

SB3325



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3325

Introduced 2/7/2012, by Sen. Dan Kotowski

SYNOPSIS AS INTRODUCED:

325 ILCS 5/8.2

from Ch. 23, par. 2058.2

Amends the Abused and Neglected Child Reporting Act. Removes provisions requiring the Department of Children and Family Services to provide a preliminary report to the General Assembly no later than January 1, 1991 concerning family preservation services. Effective immediately.

LRB097 14106 KTG 58776 b

A BILL FOR

1 AN ACT concerning children.

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

4 Section 5. The Abused and Neglected Child Reporting Act is
5 amended by changing Section 8.2 as follows:

6 (325 ILCS 5/8.2) (from Ch. 23, par. 2058.2)

7 Sec. 8.2. If the Child Protective Service Unit determines,
8 following an investigation made pursuant to Section 7.4 of this
9 Act, that there is credible evidence that the child is abused
10 or neglected, the Department shall assess the family's need for
11 services, and, as necessary, develop, with the family, an
12 appropriate service plan for the family's voluntary acceptance
13 or refusal. In any case where there is evidence that the
14 perpetrator of the abuse or neglect is an addict or alcoholic
15 as defined in the Alcoholism and Other Drug Abuse and
16 Dependency Act, the Department, when making referrals for drug
17 or alcohol abuse services, shall make such referrals to
18 facilities licensed by the Department of Human Services or the
19 Department of Public Health. The Department shall comply with
20 Section 8.1 by explaining its lack of legal authority to compel
21 the acceptance of services and may explain its concomitant
22 authority to petition the Circuit court under the Juvenile
23 Court Act of 1987 or refer the case to the local law

1 enforcement authority or State's attorney for criminal
2 prosecution.

3 For purposes of this Act, the term "family preservation
4 services" refers to all services to help families, including
5 adoptive and extended families. Family preservation services
6 shall be offered, where safe and appropriate, to prevent the
7 placement of children in substitute care when the children can
8 be cared for at home or in the custody of the person
9 responsible for the children's welfare without endangering the
10 children's health or safety, to reunite them with their
11 families if so placed when reunification is an appropriate
12 goal, or to maintain an adoptive placement. The term
13 "homemaker" includes emergency caretakers, homemakers,
14 caretakers, housekeepers and chore services. The term
15 "counseling" includes individual therapy, infant stimulation
16 therapy, family therapy, group therapy, self-help groups, drug
17 and alcohol abuse counseling, vocational counseling and
18 post-adoptive services. The term "day care" includes
19 protective day care and day care to meet educational,
20 prevocational or vocational needs. The term "emergency
21 assistance and advocacy" includes coordinated services to
22 secure emergency cash, food, housing and medical assistance or
23 advocacy for other subsistence and family protective needs.

24 Before July 1, 2000, appropriate family preservation
25 services shall, subject to appropriation, be included in the
26 service plan if the Department has determined that those

1 services will ensure the child's health and safety, are in the
2 child's best interests, and will not place the child in
3 imminent risk of harm. Beginning July 1, 2000, appropriate
4 family preservation services shall be uniformly available
5 throughout the State. The Department shall promptly notify
6 children and families of the Department's responsibility to
7 offer and provide family preservation services as identified in
8 the service plan. Such plans may include but are not limited
9 to: case management services; homemakers; counseling; parent
10 education; day care; emergency assistance and advocacy
11 assessments; respite care; in-home health care; transportation
12 to obtain any of the above services; and medical assistance.
13 Nothing in this paragraph shall be construed to create a
14 private right of action or claim on the part of any individual
15 or child welfare agency, except that when a child is the
16 subject of an action under Article II of the Juvenile Court Act
17 of 1987 and the child's service plan calls for services to
18 facilitate achievement of the permanency goal, the court
19 hearing the action under Article II of the Juvenile Court Act
20 of 1987 may order the Department to provide the services set
21 out in the plan, if those services are not provided with
22 reasonable promptness and if those services are available.

23 ~~The Department shall provide a preliminary report to the~~
24 ~~General Assembly no later than January 1, 1991, in regard to~~
25 ~~the provision of services authorized pursuant to this Section.~~
26 ~~The report shall include:~~

1 ~~(a) the number of families and children served, by type~~
2 ~~of services;~~

3 ~~(b) the outcome from the provision of such services,~~
4 ~~including the number of families which remained intact at~~
5 ~~least 6 months following the termination of services;~~

6 ~~(c) the number of families which have been subjects of~~
7 ~~founded reports of abuse following the termination of~~
8 ~~services;~~

9 ~~(d) an analysis of general family circumstances in~~
10 ~~which family preservation services have been determined to~~
11 ~~be an effective intervention;~~

12 ~~(e) information regarding the number of families in~~
13 ~~need of services but unserved due to budget or program~~
14 ~~criteria guidelines;~~

15 ~~(f) an estimate of the time necessary for and the~~
16 ~~annual cost of statewide implementation of such services;~~

17 ~~(g) an estimate of the length of time before expansion~~
18 ~~of these services will be made to include families with~~
19 ~~children over the age of 6; and~~

20 ~~(h) recommendations regarding any proposed legislative~~
21 ~~changes to this program.~~

22 Each Department field office shall maintain on a local
23 basis directories of services available to children and
24 families in the local area where the Department office is
25 located.

26 The Department shall refer children and families served

1 pursuant to this Section to private agencies and governmental
2 agencies, where available.

3 Where there are 2 equal proposals from both a
4 not-for-profit and a for-profit agency to provide services, the
5 Department shall give preference to the proposal from the
6 not-for-profit agency.

7 No service plan shall compel any child or parent to engage
8 in any activity or refrain from any activity which is not
9 reasonably related to remedying a condition or conditions that
10 gave rise or which could give rise to any finding of child
11 abuse or neglect.

12 (Source: P.A. 96-600, eff. 8-21-09.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.