

1 AN ACT concerning State government.

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

4 Section 1. Short title. This Act may be cited as the
5 Custody Relinquishment Prevention Act.

6 Section 5. Purpose. This Act establishes a pathway for
7 families on the verge of seeking services for their child's
8 serious mental illness or serious emotional disturbance
9 through relinquishment of parental custody to the Department of
10 Children and Family Services, despite the absence of abuse or
11 neglect, to receive services through the appropriate State
12 child-serving agency. This pathway shall be outlined in an
13 interagency agreement between all the relevant State agencies.

14 Section 10. Definitions. As used in this Act:

15 "Family income" means the sum of a family's annual earnings
16 and cash benefits from all sources before taxes, less payments
17 made for child support.

18 "Serious mental illness" means a diagnosis set forth in the
19 most current version of the Diagnostic and Statistical Manual
20 of Mental Disorders (DSM).

21 "Serious emotional disturbance" means a diagnosable
22 mental, behavioral, or emotional disorder in a child or youth

1 that resulted in functional impairment which substantially
2 interferes with or limits his or her role or functioning in
3 family, school, or community activities.

4 "Child or youth at risk of custody relinquishment" means a
5 child or youth whose parents or guardians refuse to take the
6 child or youth home from a hospital or similar treatment
7 facility because the parents or guardians have a reasonable
8 belief that the child or youth will harm himself or herself or
9 other family members upon the child or youth's return home, and
10 there is no evidence of abuse or neglect.

11 Section 15. Interagency agreement. In order to intercept
12 and divert children and youth at risk of custody relinquishment
13 to the Department of Children and Family Services, within 180
14 days after the effective date of this Act, the Department of
15 Children of Family Services, the Department of Human Services,
16 the Department of Healthcare and Family Services, the Illinois
17 State Board of Education, the Department of Juvenile Justice,
18 and the Department of Public Health shall enter into an
19 interagency agreement for the purpose of preventing children
20 and youth who are not otherwise abused or neglected from
21 entering the custody or guardianship of the Department of
22 Children and Family Services solely for purposes of receiving
23 services for a serious mental illness or serious emotional
24 disturbance.

25 The intergovernmental agreement shall require the agencies

1 listed in this Section to establish an interagency clinical
2 team to review cases of children and youth who are at risk of
3 relinquishment who are at a hospital or other similar treatment
4 facility, and to connect the child or youth and his or her
5 family with the appropriate services, treatment, and support to
6 stabilize the child or youth's serious mental illness or
7 serious emotional disturbance and prevent custody
8 relinquishment to the Department of Children and Family
9 Services.

10 The interagency agreement, among other things, shall
11 address all of the following:

12 (1) Requiring families with private health insurance
13 to exhaust their private insurance coverage.

14 (2) Establishing cost sharing for services received
15 for families whose income exceeds the federal poverty level
16 that would qualify them for Medicaid, based on the family's
17 ability to pay.

18 (3) For children or youth who are not otherwise
19 Medicaid eligible, performing a crisis stabilization
20 assessment and developing a care plan for the child or
21 youth and the family with the goal of determining what
22 services are necessary to (i) stabilize the child or youth
23 and (ii) prevent custody relinquishment to the Department
24 of Children and Family Services when there is no abuse or
25 neglect.

26 (4) Set criteria for short-term crisis stabilization

1 services, including intensive community-based services or
2 a short-term residential placement, as the child or youth's
3 treatment plan is being developed.

4 Section 20. Outcomes and data reported annually to the
5 General Assembly.

6 (a) The Department of Children and Family Services shall
7 submit an annual report to the General Assembly which includes
8 the following with respect to the time period covered by the
9 report:

10 (1) The number of children and youth who were
11 relinquished to the Department of Children and Family
12 Services for purposes of receiving treatment for their
13 serious mental illness or serious emotional disturbance.

14 (2) The length of treatment and the status of children
15 and youth at the termination of services.

16 (b) The interagency agreement required under Section 15
17 shall require reporting to the General Assembly with respect to
18 the following criteria:

19 (1) The number of children and youth who were
20 intercepted during the reporting period and the services
21 they were connected with to prevent custody relinquishment
22 and to stabilize the child or youth.

23 (2) The duration of the services the child or youth
24 received in order to stabilize his or her serious mental
25 illness or serious emotional disturbance.

1 (3) Following the connection to services through the
2 most appropriate State agency to address the child or
3 youth's needs, the number of families that failed to
4 stabilize and turned to the Department of Children and
5 Family Services for services, and that relinquished
6 custody or whose child was adjudicated a dependent minor
7 pursuant to subdivision (c) of paragraph (1) of Section 2-4
8 of the Juvenile Court Act of 1987.