

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 5. The Children and Family Services Act is amended
5 by changing Section 7 as follows:

6 (20 ILCS 505/7) (from Ch. 23, par. 5007)

7 Sec. 7. Placement of children; considerations.

8 (a) In placing any child under this Act, the Department
9 shall place the child, as far as possible, in the care and
10 custody of some individual holding the same religious belief as
11 the parents of the child, or with some child care facility
12 which is operated by persons of like religious faith as the
13 parents of such child.

14 (a-5) In placing a child under this Act, the Department
15 shall place the child with the child's sibling or siblings
16 under Section 7.4 of this Act unless the placement is not in
17 each child's best interest, or is otherwise not possible under
18 the Department's rules. If the child is not placed with a
19 sibling under the Department's rules, the Department shall
20 consider placements that are likely to develop, preserve,
21 nurture, and support sibling relationships, where doing so is
22 in each child's best interest.

23 (b) In placing a child under this Act, the Department may

1 place a child with a relative if the Department determines that
2 the relative will be able to adequately provide for the child's
3 safety and welfare based on the factors set forth in the
4 Department's rules governing relative placements, and that the
5 placement is consistent with the child's best interests, taking
6 into consideration the factors set out in subsection (4.05) of
7 Section 1-3 of the Juvenile Court Act of 1987.

8 When the Department first assumes custody of a child, in
9 placing that child under this Act, the Department shall make
10 reasonable efforts to identify, locate, and provide notice to
11 all adult grandparents and other adult relatives of the child
12 who are ~~and locate a relative who is~~ ready, willing, and able
13 to care for the child. At a minimum, these efforts shall be
14 renewed each time the child requires a placement change and it
15 is appropriate for the child to be cared for in a home
16 environment. The Department must document its efforts to
17 identify, and locate, and provide notice to such potential
18 relative placements ~~such a relative placement~~ and maintain the
19 documentation in the child's case file.

20 If the Department determines that a placement with any
21 identified relative is not in the child's best interests or
22 that the relative does not meet the requirements to be a
23 relative caregiver, as set forth in Department rules or by
24 statute, the Department must document the basis for that
25 decision and maintain the documentation in the child's case
26 file.

1 If, pursuant to the Department's rules, any person files an
2 administrative appeal of the Department's decision not to place
3 a child with a relative, it is the Department's burden to prove
4 that the decision is consistent with the child's best
5 interests.

6 When the Department determines that the child requires
7 placement in an environment, other than a home environment, the
8 Department shall continue to make reasonable efforts to
9 identify and locate relatives to serve as visitation resources
10 for the child and potential future placement resources, except
11 when the Department determines that those efforts would be
12 futile or inconsistent with the child's best interests.

13 If the Department determines that efforts to identify and
14 locate relatives would be futile or inconsistent with the
15 child's best interests, the Department shall document the basis
16 of its determination and maintain the documentation in the
17 child's case file.

18 If the Department determines that an individual or a group
19 of relatives are inappropriate to serve as visitation resources
20 or possible placement resources, the Department shall document
21 the basis of its determination and maintain the documentation
22 in the child's case file.

23 When the Department determines that an individual or a
24 group of relatives are appropriate to serve as visitation
25 resources or possible future placement resources, the
26 Department shall document the basis of its determination,

1 maintain the documentation in the child's case file, create a
2 visitation or transition plan, or both, and incorporate the
3 visitation or transition plan, or both, into the child's case
4 plan. For the purpose of this subsection, any determination as
5 to the child's best interests shall include consideration of
6 the factors set out in subsection (4.05) of Section 1-3 of the
7 Juvenile Court Act of 1987.

8 The Department may not place a child with a relative, with
9 the exception of certain circumstances which may be waived as
10 defined by the Department in rules, if the results of a check
11 of the Law Enforcement Agencies Data System (LEADS) identifies
12 a prior criminal conviction of the relative or any adult member
13 of the relative's household for any of the following offenses
14 under the Criminal Code of 1961 or the Criminal Code of 2012:

15 (1) murder;

16 (1.1) solicitation of murder;

17 (1.2) solicitation of murder for hire;

18 (1.3) intentional homicide of an unborn child;

19 (1.4) voluntary manslaughter of an unborn child;

20 (1.5) involuntary manslaughter;

21 (1.6) reckless homicide;

22 (1.7) concealment of a homicidal death;

23 (1.8) involuntary manslaughter of an unborn child;

24 (1.9) reckless homicide of an unborn child;

25 (1.10) drug-induced homicide;

26 (2) a sex offense under Article 11, except offenses

1 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
2 11-40, and 11-45;

3 (3) kidnapping;

4 (3.1) aggravated unlawful restraint;

5 (3.2) forcible detention;

6 (3.3) aiding and abetting child abduction;

7 (4) aggravated kidnapping;

8 (5) child abduction;

9 (6) aggravated battery of a child as described in
10 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;

11 (7) criminal sexual assault;

12 (8) aggravated criminal sexual assault;

13 (8.1) predatory criminal sexual assault of a child;

14 (9) criminal sexual abuse;

15 (10) aggravated sexual abuse;

16 (11) heinous battery as described in Section 12-4.1 or
17 subdivision (a) (2) of Section 12-3.05;

18 (12) aggravated battery with a firearm as described in
19 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
20 (e) (4) of Section 12-3.05;

21 (13) tampering with food, drugs, or cosmetics;

22 (14) drug-induced infliction of great bodily harm as
23 described in Section 12-4.7 or subdivision (g) (1) of
24 Section 12-3.05;

25 (15) aggravated stalking;

26 (16) home invasion;

- 1 (17) vehicular invasion;
- 2 (18) criminal transmission of HIV;
- 3 (19) criminal abuse or neglect of an elderly or
4 disabled person as described in Section 12-21 or subsection
5 (b) of Section 12-4.4a;
- 6 (20) child abandonment;
- 7 (21) endangering the life or health of a child;
- 8 (22) ritual mutilation;
- 9 (23) ritualized abuse of a child;
- 10 (24) an offense in any other state the elements of
11 which are similar and bear a substantial relationship to
12 any of the foregoing offenses.

13 For the purpose of this subsection, "relative" shall
14 include any person, 21 years of age or over, other than the
15 parent, who (i) is currently related to the child in any of the
16 following ways by blood or adoption: grandparent, sibling,
17 great-grandparent, uncle, aunt, nephew, niece, first cousin,
18 second cousin, godparent, great-uncle, or great-aunt; or (ii)
19 is the spouse of such a relative; or (iii) is the child's
20 step-father, step-mother, or adult step-brother or
21 step-sister; or (iv) is a fictive kin; "relative" also includes
22 a person related in any of the foregoing ways to a sibling of a
23 child, even though the person is not related to the child, when
24 the child and its sibling are placed together with that person.
25 For children who have been in the guardianship of the
26 Department, have been adopted, and are subsequently returned to

1 the temporary custody or guardianship of the Department, a
2 "relative" may also include any person who would have qualified
3 as a relative under this paragraph prior to the adoption, but
4 only if the Department determines, and documents, that it would
5 be in the child's best interests to consider this person a
6 relative, based upon the factors for determining best interests
7 set forth in subsection (4.05) of Section 1-3 of the Juvenile
8 Court Act of 1987. A relative with whom a child is placed
9 pursuant to this subsection may, but is not required to, apply
10 for licensure as a foster family home pursuant to the Child
11 Care Act of 1969; provided, however, that as of July 1, 1995,
12 foster care payments shall be made only to licensed foster
13 family homes pursuant to the terms of Section 5 of this Act.

14 Notwithstanding any other provision under this subsection
15 to the contrary, a fictive kin with whom a child is placed
16 pursuant to this subsection shall apply for licensure as a
17 foster family home pursuant to the Child Care Act of 1969
18 within 6 months of the child's placement with the fictive kin.
19 The Department shall not remove a child from the home of a
20 fictive kin on the basis that the fictive kin fails to apply
21 for licensure within 6 months of the child's placement with the
22 fictive kin, or fails to meet the standard for licensure. All
23 other requirements established under the rules and procedures
24 of the Department concerning the placement of a child, for whom
25 the Department is legally responsible, with a relative shall
26 apply. By June 1, 2015, the Department shall promulgate rules

1 establishing criteria and standards for placement,
2 identification, and licensure of fictive kin.

3 For purposes of this subsection, "fictive kin" means any
4 individual, unrelated by birth or marriage, who is shown to
5 have close personal or emotional ties with the child or the
6 child's family prior to the child's placement with the
7 individual.

8 The provisions added to this subsection (b) by this
9 amendatory Act of the 98th General Assembly shall become
10 operative on and after June 1, 2015.

11 (c) In placing a child under this Act, the Department shall
12 ensure that the child's health, safety, and best interests are
13 met. In rejecting placement of a child with an identified
14 relative, the Department shall ensure that the child's health,
15 safety, and best interests are met. In evaluating the best
16 interests of the child, the Department shall take into
17 consideration the factors set forth in subsection (4.05) of
18 Section 1-3 of the Juvenile Court Act of 1987.

19 The Department shall consider the individual needs of the
20 child and the capacity of the prospective foster or adoptive
21 parents to meet the needs of the child. When a child must be
22 placed outside his or her home and cannot be immediately
23 returned to his or her parents or guardian, a comprehensive,
24 individualized assessment shall be performed of that child at
25 which time the needs of the child shall be determined. Only if
26 race, color, or national origin is identified as a legitimate

1 factor in advancing the child's best interests shall it be
2 considered. Race, color, or national origin shall not be
3 routinely considered in making a placement decision. The
4 Department shall make special efforts for the diligent
5 recruitment of potential foster and adoptive families that
6 reflect the ethnic and racial diversity of the children for
7 whom foster and adoptive homes are needed. "Special efforts"
8 shall include contacting and working with community
9 organizations and religious organizations and may include
10 contracting with those organizations, utilizing local media
11 and other local resources, and conducting outreach activities.

12 (c-1) At the time of placement, the Department shall
13 consider concurrent planning, as described in subsection (l-1)
14 of Section 5, so that permanency may occur at the earliest
15 opportunity. Consideration should be given so that if
16 reunification fails or is delayed, the placement made is the
17 best available placement to provide permanency for the child.

18 (d) The Department may accept gifts, grants, offers of
19 services, and other contributions to use in making special
20 recruitment efforts.

21 (e) The Department in placing children in adoptive or
22 foster care homes may not, in any policy or practice relating
23 to the placement of children for adoption or foster care,
24 discriminate against any child or prospective adoptive or
25 foster parent on the basis of race.

26 (Source: P.A. 97-1076, eff. 8-24-12; 97-1109, eff. 1-1-13;

1 97-1150, eff. 1-25-13; 98-846, eff. 1-1-15.)