Act or Section 3 of the Drug Paraphernalia Control Act,
14 that the court determines, after a forfeiture hearing, under
15 subsection (b) of this Section to have been acquired or
16 maintained as a result of narcotics racketeering or violating
17 Section 3 of the Drug Paraphernalia Control Act or used to
18 facilitate narcotics racketeering.

19 (b) The court shall, upon petition by the Attorney General
20 or State's Attorney, at any time subsequent to the filing of an
21 information or return of an indictment, conduct a hearing to
22 determine whether any property or property interest is subject
23 to forfeiture under this Act. At the forfeiture hearing the
24 people shall have the burden of establishing, by a
25 preponderance of the evidence, that property or property
26 interests are subject to forfeiture under this Act. There is a

1 rebuttable presumption at such hearing that any property or
2 property interest of a person charged by information or
3 indictment with narcotics racketeering or who is convicted of a
4 violation of Section 3 of the Drug Paraphernalia Control Act is
5 subject to forfeiture under this Section if the State
6 establishes by a preponderance of the evidence that:

7 (1) such property or property interest was acquired by
8 such person during the period of the violation of this Act
9 or Section 3 of the Drug Paraphernalia Control Act or
10 within a reasonable time after such period; and

11 (2) there was no likely source for such property or
12 property interest other than the violation of this Act or
13 Section 3 of the Drug Paraphernalia Control Act.

14 (c) In an action brought by the People of the State of
15 Illinois under this Act, wherein any restraining order,
16 injunction or prohibition or any other action in connection
17 with any property or property interest subject to forfeiture
18 under this Act is sought, the circuit court which shall preside
19 over the trial of the person or persons charged with narcotics
20 racketeering as defined in Section 4 of this Act or violating
21 Section 3 of the Drug Paraphernalia Control Act shall first
22 determine whether there is probable cause to believe that the
23 person or persons so charged has committed the offense of
24 narcotics racketeering as defined in Section 4 of this Act or a
25 violation of Section 3 of the Drug Paraphernalia Control Act
26 and whether the property or property interest is subject to

1 forfeiture pursuant to this Act.

2 In order to make such a determination, prior to entering
3 any such order, the court shall conduct a hearing without a
4 jury, wherein the People shall establish that there is: (i)
5 probable cause that the person or persons so charged have
6 committed the offense of narcotics racketeering or violating
7 Section 3 of the Drug Paraphernalia Control Act and (ii)
8 probable cause that any property or property interest may be
9 subject to forfeiture pursuant to this Act. Such hearing may be
10 conducted simultaneously with a preliminary hearing, if the
11 prosecution is commenced by information or complaint, or by
12 motion of the People, at any stage in the proceedings. The
13 court may accept a finding of probable cause at a preliminary
14 hearing following the filing of an information charging the
15 offense of narcotics racketeering as defined in Section 4 of
16 this Act or the return of an indictment by a grand jury
17 charging the offense of narcotics racketeering as defined in
18 Section 4 of this Act or after a charge is filed for violating
19 Section 3 of the Drug Paraphernalia Control Act as sufficient
20 evidence of probable cause as provided in item (i) above.

21 Upon such a finding, the circuit court shall enter such
22 restraining order, injunction or prohibition, or shall take
23 such other action in connection with any such property or
24 property interest subject to forfeiture under this Act, as is
25 necessary to insure that such property is not removed from the
26 jurisdiction of the court, concealed, destroyed or otherwise

1 disposed of by the owner of that property or property interest
2 prior to a forfeiture hearing under subsection (b) of this
3 Section. The Attorney General or State's Attorney shall file a
4 certified copy of such restraining order, injunction or other
5 prohibition with the recorder of deeds or registrar of titles
6 of each county where any such property of the defendant may be
7 located. No such injunction, restraining order or other
8 prohibition shall affect the rights of any bona fide purchaser,
9 mortgagee, judgment creditor or other lien holder arising prior
10 to the date of such filing.

11 The court may, at any time, upon verified petition by the
12 defendant, conduct a hearing to release all or portions of any
13 such property or interest which the court previously determined
14 to be subject to forfeiture or subject to any restraining
15 order, injunction, or prohibition or other action. The court
16 may release such property to the defendant for good cause shown
17 and within the sound discretion of the court.

18 (d) Prosecution under this Act may be commenced by the
19 Attorney General or a State's Attorney.

20 (e) Upon an order of forfeiture being entered pursuant to
21 subsection (b) of this Section, the court shall authorize the
22 Attorney General to seize any property or property interest
23 declared forfeited under this Act and under such terms and
24 conditions as the court shall deem proper. Any property or
25 property interest that has been the subject of an entered
26 restraining order, injunction or prohibition or any other

1 action filed under subsection (c) shall be forfeited unless the
2 claimant can show by a preponderance of the evidence that the
3 property or property interest has not been acquired or
4 maintained as a result of narcotics racketeering or has not
5 been used to facilitate narcotics racketeering.

6 (f) The Attorney General or his designee is authorized to
7 sell all property forfeited and seized pursuant to this Act,
8 unless such property is required by law to be destroyed or is
9 harmful to the public, and, after the deduction of all
10 requisite expenses of administration and sale, shall
11 distribute the proceeds of such sale, along with any moneys
12 forfeited or seized, in accordance with subsection (g) or (h),
13 whichever is applicable.

14 (g) All monies and the sale proceeds of all other property
15 forfeited and seized pursuant to this Act shall be distributed
16 as follows:

17 (1) An amount equal to 50% shall be distributed to the
18 unit of local government whose officers or employees
19 conducted the investigation into narcotics racketeering
20 and caused the arrest or arrests and prosecution leading to
21 the forfeiture. Amounts distributed to units of local
22 government shall be used for enforcement of laws governing
23 narcotics activity. In the event, however, that the
24 investigation, arrest or arrests and prosecution leading
25 to the forfeiture were undertaken solely by a State agency,
26 the portion provided hereunder shall be paid into the Drug

1 Traffic Prevention Fund in the State treasury to be used
2 for enforcement of laws governing narcotics activity.

3 (2) An amount equal to 12.5% shall be distributed to
4 the county in which the prosecution resulting in the
5 forfeiture was instituted, deposited in a special fund in
6 the county treasury and appropriated to the State's
7 Attorney for use in the enforcement of laws governing
8 narcotics activity.

9 An amount equal to 12.5% shall be distributed to the
10 Office of the State's Attorneys Appellate Prosecutor and
11 deposited in the Narcotics Profit Forfeiture Fund, which is
12 hereby created in the State treasury, to be used by the
13 Office of the State's Attorneys Appellate Prosecutor for
14 additional expenses incurred in prosecuting appeals
15 arising under this Act. Any amounts remaining in the Fund
16 after all additional expenses have been paid shall be used
17 by the Office to reduce the participating county
18 contributions to the Office on a pro-rated basis as
19 determined by the board of governors of the Office of the
20 State's Attorneys Appellate Prosecutor based on the
21 populations of the participating counties.

22 (3) An amount equal to 25% shall be paid into the Drug
23 Traffic Prevention Fund in the State treasury to be used by
24 the Department of State Police for funding Metropolitan
25 Enforcement Groups created pursuant to the
26 Intergovernmental Drug Laws Enforcement Act. Any amounts

1 remaining in the Fund after full funding of Metropolitan
2 Enforcement Groups shall be used for enforcement, by the
3 State or any unit of local government, of laws governing
4 narcotics activity.

5 (h) Where the investigation or indictment for the offense
6 of narcotics racketeering or a violation of Section 3 of the
7 Drug Paraphernalia Control Act has occurred under the
8 provisions of the Statewide Grand Jury Act, all monies and the
9 sale proceeds of all other property shall be distributed as
10 follows:

11 (1) 60% shall be distributed to the metropolitan
12 enforcement group, local, municipal, county, or State law
13 enforcement agency or agencies which conducted or
14 participated in the investigation resulting in the
15 forfeiture. The distribution shall bear a reasonable
16 relationship to the degree of direct participation of the
17 law enforcement agency in the effort resulting in the
18 forfeiture, taking into account the total value of the
19 property forfeited and the total law enforcement effort
20 with respect to the violation of the law on which the
21 forfeiture is based. Amounts distributed to the agency or
22 agencies shall be used for the enforcement of laws
23 governing cannabis and controlled substances.

24 (2) 25% shall be distributed by the Attorney General as
25 grants to drug education, ~~treatment~~ and prevention
26 programs approved by the Department of Public Health and

1 drug treatment programs licensed or approved by the
2 Department of Human Services. In making these grants, the
3 Attorney General shall take into account the plans and
4 service priorities of, and the needs identified by, the
5 Department of Human Services.

6 (3) 15% shall be distributed to the Attorney General
7 and the State's Attorney, if any, participating in the
8 prosecution resulting in the forfeiture. The distribution
9 shall bear a reasonable relationship to the degree of
10 direct participation in the prosecution of the offense,
11 taking into account the total value of the property
12 forfeited and the total amount of time spent in preparing
13 and presenting the case, the complexity of the case and
14 other similar factors. Amounts distributed to the Attorney
15 General under this paragraph shall be retained in a fund
16 held by the State Treasurer as ex-officio custodian to be
17 designated as the Statewide Grand Jury Prosecution Fund and
18 paid out upon the direction of the Attorney General for
19 expenses incurred in criminal prosecutions arising under
20 the Statewide Grand Jury Act. Amounts distributed to a
21 State's Attorney shall be deposited in a special fund in
22 the county treasury and appropriated to the State's
23 Attorney for use in the enforcement of laws governing
24 narcotics activity.

25 (i) All monies deposited pursuant to this Act in the Drug
26 Traffic Prevention Fund established under Section 5-9-1.2 of

1 the Unified Code of Corrections are appropriated, on a
2 continuing basis, to the Department of State Police to be used
3 for funding Metropolitan Enforcement Groups created pursuant
4 to the Intergovernmental Drug Laws Enforcement Act or otherwise
5 for the enforcement of laws governing narcotics activity.

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

7 (725 ILCS 175/5.2) (from Ch. 56 1/2, par. 1655.2)

8 Sec. 5.2. (a) Twelve and one-half percent of all amounts
9 collected as fines pursuant to the provisions of this Act shall
10 be paid into the Youth Drug Abuse Prevention Fund, which is
11 hereby created in the State treasury, to be used by the
12 Department of Human Services for the funding of programs and
13 services for drug-abuse treatment for juveniles and by the
14 Department of Public Health for prevention and education
15 services for juveniles.

16 (b) Eighty-seven and one-half percent of the proceeds of
17 all fines received under the provisions of this Act shall be
18 transmitted to and deposited in the treasurer's office at the
19 level of government as follows:

20 (1) If such seizure was made by a combination of law
21 enforcement personnel representing differing units of
22 local government, the court levying the fine shall
23 equitably allocate 50% of the fine among these units of
24 local government and shall allocate 37 1/2% to the county
25 general corporate fund. In the event that the seizure was

1 made by law enforcement personnel representing a unit of
2 local government from a municipality where the number of
3 inhabitants exceeds 2 million in population, the court
4 levying the fine shall allocate 87 1/2% of the fine to that
5 unit of local government. If the seizure was made by a
6 combination of law enforcement personnel representing
7 differing units of local government, and at least one of
8 those units represents a municipality where the number of
9 inhabitants exceeds 2 million in population, the court
10 shall equitably allocate 87 1/2% of the proceeds of the
11 fines received among the differing units of local
12 government.

13 (2) If such seizure was made by State law enforcement
14 personnel, then the court shall allocate 37 1/2% to the
15 State treasury and 50% to the county general corporate
16 fund.

17 (3) If a State law enforcement agency in combination
18 with a law enforcement agency or agencies of a unit or
19 units of local government conducted the seizure, the court
20 shall equitably allocate 37 1/2% of the fines to or among
21 the law enforcement agency or agencies of the unit or units
22 of local government which conducted the seizure and shall
23 allocate 50% to the county general corporate fund.

24 (c) The proceeds of all fines allocated to the law
25 enforcement agency or agencies of the unit or units of local
26 government pursuant to subsection (b) shall be made available

1 to that law enforcement agency as expendable receipts for use
2 in the enforcement of laws regulating controlled substances and
3 cannabis. The proceeds of fines awarded to the State treasury
4 shall be deposited in a special fund known as the Drug Traffic
5 Prevention Fund. Monies from this fund may be used by the
6 Department of State Police for use in the enforcement of laws
7 regulating controlled substances and cannabis; to satisfy
8 funding provisions of the Intergovernmental Drug Laws
9 Enforcement Act; to defray costs and expenses associated with
10 returning violators of the Cannabis Control Act and the
11 Illinois Controlled Substances Act only, as provided in those
12 Acts, when punishment of the crime shall be confinement of the
13 criminal in the penitentiary; and all other monies shall be
14 paid into the general revenue fund in the State treasury.

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

16 Section 135. The Probation and Probation Officers Act is
17 amended by changing Section 16.1 as follows:

18 (730 ILCS 110/16.1)

19 Sec. 16.1. Redeploy Illinois Program.

20 (a) The purpose of this Section is to encourage the
21 deinstitutionalization of juvenile offenders by establishing
22 projects in counties or groups of counties that reallocate
23 State funds from juvenile correctional confinement to local
24 jurisdictions, which will establish a continuum of local,

1 community-based sanctions and treatment alternatives for
2 juvenile offenders who would be incarcerated if those local
3 services and sanctions did not exist. It is also intended to
4 offer alternatives, when appropriate, to avoid commitment to
5 the Department of Juvenile Justice, to direct child welfare
6 services for minors charged with a criminal offense or
7 adjudicated delinquent under Section 5 of the Children and
8 Family Services Act. The allotment of funds will be based on a
9 formula that rewards local jurisdictions for the establishment
10 or expansion of local alternatives to incarceration, and
11 requires them to pay for utilization of incarceration as a
12 sanction. In addition, there shall be an allocation of
13 resources (amount to be determined annually by the Redeploy
14 Illinois Oversight Board) set aside at the beginning of each
15 fiscal year to be made available for any county or groups of
16 counties which need resources only occasionally for services to
17 avoid commitment to the Department of Juvenile Justice for a
18 limited number of youth. This redeployment of funds shall be
19 made in a manner consistent with the Juvenile Court Act of 1987
20 and the following purposes and policies:

21 (1) The juvenile justice system should protect the
22 community, impose accountability to victims and
23 communities for violations of law, and equip juvenile
24 offenders with competencies to live responsibly and
25 productively.

26 (2) Juveniles should be treated in the least

1 restrictive manner possible while maintaining the safety
2 of the community.

3 (3) A continuum of services and sanctions from least
4 restrictive to most restrictive should be available in
5 every community.

6 (4) There should be local responsibility and authority
7 for planning, organizing, and coordinating service
8 resources in the community. People in the community can
9 best choose a range of services which reflect community
10 values and meet the needs of their own youth.

11 (5) Juveniles who pose a threat to the community or
12 themselves need special care, including secure settings.
13 Such services as detention, long-term incarceration, or
14 residential treatment are too costly to provide in each
15 community and should be coordinated and provided on a
16 regional or Statewide basis.

17 (6) The roles of State and local government in creating
18 and maintaining services to youth in the juvenile justice
19 system should be clearly defined. The role of the State is
20 to fund services, set standards of care, train service
21 providers, and monitor the integration and coordination of
22 services. The role of local government should be to oversee
23 the provision of services.

24 (b) Each county or circuit participating in the Redeploy
25 Illinois program must create a local plan demonstrating how it
26 will reduce the county or circuit's utilization of secure

1 confinement of juvenile offenders in the Illinois Department of
2 Juvenile Justice or county detention centers by the creation or
3 expansion of individualized services or programs that may
4 include but are not limited to the following:

5 (1) Assessment and evaluation services to provide the
6 juvenile justice system with accurate individualized case
7 information on each juvenile offender including mental
8 health, substance abuse, educational, and family
9 information;

10 (2) Direct services to individual juvenile offenders
11 including educational, vocational, mental health,
12 substance abuse, supervision, and service coordination;
13 and

14 (3) Programs that seek to restore the offender to the
15 community, such as victim offender panels, teen courts,
16 competency building, enhanced accountability measures,
17 restitution, and community service. The local plan must be
18 directed in such a manner as to emphasize an individualized
19 approach to providing services to juvenile offenders in an
20 integrated community based system including probation as
21 the broker of services. The plan must also detail the
22 reduction in utilization of secure confinement. The local
23 plan shall be limited to services and shall not include
24 costs for:

25 (i) capital expenditures;

26 (ii) renovations or remodeling;

1 (iii) personnel costs for probation.

2 The local plan shall be submitted to the Department of
3 Public Health ~~Human Services~~.

4 (c) A county or group of counties may develop an agreement
5 with the Department of Public Health ~~Human Services~~ to reduce
6 their number of commitments of juvenile offenders, excluding
7 minors sentenced based upon a finding of guilt of first degree
8 murder or an offense which is a Class X forcible felony as
9 defined in the Criminal Code of 1961, to the Department of
10 Juvenile Justice, and then use the savings to develop local
11 programming for youth who would otherwise have been committed
12 to the Department of Juvenile Justice. A county or group of
13 counties shall agree to limit their commitments to 75% of the
14 level of commitments from the average number of juvenile
15 commitments for the past 3 years, and will receive the savings
16 to redeploy for local programming for juveniles who would
17 otherwise be held in confinement. For any county or group of
18 counties with a decrease of juvenile commitments of at least
19 25%, based on the average reductions of the prior 3 years,
20 which are chosen to participate or continue as sites, the
21 Redeploy Illinois Oversight Board has the authority to reduce
22 the required percentage of future commitments to achieve the
23 purpose of this Section. The agreement shall set forth the
24 following:

25 (1) a Statement of the number and type of juvenile
26 offenders from the county who were held in secure

1 confinement by the Illinois Department of Juvenile Justice
2 or in county detention the previous year, and an
3 explanation of which, and how many, of these offenders
4 might be served through the proposed Redeploy Illinois
5 Program for which the funds shall be used;

6 (2) a Statement of the service needs of currently
7 confined juveniles;

8 (3) a Statement of the type of services and programs to
9 provide for the individual needs of the juvenile offenders,
10 and the research or evidence base that qualifies those
11 services and programs as proven or promising practices;

12 (4) a budget indicating the costs of each service or
13 program to be funded under the plan;

14 (5) a summary of contracts and service agreements
15 indicating the treatment goals and number of juvenile
16 offenders to be served by each service provider; and

17 (6) a Statement indicating that the Redeploy Illinois
18 Program will not duplicate existing services and programs.
19 Funds for this plan shall not supplant existing county
20 funded programs.

21 (d) (Blank).

22 (d-5) A county or group of counties that does not have an
23 approved Redeploy Illinois program, as described in subsection
24 (b), and that has committed fewer than 10 Redeploy eligible
25 youth to the Department of Juvenile Justice on average over the
26 previous 3 years, may develop an individualized agreement with

1 the Department of Public Health ~~Human Services~~ through the
2 Redeploy Illinois program to provide services to youth to avoid
3 commitment to the Department of Juvenile Justice. The agreement
4 shall set forth the following:

5 (1) a statement of the number and type of juvenile
6 offenders from the county who were at risk under any of the
7 categories listed above during the 3 previous years, and an
8 explanation of which of these offenders would be served
9 through the proposed Redeploy Illinois program for which
10 the funds shall be used, or through individualized
11 contracts with existing Redeploy programs in neighboring
12 counties;

13 (2) a statement of the service needs;

14 (3) a statement of the type of services and programs to
15 provide for the individual needs of the juvenile offenders,
16 and the research or evidence that qualifies those services
17 and programs as proven or promising practices;

18 (4) a budget indicating the costs of each service or
19 program to be funded under the plan;

20 (5) a summary of contracts and service agreements
21 indicating the treatment goals and number of juvenile
22 offenders to be served by each service provider; and

23 (6) a statement indicating that the Redeploy Illinois
24 program will not duplicate existing services and programs.
25 Funds for this plan shall not supplant existing county
26 funded programs.

1 (e) The Department of Public Health ~~Human Services~~ shall be
2 responsible for the following:

3 (1) Reviewing each Redeploy Illinois Program plan for
4 compliance with standards established for such plans. A
5 plan may be approved as submitted, approved with
6 modifications, or rejected. No plan shall be considered for
7 approval if the circuit or county is not in full compliance
8 with all regulations, standards and guidelines pertaining
9 to the delivery of basic probation services as established
10 by the Supreme Court.

11 (2) Monitoring on a continual basis and evaluating
12 annually both the program and its fiscal activities in all
13 counties receiving an allocation under the Redeploy
14 Illinois Program. Any program or service that has not met
15 the goals and objectives of its contract or service
16 agreement shall be subject to denial for funding in
17 subsequent years. The Department of Public Health ~~Human~~
18 ~~Services~~ shall evaluate the effectiveness of the Redeploy
19 Illinois Program in each circuit or county. In determining
20 the future funding for the Redeploy Illinois Program under
21 this Act, the evaluation shall include, as a primary
22 indicator of success, a decreased number of confinement
23 days for the county's juvenile offenders.

24 (f) Any Redeploy Illinois Program allocations not applied
25 for and approved by the Department of Public Health ~~Human~~
26 ~~Services~~ shall be available for redistribution to approved

1 plans for the remainder of that fiscal year. Any county that
2 invests local moneys in the Redeploy Illinois Program shall be
3 given first consideration for any redistribution of
4 allocations. Jurisdictions participating in Redeploy Illinois
5 that exceed their agreed upon level of commitments to the
6 Department of Juvenile Justice shall reimburse the Department
7 of Corrections for each commitment above the agreed upon level.

8 (g) Implementation of Redeploy Illinois.

9 (1) Oversight of Redeploy Illinois.

10 (i) Redeploy Illinois Oversight Board. The
11 Department of Public Health ~~Human Services~~ shall
12 convene an oversight board to oversee the Redeploy
13 Illinois Program. The Board shall include, but not be
14 limited to, designees from the Department of Juvenile
15 Justice, the Department of Human Services, the
16 Administrative Office of Illinois Courts, the Illinois
17 Juvenile Justice Commission, the Illinois Criminal
18 Justice Information Authority, the Department of
19 Children and Family Services, the State Board of
20 Education, the Cook County State's Attorney, and a
21 State's Attorney selected by the President of the
22 Illinois State's Attorney's Association, the Cook
23 County Public Defender, a representative of the
24 defense bar appointed by the Chief Justice of the
25 Illinois Supreme Court, a representative of probation
26 appointed by the Chief Justice of the Illinois Supreme

1 Court, and judicial representation appointed by the
2 Chief Justice of the Illinois Supreme Court. Up to an
3 additional 9 members may be appointed by the Director
4 of Public Health ~~Secretary of Human Services~~ from
5 recommendations by the Oversight Board; these
6 appointees shall possess a knowledge of juvenile
7 justice issues and reflect the collaborative
8 public/private relationship of Redeploy programs.

9 (ii) Responsibilities of the Redeploy Illinois
10 Oversight Board. The Oversight Board shall:

11 (A) Identify jurisdictions to be included in
12 the program of Redeploy Illinois.

13 (B) Develop a formula for reimbursement of
14 local jurisdictions for local and community-based
15 services utilized in lieu of commitment to the
16 Department of Juvenile Justice, as well as for any
17 charges for local jurisdictions for commitments
18 above the agreed upon limit in the approved plan.

19 (C) Identify resources sufficient to support
20 the administration and evaluation of Redeploy
21 Illinois.

22 (D) Develop a process and identify resources
23 to support on-going monitoring and evaluation of
24 Redeploy Illinois.

25 (E) Develop a process and identify resources
26 to support training on Redeploy Illinois.

1 (E-5) Review proposed individualized
2 agreements and approve where appropriate the
3 distribution of resources.

4 (F) Report to the Governor and the General
5 Assembly on an annual basis on the progress of
6 Redeploy Illinois.

7 (iii) Length of Planning Phase. The planning phase
8 may last up to, but may in no event last longer than,
9 July 1, 2004.

10 (2) (Blank).

11 (3) There shall be created the Redeploy County Review
12 Committee composed of the designees of the Director of
13 Public Health ~~Secretary of Human Services~~ and the Directors
14 of Juvenile Justice, of Children and Family Services, and
15 of the Governor's Office of Management and Budget who shall
16 constitute a subcommittee of the Redeploy Illinois
17 Oversight Board.

18 (h) Responsibilities of the County Review Committee. The
19 County Review Committee shall:

20 (1) Review individualized agreements from counties
21 requesting resources on an occasional basis for services
22 for youth described in subsection (d-5).

23 (2) Report its decisions to the Redeploy Illinois
24 Oversight Board at regularly scheduled meetings.

25 (3) Monitor the effectiveness of the resources in
26 meeting the mandates of the Redeploy Illinois program set

1 forth in this Section so these results might be included in
2 the Report described in clause (g) (1) (ii) (F).

3 (4) During the third quarter, assess the amount of
4 remaining funds available and necessary to complete the
5 fiscal year so that any unused funds may be distributed as
6 defined in subsection (f).

7 (5) Ensure that the number of youth from any applicant
8 county receiving individualized resources will not exceed
9 the previous three-year average of Redeploy eligible
10 recipients and that counties are in conformity with all
11 other elements of this law.

12 (i) Implementation of this Section is subject to
13 appropriation.

14 (j) Rulemaking authority to implement this amendatory Act
15 of the 95th General Assembly, if any, is conditioned on the
16 rules being adopted in accordance with all provisions of and
17 procedures and rules implementing the Illinois Administrative
18 Procedure Act; any purported rule not so adopted, for whatever
19 reason, is unauthorized.

20 (Source: P.A. 94-696, eff. 6-1-06; 94-1032, eff. 1-1-07;
21 95-1050, eff. 1-1-10.)

22 Section 140. The Illinois Domestic Violence Act of 1986 is
23 amended by changing Section 214 as follows:

24 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

1 Sec. 214. Order of protection; remedies.

2 (a) Issuance of order. If the court finds that petitioner
3 has been abused by a family or household member or that
4 petitioner is a high-risk adult who has been abused, neglected,
5 or exploited, as defined in this Act, an order of protection
6 prohibiting the abuse, neglect, or exploitation shall issue;
7 provided that petitioner must also satisfy the requirements of
8 one of the following Sections, as appropriate: Section 217 on
9 emergency orders, Section 218 on interim orders, or Section 219
10 on plenary orders. Petitioner shall not be denied an order of
11 protection because petitioner or respondent is a minor. The
12 court, when determining whether or not to issue an order of
13 protection, shall not require physical manifestations of abuse
14 on the person of the victim. Modification and extension of
15 prior orders of protection shall be in accordance with this
16 Act.

17 (b) Remedies and standards. The remedies to be included in
18 an order of protection shall be determined in accordance with
19 this Section and one of the following Sections, as appropriate:
20 Section 217 on emergency orders, Section 218 on interim orders,
21 and Section 219 on plenary orders. The remedies listed in this
22 subsection shall be in addition to other civil or criminal
23 remedies available to petitioner.

24 (1) Prohibition of abuse, neglect, or exploitation.
25 Prohibit respondent's harassment, interference with
26 personal liberty, intimidation of a dependent, physical

1 abuse, or willful deprivation, neglect or exploitation, as
2 defined in this Act, or stalking of the petitioner, as
3 defined in Section 12-7.3 of the Criminal Code of 1961, if
4 such abuse, neglect, exploitation, or stalking has
5 occurred or otherwise appears likely to occur if not
6 prohibited.

7 (2) Grant of exclusive possession of residence.
8 Prohibit respondent from entering or remaining in any
9 residence, household, or premises of the petitioner,
10 including one owned or leased by respondent, if petitioner
11 has a right to occupancy thereof. The grant of exclusive
12 possession of the residence, household, or premises shall
13 not affect title to real property, nor shall the court be
14 limited by the standard set forth in Section 701 of the
15 Illinois Marriage and Dissolution of Marriage Act.

16 (A) Right to occupancy. A party has a right to
17 occupancy of a residence or household if it is solely
18 or jointly owned or leased by that party, that party's
19 spouse, a person with a legal duty to support that
20 party or a minor child in that party's care, or by any
21 person or entity other than the opposing party that
22 authorizes that party's occupancy (e.g., a domestic
23 violence shelter). Standards set forth in subparagraph
24 (B) shall not preclude equitable relief.

25 (B) Presumption of hardships. If petitioner and
26 respondent each has the right to occupancy of a

1 residence or household, the court shall balance (i) the
2 hardships to respondent and any minor child or
3 dependent adult in respondent's care resulting from
4 entry of this remedy with (ii) the hardships to
5 petitioner and any minor child or dependent adult in
6 petitioner's care resulting from continued exposure to
7 the risk of abuse (should petitioner remain at the
8 residence or household) or from loss of possession of
9 the residence or household (should petitioner leave to
10 avoid the risk of abuse). When determining the balance
11 of hardships, the court shall also take into account
12 the accessibility of the residence or household.
13 Hardships need not be balanced if respondent does not
14 have a right to occupancy.

15 The balance of hardships is presumed to favor
16 possession by petitioner unless the presumption is
17 rebutted by a preponderance of the evidence, showing
18 that the hardships to respondent substantially
19 outweigh the hardships to petitioner and any minor
20 child or dependent adult in petitioner's care. The
21 court, on the request of petitioner or on its own
22 motion, may order respondent to provide suitable,
23 accessible, alternate housing for petitioner instead
24 of excluding respondent from a mutual residence or
25 household.

26 (3) Stay away order and additional prohibitions. Order

1 respondent to stay away from petitioner or any other person
2 protected by the order of protection, or prohibit
3 respondent from entering or remaining present at
4 petitioner's school, place of employment, or other
5 specified places at times when petitioner is present, or
6 both, if reasonable, given the balance of hardships.
7 Hardships need not be balanced for the court to enter a
8 stay away order or prohibit entry if respondent has no
9 right to enter the premises.

10 (A) If an order of protection grants petitioner
11 exclusive possession of the residence, or prohibits
12 respondent from entering the residence, or orders
13 respondent to stay away from petitioner or other
14 protected persons, then the court may allow respondent
15 access to the residence to remove items of clothing and
16 personal adornment used exclusively by respondent,
17 medications, and other items as the court directs. The
18 right to access shall be exercised on only one occasion
19 as the court directs and in the presence of an
20 agreed-upon adult third party or law enforcement
21 officer.

22 (B) When the petitioner and the respondent attend
23 the same public, private, or non-public elementary,
24 middle, or high school, the court when issuing an order
25 of protection and providing relief shall consider the
26 severity of the act, any continuing physical danger or

1 emotional distress to the petitioner, the educational
2 rights guaranteed to the petitioner and respondent
3 under federal and State law, the availability of a
4 transfer of the respondent to another school, a change
5 of placement or a change of program of the respondent,
6 the expense, difficulty, and educational disruption
7 that would be caused by a transfer of the respondent to
8 another school, and any other relevant facts of the
9 case. The court may order that the respondent not
10 attend the public, private, or non-public elementary,
11 middle, or high school attended by the petitioner,
12 order that the respondent accept a change of placement
13 or change of program, as determined by the school
14 district or private or non-public school, or place
15 restrictions on the respondent's movements within the
16 school attended by the petitioner. The respondent
17 bears the burden of proving by a preponderance of the
18 evidence that a transfer, change of placement, or
19 change of program of the respondent is not available.
20 The respondent also bears the burden of production with
21 respect to the expense, difficulty, and educational
22 disruption that would be caused by a transfer of the
23 respondent to another school. A transfer, change of
24 placement, or change of program is not unavailable to
25 the respondent solely on the ground that the respondent
26 does not agree with the school district's or private or

1 non-public school's transfer, change of placement, or
2 change of program or solely on the ground that the
3 respondent fails or refuses to consent or otherwise
4 does not take an action required to effectuate a
5 transfer, change of placement, or change of program.
6 When a court orders a respondent to stay away from the
7 public, private, or non-public school attended by the
8 petitioner and the respondent requests a transfer to
9 another attendance center within the respondent's
10 school district or private or non-public school, the
11 school district or private or non-public school shall
12 have sole discretion to determine the attendance
13 center to which the respondent is transferred. In the
14 event the court order results in a transfer of the
15 minor respondent to another attendance center, a
16 change in the respondent's placement, or a change of
17 the respondent's program, the parents, guardian, or
18 legal custodian of the respondent is responsible for
19 transportation and other costs associated with the
20 transfer or change.

21 (C) The court may order the parents, guardian, or
22 legal custodian of a minor respondent to take certain
23 actions or to refrain from taking certain actions to
24 ensure that the respondent complies with the order. ~~The~~
25 ~~court may order the parents, guardian, or legal~~
26 ~~custodian of a minor respondent to take certain actions~~

1 ~~or to refrain from taking certain actions to ensure~~
2 ~~that the respondent complies with the order.~~ In the
3 event the court orders a transfer of the respondent to
4 another school, the parents, guardian, or legal
5 custodian of the respondent is responsible for
6 transportation and other costs associated with the
7 change of school by the respondent.

8 (4) Counseling. Require or recommend the respondent to
9 undergo counseling for a specified duration with a social
10 worker, psychologist, clinical psychologist, psychiatrist,
11 family service agency, alcohol or substance abuse program,
12 mental health center guidance counselor, agency providing
13 services to elders, program designed for domestic violence
14 abusers or any other guidance service the court deems
15 appropriate. The Court may order the respondent in any
16 intimate partner relationship to report to a ~~an Illinois~~
17 Department of Public Health ~~Human Services~~ protocol
18 approved partner abuse intervention program for an
19 assessment and to follow all recommended treatment.

20 (5) Physical care and possession of the minor child. In
21 order to protect the minor child from abuse, neglect, or
22 unwarranted separation from the person who has been the
23 minor child's primary caretaker, or to otherwise protect
24 the well-being of the minor child, the court may do either
25 or both of the following: (i) grant petitioner physical
26 care or possession of the minor child, or both, or (ii)

1 order respondent to return a minor child to, or not remove
2 a minor child from, the physical care of a parent or person
3 in loco parentis.

4 If a court finds, after a hearing, that respondent has
5 committed abuse (as defined in Section 103) of a minor
6 child, there shall be a rebuttable presumption that
7 awarding physical care to respondent would not be in the
8 minor child's best interest.

9 (6) Temporary legal custody. Award temporary legal
10 custody to petitioner in accordance with this Section, the
11 Illinois Marriage and Dissolution of Marriage Act, the
12 Illinois Parentage Act of 1984, and this State's Uniform
13 Child-Custody Jurisdiction and Enforcement Act.

14 If a court finds, after a hearing, that respondent has
15 committed abuse (as defined in Section 103) of a minor
16 child, there shall be a rebuttable presumption that
17 awarding temporary legal custody to respondent would not be
18 in the child's best interest.

19 (7) Visitation. Determine the visitation rights, if
20 any, of respondent in any case in which the court awards
21 physical care or temporary legal custody of a minor child
22 to petitioner. The court shall restrict or deny
23 respondent's visitation with a minor child if the court
24 finds that respondent has done or is likely to do any of
25 the following: (i) abuse or endanger the minor child during
26 visitation; (ii) use the visitation as an opportunity to

1 abuse or harass petitioner or petitioner's family or
2 household members; (iii) improperly conceal or detain the
3 minor child; or (iv) otherwise act in a manner that is not
4 in the best interests of the minor child. The court shall
5 not be limited by the standards set forth in Section 607.1
6 of the Illinois Marriage and Dissolution of Marriage Act.
7 If the court grants visitation, the order shall specify
8 dates and times for the visitation to take place or other
9 specific parameters or conditions that are appropriate. No
10 order for visitation shall refer merely to the term
11 "reasonable visitation".

12 Petitioner may deny respondent access to the minor
13 child if, when respondent arrives for visitation,
14 respondent is under the influence of drugs or alcohol and
15 constitutes a threat to the safety and well-being of
16 petitioner or petitioner's minor children or is behaving in
17 a violent or abusive manner.

18 If necessary to protect any member of petitioner's
19 family or household from future abuse, respondent shall be
20 prohibited from coming to petitioner's residence to meet
21 the minor child for visitation, and the parties shall
22 submit to the court their recommendations for reasonable
23 alternative arrangements for visitation. A person may be
24 approved to supervise visitation only after filing an
25 affidavit accepting that responsibility and acknowledging
26 accountability to the court.

1 (8) Removal or concealment of minor child. Prohibit
2 respondent from removing a minor child from the State or
3 concealing the child within the State.

4 (9) Order to appear. Order the respondent to appear in
5 court, alone or with a minor child, to prevent abuse,
6 neglect, removal or concealment of the child, to return the
7 child to the custody or care of the petitioner or to permit
8 any court-ordered interview or examination of the child or
9 the respondent.

10 (10) Possession of personal property. Grant petitioner
11 exclusive possession of personal property and, if
12 respondent has possession or control, direct respondent to
13 promptly make it available to petitioner, if:

14 (i) petitioner, but not respondent, owns the
15 property; or

16 (ii) the parties own the property jointly; sharing
17 it would risk abuse of petitioner by respondent or is
18 impracticable; and the balance of hardships favors
19 temporary possession by petitioner.

20 If petitioner's sole claim to ownership of the property
21 is that it is marital property, the court may award
22 petitioner temporary possession thereof under the
23 standards of subparagraph (ii) of this paragraph only if a
24 proper proceeding has been filed under the Illinois
25 Marriage and Dissolution of Marriage Act, as now or
26 hereafter amended.

1 No order under this provision shall affect title to
2 property.

3 (11) Protection of property. Forbid the respondent
4 from taking, transferring, encumbering, concealing,
5 damaging or otherwise disposing of any real or personal
6 property, except as explicitly authorized by the court, if:

7 (i) petitioner, but not respondent, owns the
8 property; or

9 (ii) the parties own the property jointly, and the
10 balance of hardships favors granting this remedy.

11 If petitioner's sole claim to ownership of the property
12 is that it is marital property, the court may grant
13 petitioner relief under subparagraph (ii) of this
14 paragraph only if a proper proceeding has been filed under
15 the Illinois Marriage and Dissolution of Marriage Act, as
16 now or hereafter amended.

17 The court may further prohibit respondent from
18 improperly using the financial or other resources of an
19 aged member of the family or household for the profit or
20 advantage of respondent or of any other person.

21 (11.5) Protection of animals. Grant the petitioner the
22 exclusive care, custody, or control of any animal owned,
23 possessed, leased, kept, or held by either the petitioner
24 or the respondent or a minor child residing in the
25 residence or household of either the petitioner or the
26 respondent and order the respondent to stay away from the

1 animal and forbid the respondent from taking,
2 transferring, encumbering, concealing, harming, or
3 otherwise disposing of the animal.

4 (12) Order for payment of support. Order respondent to
5 pay temporary support for the petitioner or any child in
6 the petitioner's care or custody, when the respondent has a
7 legal obligation to support that person, in accordance with
8 the Illinois Marriage and Dissolution of Marriage Act,
9 which shall govern, among other matters, the amount of
10 support, payment through the clerk and withholding of
11 income to secure payment. An order for child support may be
12 granted to a petitioner with lawful physical care or
13 custody of a child, or an order or agreement for physical
14 care or custody, prior to entry of an order for legal
15 custody. Such a support order shall expire upon entry of a
16 valid order granting legal custody to another, unless
17 otherwise provided in the custody order.

18 (13) Order for payment of losses. Order respondent to
19 pay petitioner for losses suffered as a direct result of
20 the abuse, neglect, or exploitation. Such losses shall
21 include, but not be limited to, medical expenses, lost
22 earnings or other support, repair or replacement of
23 property damaged or taken, reasonable attorney's fees,
24 court costs and moving or other travel expenses, including
25 additional reasonable expenses for temporary shelter and
26 restaurant meals.

1 (i) Losses affecting family needs. If a party is
2 entitled to seek maintenance, child support or
3 property distribution from the other party under the
4 Illinois Marriage and Dissolution of Marriage Act, as
5 now or hereafter amended, the court may order
6 respondent to reimburse petitioner's actual losses, to
7 the extent that such reimbursement would be
8 "appropriate temporary relief", as authorized by
9 subsection (a) (3) of Section 501 of that Act.

10 (ii) Recovery of expenses. In the case of an
11 improper concealment or removal of a minor child, the
12 court may order respondent to pay the reasonable
13 expenses incurred or to be incurred in the search for
14 and recovery of the minor child, including but not
15 limited to legal fees, court costs, private
16 investigator fees, and travel costs.

17 (14) Prohibition of entry. Prohibit the respondent
18 from entering or remaining in the residence or household
19 while the respondent is under the influence of alcohol or
20 drugs and constitutes a threat to the safety and well-being
21 of the petitioner or the petitioner's children.

22 (14.5) Prohibition of firearm possession.

23 (a) Prohibit a respondent against whom an order of
24 protection was issued from possessing any firearms
25 during the duration of the order if the order:

26 (1) was issued after a hearing of which such

1 person received actual notice, and at which such
2 person had an opportunity to participate;

3 (2) restrains such person from harassing,
4 stalking, or threatening an intimate partner of
5 such person or child of such intimate partner or
6 person, or engaging in other conduct that would
7 place an intimate partner in reasonable fear of
8 bodily injury to the partner or child; and

9 (3)(i) includes a finding that such person
10 represents a credible threat to the physical
11 safety of such intimate partner or child; or (ii)
12 by its terms explicitly prohibits the use,
13 attempted use, or threatened use of physical force
14 against such intimate partner or child that would
15 reasonably be expected to cause bodily injury.

16 Any Firearm Owner's Identification Card in the
17 possession of the respondent, except as provided in
18 subsection (b), shall be ordered by the court to be
19 turned over to the local law enforcement agency for
20 safekeeping. The court shall issue a warrant for
21 seizure of any firearm and Firearm Owner's
22 Identification Card in the possession of the
23 respondent, to be kept by the local law enforcement
24 agency for safekeeping, except as provided in
25 subsection (b). The period of safekeeping shall be for
26 the duration of the order of protection. The firearm or

1 firearms and Firearm Owner's Identification Card shall
2 be returned to the respondent at the end of the order
3 of protection.

4 (b) If the respondent is a peace officer as defined
5 in Section 2-13 of the Criminal Code of 1961, the court
6 shall order that any firearms used by the respondent in
7 the performance of his or her duties as a peace officer
8 be surrendered to the chief law enforcement executive
9 of the agency in which the respondent is employed, who
10 shall retain the firearms for safekeeping for the
11 duration of the order of protection.

12 (c) Upon expiration of the period of safekeeping,
13 if the firearms or Firearm Owner's Identification Card
14 cannot be returned to respondent because respondent
15 cannot be located, fails to respond to requests to
16 retrieve the firearms, or is not lawfully eligible to
17 possess a firearm, upon petition from the local law
18 enforcement agency, the court may order the local law
19 enforcement agency to destroy the firearms, use the
20 firearms for training purposes, or for any other
21 application as deemed appropriate by the local law
22 enforcement agency; or that the firearms be turned over
23 to a third party who is lawfully eligible to possess
24 firearms, and who does not reside with respondent.

25 (15) Prohibition of access to records. If an order of
26 protection prohibits respondent from having contact with

1 the minor child, or if petitioner's address is omitted
2 under subsection (b) of Section 203, or if necessary to
3 prevent abuse or wrongful removal or concealment of a minor
4 child, the order shall deny respondent access to, and
5 prohibit respondent from inspecting, obtaining, or
6 attempting to inspect or obtain, school or any other
7 records of the minor child who is in the care of
8 petitioner.

9 (16) Order for payment of shelter services. Order
10 respondent to reimburse a shelter providing temporary
11 housing and counseling services to the petitioner for the
12 cost of the services, as certified by the shelter and
13 deemed reasonable by the court.

14 (17) Order for injunctive relief. Enter injunctive
15 relief necessary or appropriate to prevent further abuse of
16 a family or household member or further abuse, neglect, or
17 exploitation of a high-risk adult with disabilities or to
18 effectuate one of the granted remedies, if supported by the
19 balance of hardships. If the harm to be prevented by the
20 injunction is abuse or any other harm that one of the
21 remedies listed in paragraphs (1) through (16) of this
22 subsection is designed to prevent, no further evidence is
23 necessary that the harm is an irreparable injury.

24 (c) Relevant factors; findings.

25 (1) In determining whether to grant a specific remedy,
26 other than payment of support, the court shall consider

1 relevant factors, including but not limited to the
2 following:

3 (i) the nature, frequency, severity, pattern and
4 consequences of the respondent's past abuse, neglect
5 or exploitation of the petitioner or any family or
6 household member, including the concealment of his or
7 her location in order to evade service of process or
8 notice, and the likelihood of danger of future abuse,
9 neglect, or exploitation to petitioner or any member of
10 petitioner's or respondent's family or household; and

11 (ii) the danger that any minor child will be abused
12 or neglected or improperly removed from the
13 jurisdiction, improperly concealed within the State or
14 improperly separated from the child's primary
15 caretaker.

16 (2) In comparing relative hardships resulting to the
17 parties from loss of possession of the family home, the
18 court shall consider relevant factors, including but not
19 limited to the following:

20 (i) availability, accessibility, cost, safety,
21 adequacy, location and other characteristics of
22 alternate housing for each party and any minor child or
23 dependent adult in the party's care;

24 (ii) the effect on the party's employment; and

25 (iii) the effect on the relationship of the party,
26 and any minor child or dependent adult in the party's

1 care, to family, school, church and community.

2 (3) Subject to the exceptions set forth in paragraph
3 (4) of this subsection, the court shall make its findings
4 in an official record or in writing, and shall at a minimum
5 set forth the following:

6 (i) That the court has considered the applicable
7 relevant factors described in paragraphs (1) and (2) of
8 this subsection.

9 (ii) Whether the conduct or actions of respondent,
10 unless prohibited, will likely cause irreparable harm
11 or continued abuse.

12 (iii) Whether it is necessary to grant the
13 requested relief in order to protect petitioner or
14 other alleged abused persons.

15 (4) For purposes of issuing an ex parte emergency order
16 of protection, the court, as an alternative to or as a
17 supplement to making the findings described in paragraphs
18 (c)(3)(i) through (c)(3)(iii) of this subsection, may use
19 the following procedure:

20 When a verified petition for an emergency order of
21 protection in accordance with the requirements of Sections
22 203 and 217 is presented to the court, the court shall
23 examine petitioner on oath or affirmation. An emergency
24 order of protection shall be issued by the court if it
25 appears from the contents of the petition and the
26 examination of petitioner that the averments are

1 sufficient to indicate abuse by respondent and to support
2 the granting of relief under the issuance of the emergency
3 order of protection.

4 (5) Never married parties. No rights or
5 responsibilities for a minor child born outside of marriage
6 attach to a putative father until a father and child
7 relationship has been established under the Illinois
8 Parentage Act of 1984, the Illinois Public Aid Code,
9 Section 12 of the Vital Records Act, the Juvenile Court Act
10 of 1987, the Probate Act of 1985, the Revised Uniform
11 Reciprocal Enforcement of Support Act, the Uniform
12 Interstate Family Support Act, the Expedited Child Support
13 Act of 1990, any judicial, administrative, or other act of
14 another state or territory, any other Illinois statute, or
15 by any foreign nation establishing the father and child
16 relationship, any other proceeding substantially in
17 conformity with the Personal Responsibility and Work
18 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),
19 or where both parties appeared in open court or at an
20 administrative hearing acknowledging under oath or
21 admitting by affirmation the existence of a father and
22 child relationship. Absent such an adjudication, finding,
23 or acknowledgement, no putative father shall be granted
24 temporary custody of the minor child, visitation with the
25 minor child, or physical care and possession of the minor
26 child, nor shall an order of payment for support of the

1 minor child be entered.

2 (d) Balance of hardships; findings. If the court finds that
3 the balance of hardships does not support the granting of a
4 remedy governed by paragraph (2), (3), (10), (11), or (16) of
5 subsection (b) of this Section, which may require such
6 balancing, the court's findings shall so indicate and shall
7 include a finding as to whether granting the remedy will result
8 in hardship to respondent that would substantially outweigh the
9 hardship to petitioner from denial of the remedy. The findings
10 shall be an official record or in writing.

11 (e) Denial of remedies. Denial of any remedy shall not be
12 based, in whole or in part, on evidence that:

13 (1) Respondent has cause for any use of force, unless
14 that cause satisfies the standards for justifiable use of
15 force provided by Article VII of the Criminal Code of 1961;

16 (2) Respondent was voluntarily intoxicated;

17 (3) Petitioner acted in self-defense or defense of
18 another, provided that, if petitioner utilized force, such
19 force was justifiable under Article VII of the Criminal
20 Code of 1961;

21 (4) Petitioner did not act in self-defense or defense
22 of another;

23 (5) Petitioner left the residence or household to avoid
24 further abuse, neglect, or exploitation by respondent;

25 (6) Petitioner did not leave the residence or household
26 to avoid further abuse, neglect, or exploitation by

1 respondent;

2 (7) Conduct by any family or household member excused
3 the abuse, neglect, or exploitation by respondent, unless
4 that same conduct would have excused such abuse, neglect,
5 or exploitation if the parties had not been family or
6 household members.

7 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
8 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; revised 10-4-11.)

9 (20 ILCS 1305/10-5 rep.)

10 (20 ILCS 1305/10-6 rep.)

11 (20 ILCS 1305/10-7 rep.)

12 (20 ILCS 1305/10-25 rep.)

13 (20 ILCS 1305/10-33 rep.)

14 (20 ILCS 1305/10-35 rep.)

15 (20 ILCS 1305/10-45 rep.)

16 (20 ILCS 1305/10-50 rep.)

17 Section 900. The Department of Human Services Act is
18 amended by repealing Sections 10-5, 10-6, 10-7, 10-25, 10-33,
19 10-35, 10-45, and 10-50.

20 (410 ILCS 225/Act rep.)

21 Section 905. The Prenatal and Newborn Care Act is repealed.

22 (410 ILCS 230/Act rep.)

23 Section 910. The Problem Pregnancy Health Services and Care

1 Act is repealed.

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- 3 5 ILCS 375/3 from Ch. 127, par. 523
- 4 20 ILCS 301/5-5
- 5 20 ILCS 301/10-30
- 6 20 ILCS 301/10-55
- 7 20 ILCS 301/35-5
- 8 20 ILCS 301/50-1 new
- 9 20 ILCS 301/50-25
- 10 20 ILCS 301/50-30
- 11 20 ILCS 505/17 from Ch. 23, par. 5017
- 12 20 ILCS 505/17a-2 from Ch. 23, par. 5017a-2
- 13 20 ILCS 505/17a-3 from Ch. 23, par. 5017a-3
- 14 20 ILCS 505/17a-4 from Ch. 23, par. 5017a-4
- 15 20 ILCS 505/17a-5 from Ch. 23, par. 5017a-5
- 16 20 ILCS 505/17a-6 from Ch. 23, par. 5017a-6
- 17 20 ILCS 505/17a-7 from Ch. 23, par. 5017a-7
- 18 20 ILCS 505/17a-9 from Ch. 23, par. 5017a-9
- 19 20 ILCS 505/17a-10 from Ch. 23, par. 5017a-10
- 20 20 ILCS 505/17a-11 from Ch. 23, par. 5017a-11
- 21 20 ILCS 505/17a-15
- 22 20 ILCS 710/1 from Ch. 127, par. 3801
- 23 20 ILCS 710/2 from Ch. 127, par. 3802
- 24 20 ILCS 710/6.1
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4 20 ILCS 1310/3 from Ch. 40, par. 2403
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6 20 ILCS 1315/10
7 20 ILCS 1315/15
8 20 ILCS 1315/20
9 20 ILCS 1315/40
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11 20 ILCS 2310/2310-435 was 20 ILCS 2310/55.44
12 20 ILCS 2310/2310-665 new
13 20 ILCS 2310/2310-670 new
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21 20 ILCS 2310/2310-710 new
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- 1 20 ILCS 1305/10-25 rep.
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- 6 410 ILCS 225/Act rep.
- 7 410 ILCS 230/Act rep.