



Rep. Scott Drury

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1 AMENDMENT TO SENATE BILL 1599

2 AMENDMENT NO. _____. Amend Senate Bill 1599 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is amended
5 by changing Section 5 as follows:

6 (20 ILCS 505/5) (from Ch. 23, par. 5005)

7 Sec. 5. Direct child welfare services; Department of
8 Children and Family Services. To provide direct child welfare
9 services when not available through other public or private
10 child care or program facilities.

11 (a) For purposes of this Section:

12 (1) "Children" means persons found within the State who
13 are under the age of 18 years. The term also includes
14 persons under age 21 who:

15 (A) were committed to the Department pursuant to
16 the Juvenile Court Act or the Juvenile Court Act of

1 1987, as amended, prior to the age of 18 and who
2 continue under the jurisdiction of the court; or

3 (B) were accepted for care, service and training by
4 the Department prior to the age of 18 and whose best
5 interest in the discretion of the Department would be
6 served by continuing that care, service and training
7 because of severe emotional disturbances, physical
8 disability, social adjustment or any combination
9 thereof, or because of the need to complete an
10 educational or vocational training program.

11 (2) "Homeless youth" means persons found within the
12 State who are under the age of 19, are not in a safe and
13 stable living situation and cannot be reunited with their
14 families.

15 (3) "Child welfare services" means public social
16 services which are directed toward the accomplishment of
17 the following purposes:

18 (A) protecting and promoting the health, safety
19 and welfare of children, including homeless, dependent
20 or neglected children;

21 (B) remedying, or assisting in the solution of
22 problems which may result in, the neglect, abuse,
23 exploitation or delinquency of children;

24 (C) preventing the unnecessary separation of
25 children from their families by identifying family
26 problems, assisting families in resolving their

1 problems, and preventing the breakup of the family
2 where the prevention of child removal is desirable and
3 possible when the child can be cared for at home
4 without endangering the child's health and safety;

5 (D) restoring to their families children who have
6 been removed, by the provision of services to the child
7 and the families when the child can be cared for at
8 home without endangering the child's health and
9 safety;

10 (E) placing children in suitable adoptive homes,
11 in cases where restoration to the biological family is
12 not safe, possible or appropriate;

13 (F) assuring safe and adequate care of children
14 away from their homes, in cases where the child cannot
15 be returned home or cannot be placed for adoption. At
16 the time of placement, the Department shall consider
17 concurrent planning, as described in subsection (1-1)
18 of this Section so that permanency may occur at the
19 earliest opportunity. Consideration should be given so
20 that if reunification fails or is delayed, the
21 placement made is the best available placement to
22 provide permanency for the child;

23 (G) (blank);

24 (H) (blank); and

25 (I) placing and maintaining children in facilities
26 that provide separate living quarters for children

1 under the age of 18 and for children 18 years of age
2 and older, unless a child 18 years of age is in the
3 last year of high school education or vocational
4 training, in an approved individual or group treatment
5 program, in a licensed shelter facility, or secure
6 child care facility. The Department is not required to
7 place or maintain children:

8 (i) who are in a foster home, or

9 (ii) who are persons with a developmental
10 disability, as defined in the Mental Health and
11 Developmental Disabilities Code, or

12 (iii) who are female children who are
13 pregnant, pregnant and parenting or parenting, or

14 (iv) who are siblings, in facilities that
15 provide separate living quarters for children 18
16 years of age and older and for children under 18
17 years of age.

18 (b) Nothing in this Section shall be construed to authorize
19 the expenditure of public funds for the purpose of performing
20 abortions.

21 (c) The Department shall establish and maintain
22 tax-supported child welfare services and extend and seek to
23 improve voluntary services throughout the State, to the end
24 that services and care shall be available on an equal basis
25 throughout the State to children requiring such services.

26 (d) The Director may authorize advance disbursements for

1 any new program initiative to any agency contracting with the
2 Department. As a prerequisite for an advance disbursement, the
3 contractor must post a surety bond in the amount of the advance
4 disbursement and have a purchase of service contract approved
5 by the Department. The Department may pay up to 2 months
6 operational expenses in advance. The amount of the advance
7 disbursement shall be prorated over the life of the contract or
8 the remaining months of the fiscal year, whichever is less, and
9 the installment amount shall then be deducted from future
10 bills. Advance disbursement authorizations for new initiatives
11 shall not be made to any agency after that agency has operated
12 during 2 consecutive fiscal years. The requirements of this
13 Section concerning advance disbursements shall not apply with
14 respect to the following: payments to local public agencies for
15 child day care services as authorized by Section 5a of this
16 Act; and youth service programs receiving grant funds under
17 Section 17a-4.

18 (e) (Blank).

19 (f) (Blank).

20 (g) The Department shall establish rules and regulations
21 concerning its operation of programs designed to meet the goals
22 of child safety and protection, family preservation, family
23 reunification, and adoption, including but not limited to:

24 (1) adoption;

25 (2) foster care;

26 (3) family counseling;

- 1 (4) protective services;
- 2 (5) (blank);
- 3 (6) homemaker service;
- 4 (7) return of runaway children;
- 5 (8) (blank);
- 6 (9) placement under Section 5-7 of the Juvenile Court
- 7 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile
- 8 Court Act of 1987 in accordance with the federal Adoption
- 9 Assistance and Child Welfare Act of 1980; and
- 10 (10) interstate services.

11 Rules and regulations established by the Department shall
12 include provisions for training Department staff and the staff
13 of Department grantees, through contracts with other agencies
14 or resources, in alcohol and drug abuse screening techniques
15 approved by the Department of Human Services, as a successor to
16 the Department of Alcoholism and Substance Abuse, for the
17 purpose of identifying children and adults who should be
18 referred to an alcohol and drug abuse treatment program for
19 professional evaluation.

20 (h) If the Department finds that there is no appropriate
21 program or facility within or available to the Department for a
22 ward and that no licensed private facility has an adequate and
23 appropriate program or none agrees to accept the ward, the
24 Department shall create an appropriate individualized,
25 program-oriented plan for such ward. The plan may be developed
26 within the Department or through purchase of services by the

1 Department to the extent that it is within its statutory
2 authority to do.

3 (i) Service programs shall be available throughout the
4 State and shall include but not be limited to the following
5 services:

6 (1) case management;

7 (2) homemakers;

8 (3) counseling;

9 (4) parent education;

10 (5) day care; and

11 (6) emergency assistance and advocacy.

12 In addition, the following services may be made available
13 to assess and meet the needs of children and families:

14 (1) comprehensive family-based services;

15 (2) assessments;

16 (3) respite care; and

17 (4) in-home health services.

18 The Department shall provide transportation for any of the
19 services it makes available to children or families or for
20 which it refers children or families.

21 (j) The Department may provide categories of financial
22 assistance and education assistance grants, and shall
23 establish rules and regulations concerning the assistance and
24 grants, to persons who adopt physically or mentally
25 handicapped, older and other hard-to-place children who (i)
26 immediately prior to their adoption were legal wards of the

1 Department or (ii) were determined eligible for financial
2 assistance with respect to a prior adoption and who become
3 available for adoption because the prior adoption has been
4 dissolved and the parental rights of the adoptive parents have
5 been terminated or because the child's adoptive parents have
6 died. The Department may continue to provide financial
7 assistance and education assistance grants for a child who was
8 determined eligible for financial assistance under this
9 subsection (j) in the interim period beginning when the child's
10 adoptive parents died and ending with the finalization of the
11 new adoption of the child by another adoptive parent or
12 parents. The Department may also provide categories of
13 financial assistance and education assistance grants, and
14 shall establish rules and regulations for the assistance and
15 grants, to persons appointed guardian of the person under
16 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
17 4-25 or 5-740 of the Juvenile Court Act of 1987 for children
18 who were wards of the Department for 12 months immediately
19 prior to the appointment of the guardian.

20 The amount of assistance may vary, depending upon the needs
21 of the child and the adoptive parents, as set forth in the
22 annual assistance agreement. Special purpose grants are
23 allowed where the child requires special service but such costs
24 may not exceed the amounts which similar services would cost
25 the Department if it were to provide or secure them as guardian
26 of the child.

1 Any financial assistance provided under this subsection is
2 inalienable by assignment, sale, execution, attachment,
3 garnishment, or any other remedy for recovery or collection of
4 a judgment or debt.

5 (j-5) The Department shall not deny or delay the placement
6 of a child for adoption if an approved family is available
7 either outside of the Department region handling the case, or
8 outside of the State of Illinois.

9 (k) The Department shall accept for care and training any
10 child who has been adjudicated neglected or abused, or
11 dependent committed to it pursuant to the Juvenile Court Act or
12 the Juvenile Court Act of 1987.

13 (l) The Department shall offer family preservation
14 services, as defined in Section 8.2 of the Abused and Neglected
15 Child Reporting Act, to help families, including adoptive and
16 extended families. Family preservation services shall be
17 offered (i) to prevent the placement of children in substitute
18 care when the children can be cared for at home or in the
19 custody of the person responsible for the children's welfare,
20 (ii) to reunite children with their families, or (iii) to
21 maintain an adoptive placement. Family preservation services
22 shall only be offered when doing so will not endanger the
23 children's health or safety. With respect to children who are
24 in substitute care pursuant to the Juvenile Court Act of 1987,
25 family preservation services shall not be offered if a goal
26 other than those of subdivisions (A), (B), or (B-1) of

1 subsection (2) of Section 2-28 of that Act has been set.
2 Nothing in this paragraph shall be construed to create a
3 private right of action or claim on the part of any individual
4 or child welfare agency, except that when a child is the
5 subject of an action under Article II of the Juvenile Court Act
6 of 1987 and the child's service plan calls for services to
7 facilitate achievement of the permanency goal, the court
8 hearing the action under Article II of the Juvenile Court Act
9 of 1987 may order the Department to provide the services set
10 out in the plan, if those services are not provided with
11 reasonable promptness and if those services are available.

12 The Department shall notify the child and his family of the
13 Department's responsibility to offer and provide family
14 preservation services as identified in the service plan. The
15 child and his family shall be eligible for services as soon as
16 the report is determined to be "indicated". The Department may
17 offer services to any child or family with respect to whom a
18 report of suspected child abuse or neglect has been filed,
19 prior to concluding its investigation under Section 7.12 of the
20 Abused and Neglected Child Reporting Act. However, the child's
21 or family's willingness to accept services shall not be
22 considered in the investigation. The Department may also
23 provide services to any child or family who is the subject of
24 any report of suspected child abuse or neglect or may refer
25 such child or family to services available from other agencies
26 in the community, even if the report is determined to be

1 unfounded, if the conditions in the child's or family's home
2 are reasonably likely to subject the child or family to future
3 reports of suspected child abuse or neglect. Acceptance of such
4 services shall be voluntary. The Department may also provide
5 services to any child or family after completion of a family
6 assessment, as an alternative to an investigation, as provided
7 under the "differential response program" provided for in
8 subsection (a-5) of Section 7.4 of the Abused and Neglected
9 Child Reporting Act.

10 The Department may, at its discretion except for those
11 children also adjudicated neglected or dependent, accept for
12 care and training any child who has been adjudicated addicted,
13 as a truant minor in need of supervision or as a minor
14 requiring authoritative intervention, under the Juvenile Court
15 Act or the Juvenile Court Act of 1987, but no such child shall
16 be committed to the Department by any court without the
17 approval of the Department. A minor charged with a criminal
18 offense under the Criminal Code of 1961 or the Criminal Code of
19 2012 or adjudicated delinquent shall not be placed in the
20 custody of or committed to the Department by any court, except
21 (i) a minor less than 15 years of age committed to the
22 Department under Section 5-710 of the Juvenile Court Act of
23 1987, (ii) a minor for whom an independent basis of abuse,
24 neglect, or dependency exists, which must be defined by
25 departmental rule, or (iii) a minor for whom the court has
26 granted a supplemental petition to reinstate wardship pursuant

1 to subsection (2) of Section 2-33 of the Juvenile Court Act of
2 1987. An independent basis exists when the allegations or
3 adjudication of abuse, neglect, or dependency do not arise from
4 the same facts, incident, or circumstances which give rise to a
5 charge or adjudication of delinquency.

6 As soon as is possible after August 7, 2009 (the effective
7 date of Public Act 96-134), the Department shall develop and
8 implement a special program of family preservation services to
9 support intact, foster, and adoptive families who are
10 experiencing extreme hardships due to the difficulty and stress
11 of caring for a child who has been diagnosed with a pervasive
12 developmental disorder if the Department determines that those
13 services are necessary to ensure the health and safety of the
14 child. The Department may offer services to any family whether
15 or not a report has been filed under the Abused and Neglected
16 Child Reporting Act. The Department may refer the child or
17 family to services available from other agencies in the
18 community if the conditions in the child's or family's home are
19 reasonably likely to subject the child or family to future
20 reports of suspected child abuse or neglect. Acceptance of
21 these services shall be voluntary. The Department shall develop
22 and implement a public information campaign to alert health and
23 social service providers and the general public about these
24 special family preservation services. The nature and scope of
25 the services offered and the number of families served under
26 the special program implemented under this paragraph shall be

1 determined by the level of funding that the Department annually
2 allocates for this purpose. The term "pervasive developmental
3 disorder" under this paragraph means a neurological condition,
4 including but not limited to, Asperger's Syndrome and autism,
5 as defined in the most recent edition of the Diagnostic and
6 Statistical Manual of Mental Disorders of the American
7 Psychiatric Association.

8 (1-1) The legislature recognizes that the best interests of
9 the child require that the child be placed in the most
10 permanent living arrangement as soon as is practically
11 possible. To achieve this goal, the legislature directs the
12 Department of Children and Family Services to conduct
13 concurrent planning so that permanency may occur at the
14 earliest opportunity. Permanent living arrangements may
15 include prevention of placement of a child outside the home of
16 the family when the child can be cared for at home without
17 endangering the child's health or safety; reunification with
18 the family, when safe and appropriate, if temporary placement
19 is necessary; or movement of the child toward the most
20 permanent living arrangement and permanent legal status.

21 When determining reasonable efforts to be made with respect
22 to a child, as described in this subsection, and in making such
23 reasonable efforts, the child's health and safety shall be the
24 paramount concern.

25 When a child is placed in foster care, the Department shall
26 ensure and document that reasonable efforts were made to

1 prevent or eliminate the need to remove the child from the
2 child's home. The Department must make reasonable efforts to
3 reunify the family when temporary placement of the child occurs
4 unless otherwise required, pursuant to the Juvenile Court Act
5 of 1987. At any time after the dispositional hearing where the
6 Department believes that further reunification services would
7 be ineffective, it may request a finding from the court that
8 reasonable efforts are no longer appropriate. The Department is
9 not required to provide further reunification services after
10 such a finding.

11 A decision to place a child in substitute care shall be
12 made with considerations of the child's health, safety, and
13 best interests. At the time of placement, consideration should
14 also be given so that if reunification fails or is delayed, the
15 placement made is the best available placement to provide
16 permanency for the child.

17 The Department shall adopt rules addressing concurrent
18 planning for reunification and permanency. The Department
19 shall consider the following factors when determining
20 appropriateness of concurrent planning:

21 (1) the likelihood of prompt reunification;

22 (2) the past history of the family;

23 (3) the barriers to reunification being addressed by
24 the family;

25 (4) the level of cooperation of the family;

26 (5) the foster parents' willingness to work with the

1 family to reunite;

2 (6) the willingness and ability of the foster family to
3 provide an adoptive home or long-term placement;

4 (7) the age of the child;

5 (8) placement of siblings.

6 (m) The Department may assume temporary custody of any
7 child if:

8 (1) it has received a written consent to such temporary
9 custody signed by the parents of the child or by the parent
10 having custody of the child if the parents are not living
11 together or by the guardian or custodian of the child if
12 the child is not in the custody of either parent, or

13 (2) the child is found in the State and neither a
14 parent, guardian nor custodian of the child can be located.

15 If the child is found in his or her residence without a parent,
16 guardian, custodian or responsible caretaker, the Department
17 may, instead of removing the child and assuming temporary
18 custody, place an authorized representative of the Department
19 in that residence until such time as a parent, guardian or
20 custodian enters the home and expresses a willingness and
21 apparent ability to ensure the child's health and safety and
22 resume permanent charge of the child, or until a relative
23 enters the home and is willing and able to ensure the child's
24 health and safety and assume charge of the child until a
25 parent, guardian or custodian enters the home and expresses
26 such willingness and ability to ensure the child's safety and

1 resume permanent charge. After a caretaker has remained in the
2 home for a period not to exceed 12 hours, the Department must
3 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
4 5-415 of the Juvenile Court Act of 1987.

5 The Department shall have the authority, responsibilities
6 and duties that a legal custodian of the child would have
7 pursuant to subsection (9) of Section 1-3 of the Juvenile Court
8 Act of 1987. Whenever a child is taken into temporary custody
9 pursuant to an investigation under the Abused and Neglected
10 Child Reporting Act, or pursuant to a referral and acceptance
11 under the Juvenile Court Act of 1987 of a minor in limited
12 custody, the Department, during the period of temporary custody
13 and before the child is brought before a judicial officer as
14 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
15 Court Act of 1987, shall have the authority, responsibilities
16 and duties that a legal custodian of the child would have under
17 subsection (9) of Section 1-3 of the Juvenile Court Act of
18 1987.

19 The Department shall ensure that any child taken into
20 custody is scheduled for an appointment for a medical
21 examination.

22 A parent, guardian or custodian of a child in the temporary
23 custody of the Department who would have custody of the child
24 if he were not in the temporary custody of the Department may
25 deliver to the Department a signed request that the Department
26 surrender the temporary custody of the child. The Department

1 may retain temporary custody of the child for 10 days after the
2 receipt of the request, during which period the Department may
3 cause to be filed a petition pursuant to the Juvenile Court Act
4 of 1987. If a petition is so filed, the Department shall retain
5 temporary custody of the child until the court orders
6 otherwise. If a petition is not filed within the 10 day period,
7 the child shall be surrendered to the custody of the requesting
8 parent, guardian or custodian not later than the expiration of
9 the 10 day period, at which time the authority and duties of
10 the Department with respect to the temporary custody of the
11 child shall terminate.

12 (m-1) The Department may place children under 18 years of
13 age in a secure child care facility licensed by the Department
14 that cares for children who are in need of secure living
15 arrangements for their health, safety, and well-being after a
16 determination is made by the facility director and the Director
17 or the Director's designate prior to admission to the facility
18 subject to Section 2-27.1 of the Juvenile Court Act of 1987.
19 This subsection (m-1) does not apply to a child who is subject
20 to placement in a correctional facility operated pursuant to
21 Section 3-15-2 of the Unified Code of Corrections, unless the
22 child is a ward who was placed under the care of the Department
23 before being subject to placement in a correctional facility
24 and a court of competent jurisdiction has ordered placement of
25 the child in a secure care facility.

26 (n) The Department may place children under 18 years of age

1 in licensed child care facilities when in the opinion of the
2 Department, appropriate services aimed at family preservation
3 have been unsuccessful and cannot ensure the child's health and
4 safety or are unavailable and such placement would be for their
5 best interest. Payment for board, clothing, care, training and
6 supervision of any child placed in a licensed child care
7 facility may be made by the Department, by the parents or
8 guardians of the estates of those children, or by both the
9 Department and the parents or guardians, except that no
10 payments shall be made by the Department for any child placed
11 in a licensed child care facility for board, clothing, care,
12 training and supervision of such a child that exceed the
13 average per capita cost of maintaining and of caring for a
14 child in institutions for dependent or neglected children
15 operated by the Department. However, such restriction on
16 payments does not apply in cases where children require
17 specialized care and treatment for problems of severe emotional
18 disturbance, physical disability, social adjustment, or any
19 combination thereof and suitable facilities for the placement
20 of such children are not available at payment rates within the
21 limitations set forth in this Section. All reimbursements for
22 services delivered shall be absolutely inalienable by
23 assignment, sale, attachment, garnishment or otherwise.

24 (n-1) The Department shall provide or authorize child
25 welfare services, aimed at assisting minors to achieve
26 sustainable self-sufficiency as independent adults, for any

1 minor eligible for the reinstatement of wardship pursuant to
2 subsection (2) of Section 2-33 of the Juvenile Court Act of
3 1987, whether or not such reinstatement is sought or allowed,
4 provided that the minor consents to such services and has not
5 yet attained the age of 21. The Department shall have
6 responsibility for the development and delivery of services
7 under this Section. An eligible youth may access services under
8 this Section through the Department of Children and Family
9 Services or by referral from the Department of Human Services.
10 Youth participating in services under this Section shall
11 cooperate with the assigned case manager in developing an
12 agreement identifying the services to be provided and how the
13 youth will increase skills to achieve self-sufficiency. A
14 homeless shelter is not considered appropriate housing for any
15 youth receiving child welfare services under this Section. The
16 Department shall continue child welfare services under this
17 Section to any eligible minor until the minor becomes 21 years
18 of age, no longer consents to participate, or achieves
19 self-sufficiency as identified in the minor's service plan. The
20 Department of Children and Family Services shall create clear,
21 readable notice of the rights of former foster youth to child
22 welfare services under this Section and how such services may
23 be obtained. The Department of Children and Family Services and
24 the Department of Human Services shall disseminate this
25 information statewide. The Department shall adopt regulations
26 describing services intended to assist minors in achieving

1 sustainable self-sufficiency as independent adults.

2 (o) The Department shall establish an administrative
3 review and appeal process for children and families who request
4 or receive child welfare services from the Department. Children
5 who are wards of the Department and are placed by private child
6 welfare agencies, and foster families with whom those children
7 are placed, shall be afforded the same procedural and appeal
8 rights as children and families in the case of placement by the
9 Department, including the right to an initial review of a
10 private agency decision by that agency. The Department shall
11 insure that any private child welfare agency, which accepts
12 wards of the Department for placement, affords those rights to
13 children and foster families. The Department shall accept for
14 administrative review and an appeal hearing a complaint made by
15 (i) a child or foster family concerning a decision following an
16 initial review by a private child welfare agency or (ii) a
17 prospective adoptive parent who alleges a violation of
18 subsection (j-5) of this Section. An appeal of a decision
19 concerning a change in the placement of a child shall be
20 conducted in an expedited manner.

21 (p) There is hereby created the Department of Children and
22 Family Services Emergency Assistance Fund from which the
23 Department may provide special financial assistance to
24 families which are in economic crisis when such assistance is
25 not available through other public or private sources and the
26 assistance is deemed necessary to prevent dissolution of the

1 family unit or to reunite families which have been separated
2 due to child abuse and neglect. The Department shall establish
3 administrative rules specifying the criteria for determining
4 eligibility for and the amount and nature of assistance to be
5 provided. The Department may also enter into written agreements
6 with private and public social service agencies to provide
7 emergency financial services to families referred by the
8 Department. Special financial assistance payments shall be
9 available to a family no more than once during each fiscal year
10 and the total payments to a family may not exceed \$500 during a
11 fiscal year.

12 (q) The Department may receive and use, in their entirety,
13 for the benefit of children any gift, donation or bequest of
14 money or other property which is received on behalf of such
15 children, or any financial benefits to which such children are
16 or may become entitled while under the jurisdiction or care of
17 the Department.

18 The Department shall set up and administer no-cost,
19 interest-bearing accounts in appropriate financial
20 institutions for children for whom the Department is legally
21 responsible and who have been determined eligible for Veterans'
22 Benefits, Social Security benefits, assistance allotments from
23 the armed forces, court ordered payments, parental voluntary
24 payments, Supplemental Security Income, Railroad Retirement
25 payments, Black Lung benefits, or other miscellaneous
26 payments. Interest earned by each account shall be credited to

1 the account, unless disbursed in accordance with this
2 subsection.

3 In disbursing funds from children's accounts, the
4 Department shall:

5 (1) Establish standards in accordance with State and
6 federal laws for disbursing money from children's
7 accounts. In all circumstances, the Department's
8 "Guardianship Administrator" or his or her designee must
9 approve disbursements from children's accounts. The
10 Department shall be responsible for keeping complete
11 records of all disbursements for each account for any
12 purpose.

13 (2) Calculate on a monthly basis the amounts paid from
14 State funds for the child's board and care, medical care
15 not covered under Medicaid, and social services; and
16 utilize funds from the child's account, as covered by
17 regulation, to reimburse those costs. Monthly,
18 disbursements from all children's accounts, up to 1/12 of
19 \$13,000,000, shall be deposited by the Department into the
20 General Revenue Fund and the balance over 1/12 of
21 \$13,000,000 into the DCFS Children's Services Fund.

22 (3) Maintain any balance remaining after reimbursing
23 for the child's costs of care, as specified in item (2).
24 The balance shall accumulate in accordance with relevant
25 State and federal laws and shall be disbursed to the child
26 or his or her guardian, or to the issuing agency.

1 (r) The Department shall promulgate regulations
2 encouraging all adoption agencies to voluntarily forward to the
3 Department or its agent names and addresses of all persons who
4 have applied for and have been approved for adoption of a
5 hard-to-place or handicapped child and the names of such
6 children who have not been placed for adoption. A list of such
7 names and addresses shall be maintained by the Department or
8 its agent, and coded lists which maintain the confidentiality
9 of the person seeking to adopt the child and of the child shall
10 be made available, without charge, to every adoption agency in
11 the State to assist the agencies in placing such children for
12 adoption. The Department may delegate to an agent its duty to
13 maintain and make available such lists. The Department shall
14 ensure that such agent maintains the confidentiality of the
15 person seeking to adopt the child and of the child.

16 (s) The Department of Children and Family Services may
17 establish and implement a program to reimburse Department and
18 private child welfare agency foster parents licensed by the
19 Department of Children and Family Services for damages
20 sustained by the foster parents as a result of the malicious or
21 negligent acts of foster children, as well as providing third
22 party coverage for such foster parents with regard to actions
23 of foster children to other individuals. Such coverage will be
24 secondary to the foster parent liability insurance policy, if
25 applicable. The program shall be funded through appropriations
26 from the General Revenue Fund, specifically designated for such

1 purposes.

2 (t) The Department shall perform home studies and
3 investigations and shall exercise supervision over visitation
4 as ordered by a court pursuant to the Illinois Marriage and
5 Dissolution of Marriage Act or the Adoption Act only if:

6 (1) an order entered by an Illinois court specifically
7 directs the Department to perform such services; and

8 (2) the court has ordered one or both of the parties to
9 the proceeding to reimburse the Department for its
10 reasonable costs for providing such services in accordance
11 with Department rules, or has determined that neither party
12 is financially able to pay.

13 The Department shall provide written notification to the
14 court of the specific arrangements for supervised visitation
15 and projected monthly costs within 60 days of the court order.
16 The Department shall send to the court information related to
17 the costs incurred except in cases where the court has
18 determined the parties are financially unable to pay. The court
19 may order additional periodic reports as appropriate.

20 (u) In addition to other information that must be provided,
21 whenever the Department places a child with a prospective
22 adoptive parent or parents or in a licensed foster home, group
23 home, child care institution, or in a relative home, the
24 Department shall provide to the prospective adoptive parent or
25 parents or other caretaker:

26 (1) available detailed information concerning the

1 child's educational and health history, copies of
2 immunization records (including insurance and medical card
3 information), a history of the child's previous
4 placements, if any, and reasons for placement changes
5 excluding any information that identifies or reveals the
6 location of any previous caretaker;

7 (2) a copy of the child's portion of the client service
8 plan, including any visitation arrangement, and all
9 amendments or revisions to it as related to the child; and

10 (3) information containing details of the child's
11 individualized educational plan when the child is
12 receiving special education services.

13 The caretaker shall be informed of any known social or
14 behavioral information (including, but not limited to,
15 criminal background, fire setting, perpetuation of sexual
16 abuse, destructive behavior, and substance abuse) necessary to
17 care for and safeguard the children to be placed or currently
18 in the home. The Department may prepare a written summary of
19 the information required by this paragraph, which may be
20 provided to the foster or prospective adoptive parent in
21 advance of a placement. The foster or prospective adoptive
22 parent may review the supporting documents in the child's file
23 in the presence of casework staff. In the case of an emergency
24 placement, casework staff shall at least provide known
25 information verbally, if necessary, and must subsequently
26 provide the information in writing as required by this

1 subsection.

2 The information described in this subsection shall be
3 provided in writing. In the case of emergency placements when
4 time does not allow prior review, preparation, and collection
5 of written information, the Department shall provide such
6 information as it becomes available. Within 10 business days
7 after placement, the Department shall obtain from the
8 prospective adoptive parent or parents or other caretaker a
9 signed verification of receipt of the information provided.
10 Within 10 business days after placement, the Department shall
11 provide to the child's guardian ad litem a copy of the
12 information provided to the prospective adoptive parent or
13 parents or other caretaker. The information provided to the
14 prospective adoptive parent or parents or other caretaker shall
15 be reviewed and approved regarding accuracy at the supervisory
16 level.

17 (u-5) Effective July 1, 1995, only foster care placements
18 licensed as foster family homes pursuant to the Child Care Act
19 of 1969 shall be eligible to receive foster care payments from
20 the Department. Relative caregivers who, as of July 1, 1995,
21 were approved pursuant to approved relative placement rules
22 previously promulgated by the Department at 89 Ill. Adm. Code
23 335 and had submitted an application for licensure as a foster
24 family home may continue to receive foster care payments only
25 until the Department determines that they may be licensed as a
26 foster family home or that their application for licensure is

1 denied or until September 30, 1995, whichever occurs first.

2 (v) The Department shall access criminal history record
3 information as defined in the Illinois Uniform Conviction
4 Information Act and information maintained in the adjudicatory
5 and dispositional record system as defined in Section 2605-355
6 of the Department of State Police Law (20 ILCS 2605/2605-355)
7 if the Department determines the information is necessary to
8 perform its duties under the Abused and Neglected Child
9 Reporting Act, the Child Care Act of 1969, and the Children and
10 Family Services Act. The Department shall provide for
11 interactive computerized communication and processing
12 equipment that permits direct on-line communication with the
13 Department of State Police's central criminal history data
14 repository. The Department shall comply with all certification
15 requirements and provide certified operators who have been
16 trained by personnel from the Department of State Police. In
17 addition, one Office of the Inspector General investigator
18 shall have training in the use of the criminal history
19 information access system and have access to the terminal. The
20 Department of Children and Family Services and its employees
21 shall abide by rules and regulations established by the
22 Department of State Police relating to the access and
23 dissemination of this information.

24 (v-1) Prior to final approval for placement of a child, the
25 Department shall conduct a criminal records background check of
26 the prospective foster or adoptive parent, including

1 fingerprint-based checks of national crime information
2 databases. Final approval for placement shall not be granted if
3 the record check reveals a felony conviction for child abuse or
4 neglect, for spousal abuse, for a crime against children, or
5 for a crime involving violence, including rape, sexual assault,
6 or homicide, but not including other physical assault or
7 battery, or if there is a felony conviction for physical
8 assault, battery, or a drug-related offense committed within
9 the past 5 years.

10 (v-2) Prior to final approval for placement of a child, the
11 Department shall check its child abuse and neglect registry for
12 information concerning prospective foster and adoptive
13 parents, and any adult living in the home. If any prospective
14 foster or adoptive parent or other adult living in the home has
15 resided in another state in the preceding 5 years, the
16 Department shall request a check of that other state's child
17 abuse and neglect registry.

18 (w) Within 120 days of August 20, 1995 (the effective date
19 of Public Act 89-392), the Department shall prepare and submit
20 to the Governor and the General Assembly, a written plan for
21 the development of in-state licensed secure child care
22 facilities that care for children who are in need of secure
23 living arrangements for their health, safety, and well-being.
24 For purposes of this subsection, secure care facility shall
25 mean a facility that is designed and operated to ensure that
26 all entrances and exits from the facility, a building or a

1 distinct part of the building, are under the exclusive control
2 of the staff of the facility, whether or not the child has the
3 freedom of movement within the perimeter of the facility,
4 building, or distinct part of the building. The plan shall
5 include descriptions of the types of facilities that are needed
6 in Illinois; the cost of developing these secure care
7 facilities; the estimated number of placements; the potential
8 cost savings resulting from the movement of children currently
9 out-of-state who are projected to be returned to Illinois; the
10 necessary geographic distribution of these facilities in
11 Illinois; and a proposed timetable for development of such
12 facilities.

13 (x) The Department shall conduct annual credit history
14 checks to determine the financial history of children placed
15 under its guardianship pursuant to the Juvenile Court Act of
16 1987. The Department shall conduct such credit checks starting
17 when a ward turns 12 years old and each year thereafter for the
18 duration of the guardianship as terminated pursuant to the
19 Juvenile Court Act of 1987. The Department shall determine if
20 financial exploitation of the child's personal information has
21 occurred. If financial exploitation appears to have taken place
22 or is presently ongoing, the Department shall notify the proper
23 law enforcement agency, the proper State's Attorney, or the
24 Attorney General.

25 (y) Beginning on the effective date of this amendatory Act
26 of the 96th General Assembly, a child with a disability who

1 receives residential and educational services from the
2 Department shall be eligible to receive transition services in
3 accordance with Article 14 of the School Code from the age of
4 14.5 through age 21, inclusive, notwithstanding the child's
5 residential services arrangement. For purposes of this
6 subsection, "child with a disability" means a child with a
7 disability as defined by the federal Individuals with
8 Disabilities Education Improvement Act of 2004.

9 (z) The Department shall access criminal history record
10 information as defined as "background information" in this
11 subsection and criminal history record information as defined
12 in the Illinois Uniform Conviction Information Act for each
13 Department employee or Department applicant. Each Department
14 employee or Department applicant shall submit his or her
15 fingerprints to the Department of State Police in the form and
16 manner prescribed by the Department of State Police. These
17 fingerprints shall be checked against the fingerprint records
18 now and hereafter filed in the Department of State Police and
19 the Federal Bureau of Investigation criminal history records
20 databases. The Department of State Police shall charge a fee
21 for conducting the criminal history record check, which shall
22 be deposited into the State Police Services Fund and shall not
23 exceed the actual cost of the record check. The Department of
24 State Police shall furnish, pursuant to positive
25 identification, all Illinois conviction information to the
26 Department of Children and Family Services.

1 For purposes of this subsection:

2 "Background information" means all of the following:

3 (i) Upon the request of the Department of Children and
4 Family Services, conviction information obtained from the
5 Department of State Police as a result of a
6 fingerprint-based criminal history records check of the
7 Illinois criminal history records database and the Federal
8 Bureau of Investigation criminal history records database
9 concerning a Department employee or Department applicant.

10 (ii) Information obtained by the Department of
11 Children and Family Services after performing a check of
12 the Department of State Police's Sex Offender Database, as
13 authorized by Section 120 of the Sex Offender Community
14 Notification Law, concerning a Department employee or
15 Department applicant.

16 (iii) Information obtained by the Department of
17 Children and Family Services after performing a check of
18 the Child Abuse and Neglect Tracking System (CANTS)
19 operated and maintained by the Department.

20 "Department employee" means a full-time or temporary
21 employee coded or certified within the State of Illinois
22 Personnel System.

23 "Department applicant" means an individual who has
24 conditional Department full-time or part-time work, a
25 contractor, an individual used to replace or supplement staff,
26 an academic intern, a volunteer in Department offices or on

1 Department contracts, a work-study student, an individual or
2 entity licensed by the Department, or an unlicensed service
3 provider who works as a condition of a contract or an agreement
4 and whose work may bring the unlicensed service provider into
5 contact with Department clients or client records.

6 (Source: P.A. 96-134, eff. 8-7-09; 96-581, eff. 1-1-10; 96-600,
7 eff. 8-21-09; 96-619, eff. 1-1-10; 96-760, eff. 1-1-10;
8 96-1000, eff. 7-2-10; 96-1189, eff. 7-22-10; 97-1150, eff.
9 1-25-13.)

10 Section 10. The Child Care Act of 1969 is amended by
11 changing Section 4.1 and by adding Sections 2.28 and 2.29 as
12 follows:

13 (225 ILCS 10/2.28 new)

14 Sec. 2.28. Non-licensed service provider. "Non-licensed
15 service provider" means an individual or entity that contracts
16 with the Department to provide child welfare services that
17 enable the Department to perform its duties under the Abused
18 and Neglected Child Reporting Act, the Child Care Act of 1969,
19 and the Children and Family Services Act.

20 (225 ILCS 10/2.29 new)

21 Sec. 2.29. Volunteer. "Volunteer" means a person who
22 performs a service willingly and without pay.

1 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

2 Sec. 4.1. Criminal Background Investigations. The
3 Department shall require that each child care facility license
4 applicant as part of the application process, and each employee
5 and volunteer of a child care facility or non-licensed service
6 provider, as a condition of employment, authorize an
7 investigation to determine if such applicant, ~~or~~ employee, or
8 volunteer has ever been charged with a crime and if so, the
9 disposition of those charges; this authorization shall
10 indicate the scope of the inquiry and the agencies which may be
11 contacted. Upon this authorization, the Director shall request
12 and receive information and assistance from any federal, State
13 or local governmental agency as part of the authorized
14 investigation. Each applicant, employee, or volunteer of a
15 child care facility or non-licensed service provider shall
16 submit his or her fingerprints to the Department of State
17 Police in the form and manner prescribed by the Department of
18 State Police. These fingerprints shall be checked against the
19 fingerprint records now and hereafter filed in the Department
20 of State Police and Federal Bureau of Investigation criminal
21 history records databases. The Department of State Police shall
22 charge a fee for conducting the criminal history records check,
23 which shall be deposited in the State Police Services Fund and
24 shall not exceed the actual cost of the records check. The
25 Department of State Police shall provide information
26 concerning any criminal charges, and their disposition, now or

1 hereafter filed, against an applicant, ~~or child care facility~~
2 employee, or volunteer of a child care facility or non-licensed
3 service provider upon request of the Department of Children and
4 Family Services when the request is made in the form and manner
5 required by the Department of State Police.

6 Information concerning convictions of a license applicant, ~~or~~
7 employee, or volunteer of a child care facility or non-licensed
8 service provider investigated under this Section, including
9 the source of the information and any conclusions or
10 recommendations derived from the information, shall be
11 provided, upon request, to such applicant, ~~employee, or~~
12 volunteer of a child care facility or non-licensed service
13 provider prior to final action by the Department on the
14 application. State conviction information provided by the
15 Department of State Police regarding employees, ~~or~~ prospective
16 employees, or volunteers of non-licensed service providers and
17 child care facilities licensed under this Act shall be provided
18 to the operator of such facility, and, upon request, to the
19 employee, ~~or~~ prospective employee, or volunteer of a child care
20 facility or non-licensed service provider. Any information
21 concerning criminal charges and the disposition of such charges
22 obtained by the Department shall be confidential and may not be
23 transmitted outside the Department, except as required herein,
24 and may not be transmitted to anyone within the Department
25 except as needed for the purpose of evaluating an application
26 or an a child care facility employee or volunteer of a child

1 care facility or non-licensed service provider. Only
2 information and standards which bear a reasonable and rational
3 relation to the performance of a child care facility shall be
4 used by the Department or any licensee. Any employee of the
5 Department of Children and Family Services, Department of State
6 Police, or a child care facility receiving confidential
7 information under this Section who gives or causes to be given
8 any confidential information concerning any criminal
9 convictions of an a child care facility applicant, or child
10 care facility employee, or volunteer of a child care facility
11 or non-licensed service provider, shall be guilty of a Class A
12 misdemeanor unless release of such information is authorized by
13 this Section.

14 A child care facility may hire, on a probationary basis,
15 any employee or volunteer of a child care facility or
16 non-licensed service provider authorizing a criminal
17 background investigation under this Section, pending the
18 result of such investigation. Employees and volunteers of a
19 child care facility or non-licensed service provider shall be
20 notified prior to hiring that such employment may be terminated
21 on the basis of criminal background information obtained by the
22 facility.

23 (Source: P.A. 93-418, eff. 1-1-04.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."