



Rep. Sara Feigenholtz

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1 AMENDMENT TO HOUSE BILL 5598

2 AMENDMENT NO. _____. Amend House Bill 5598, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

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

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

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

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

7 "Serious emotional disturbance" means a diagnosable
8 mental, behavioral, or emotional disorder in a child or youth
9 that resulted in functional impairment which substantially
10 interferes with or limits his or her role or functioning in
11 family, school, or community activities.

12 "Child or youth at risk of custody relinquishment" means a
13 child or youth whose parents or guardians refuse to take the
14 child or youth home from a hospital or similar treatment
15 facility because the parents or guardians have a reasonable
16 belief that the child or youth will harm himself or herself or
17 other family members upon the child or youth's return home, and
18 there is no evidence of abuse or neglect.

19 Section 15. Interagency agreement. In order to intercept
20 and divert children and youth at risk of custody relinquishment
21 to the Department of Children and Family Services, within 180
22 days after the effective date of this Act, the Department of
23 Children of Family Services, the Department of Human Services,
24 the Department of Healthcare and Family Services, the Illinois
25 State Board of Education, the Department of Juvenile Justice,

1 and the Department of Public Health shall enter into an
2 interagency agreement for the purpose of preventing children
3 and youth who are not otherwise abused or neglected from
4 entering the custody or guardianship of the Department of
5 Children and Family Services solely for purposes of receiving
6 services for a serious mental illness or serious emotional
7 disturbance.

8 The intergovernmental agreement shall require the agencies
9 listed in this Section to establish an interagency clinical
10 team to review cases of children and youth who are at risk of
11 relinquishment who are at a hospital or other similar treatment
12 facility, and to connect the child or youth and his or her
13 family with the appropriate services, treatment, and support to
14 stabilize the child or youth's serious mental illness or
15 serious emotional disturbance and prevent custody
16 relinquishment to the Department of Children and Family
17 Services.

18 The interagency agreement, among other things, shall
19 address all of the following:

20 (1) Requiring families with private health insurance
21 to exhaust their private insurance coverage.

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

26 (3) For children or youth who are not otherwise

1 Medicaid eligible, performing a crisis stabilization
2 assessment and developing a care plan for the child or
3 youth and the family with the goal of determining what
4 services are necessary to (i) stabilize the child or youth
5 and (ii) prevent custody relinquishment to the Department
6 of Children and Family Services when there is no abuse or
7 neglect.

8 (4) Set criteria for short-term crisis stabilization
9 services, including intensive community-based services or
10 a short-term residential placement, as the child or youth's
11 treatment plan is being developed.

12 Section 20. Outcomes and data reported annually to the
13 General Assembly.

14 (a) The Department of Children and Family Services shall
15 submit an annual report to the General Assembly which includes
16 the following with respect to the time period covered by the
17 report:

18 (1) The number of children and youth who were
19 relinquished to the Department of Children and Family
20 Services for purposes of receiving treatment for their
21 serious mental illness or serious emotional disturbance.

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

24 (b) The interagency agreement required under Section 15
25 shall require reporting to the General Assembly with respect to

1 the following criteria:

2 (1) The number of children and youth who were
3 intercepted during the reporting period and the services
4 they were connected with to prevent custody relinquishment
5 and to stabilize the child or youth.

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

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