

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.