



Rep. Norine Hammond

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LRB099 06206 KTG 32800 a

1 AMENDMENT TO HOUSE BILL 2705

2 AMENDMENT NO. _____. Amend House Bill 2705 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 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

1 each child's best interest, or is otherwise not possible under
2 the Department's rules. If the child is not placed with a
3 sibling under the Department's rules, the Department shall
4 consider placements that are likely to develop, preserve,
5 nurture, and support sibling relationships, where doing so is
6 in each child's best interest.

7 (b) In placing a child under this Act, the Department may
8 place a child with a relative if the Department determines that
9 the relative will be able to adequately provide for the child's
10 safety and welfare based on the factors set forth in the
11 Department's rules governing relative placements, and that the
12 placement is consistent with the child's best interests, taking
13 into consideration the factors set out in subsection (4.05) of
14 Section 1-3 of the Juvenile Court Act of 1987.

15 When the Department first assumes custody of a child, in
16 placing that child under this Act, the Department shall make
17 reasonable efforts to identify and locate a relative who is
18 ready, willing, and able to care for the child. At a minimum,
19 these efforts shall be renewed each time the child requires a
20 placement change and it is appropriate for the child to be
21 cared for in a home environment. The Department must document
22 its efforts to identify and locate such a relative placement
23 and maintain the documentation in the child's case file.

24 If the Department determines that a placement with any
25 identified relative is not in the child's best interests or
26 that the relative does not meet the requirements to be a

1 relative caregiver, as set forth in Department rules or by
2 statute, the Department must document the basis for that
3 decision and maintain the documentation in the child's case
4 file.

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

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

17 The Department shall grant visitation privileges to any
18 grandparent of a child in the care of the Department who is
19 ready, willing, and able to care for the child.

20 If the Department determines that efforts to identify and
21 locate relatives would be futile or inconsistent with the
22 child's best interests, the Department shall document the basis
23 of its determination and maintain the documentation in the
24 child's case file.

25 If the Department determines that an individual or a group
26 of relatives are inappropriate to serve as visitation resources

1 or possible placement resources, the Department shall document
2 the basis of its determination and maintain the documentation
3 in the child's case file.

4 When the Department determines that an individual or a
5 group of relatives are appropriate to serve as visitation
6 resources or possible future placement resources, the
7 Department shall document the basis of its determination,
8 maintain the documentation in the child's case file, create a
9 visitation or transition plan, or both, and incorporate the
10 visitation or transition plan, or both, into the child's case
11 plan. For the purpose of this subsection, any determination as
12 to the child's best interests shall include consideration of
13 the factors set out in subsection (4.05) of Section 1-3 of the
14 Juvenile Court Act of 1987.

15 The Department may not place a child with a relative, with
16 the exception of certain circumstances which may be waived as
17 defined by the Department in rules, if the results of a check
18 of the Law Enforcement Agencies Data System (LEADS) identifies
19 a prior criminal conviction of the relative or any adult member
20 of the relative's household for any of the following offenses
21 under the Criminal Code of 1961 or the Criminal Code of 2012:

22 (1) murder;

23 (1.1) solicitation of murder;

24 (1.2) solicitation of murder for hire;

25 (1.3) intentional homicide of an unborn child;

26 (1.4) voluntary manslaughter of an unborn child;

- 1 (1.5) involuntary manslaughter;
- 2 (1.6) reckless homicide;
- 3 (1.7) concealment of a homicidal death;
- 4 (1.8) involuntary manslaughter of an unborn child;
- 5 (1.9) reckless homicide of an unborn child;
- 6 (1.10) drug-induced homicide;
- 7 (2) a sex offense under Article 11, except offenses
- 8 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
- 9 11-40, and 11-45;
- 10 (3) kidnapping;
- 11 (3.1) aggravated unlawful restraint;
- 12 (3.2) forcible detention;
- 13 (3.3) aiding and abetting child abduction;
- 14 (4) aggravated kidnapping;
- 15 (5) child abduction;
- 16 (6) aggravated battery of a child as described in
- 17 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 18 (7) criminal sexual assault;
- 19 (8) aggravated criminal sexual assault;
- 20 (8.1) predatory criminal sexual assault of a child;
- 21 (9) criminal sexual abuse;
- 22 (10) aggravated sexual abuse;
- 23 (11) heinous battery as described in Section 12-4.1 or
- 24 subdivision (a) (2) of Section 12-3.05;
- 25 (12) aggravated battery with a firearm as described in
- 26 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or

1 (e) (4) of Section 12-3.05;

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

3 (14) drug-induced infliction of great bodily harm as
4 described in Section 12-4.7 or subdivision (g)(1) of
5 Section 12-3.05;

6 (15) aggravated stalking;

7 (16) home invasion;

8 (17) vehicular invasion;

9 (18) criminal transmission of HIV;

10 (19) criminal abuse or neglect of an elderly or
11 disabled person as described in Section 12-21 or subsection
12 (b) of Section 12-4.4a;

13 (20) child abandonment;

14 (21) endangering the life or health of a child;

15 (22) ritual mutilation;

16 (23) ritualized abuse of a child;

17 (24) an offense in any other state the elements of
18 which are similar and bear a substantial relationship to
19 any of the foregoing offenses.

20 For the purpose of this subsection, "relative" shall
21 include any person, 21 years of age or over, other than the
22 parent, who (i) is currently related to the child in any of the
23 following ways by blood or adoption: grandparent, sibling,
24 great-grandparent, uncle, aunt, nephew, niece, first cousin,
25 second cousin, godparent, great-uncle, or great-aunt; or (ii)
26 is the spouse of such a relative; or (iii) is the child's

1 step-father, step-mother, or adult step-brother or
2 step-sister; or (iv) is a fictive kin; "relative" also includes
3 a person related in any of the foregoing ways to a sibling of a
4 child, even though the person is not related to the child, when
5 the child and its sibling are placed together with that person.
6 For children who have been in the guardianship of the
7 Department, have been adopted, and are subsequently returned to
8 the temporary custody or guardianship of the Department, a
9 "relative" may also include any person who would have qualified
10 as a relative under this paragraph prior to the adoption, but
11 only if the Department determines, and documents, that it would
12 be in the child's best interests to consider this person a
13 relative, based upon the factors for determining best interests
14 set forth in subsection (4.05) of Section 1-3 of the Juvenile
15 Court Act of 1987. A relative with whom a child is placed
16 pursuant to this subsection may, but is not required to, apply
17 for licensure as a foster family home pursuant to the Child
18 Care Act of 1969; provided, however, that as of July 1, 1995,
19 foster care payments shall be made only to licensed foster
20 family homes pursuant to the terms of Section 5 of this Act.

21 Notwithstanding any other provision under this subsection
22 to the contrary, a fictive kin with whom a child is placed
23 pursuant to this subsection shall apply for licensure as a
24 foster family home pursuant to the Child Care Act of 1969
25 within 6 months of the child's placement with the fictive kin.
26 The Department shall not remove a child from the home of a

1 fictive kin on the basis that the fictive kin fails to apply
2 for licensure within 6 months of the child's placement with the
3 fictive kin, or fails to meet the standard for licensure. All
4 other requirements established under the rules and procedures
5 of the Department concerning the placement of a child, for whom
6 the Department is legally responsible, with a relative shall
7 apply. By June 1, 2015, the Department shall promulgate rules
8 establishing criteria and standards for placement,
9 identification, and licensure of fictive kin.

10 For purposes of this subsection, "fictive kin" means any
11 individual, unrelated by birth or marriage, who is shown to
12 have close personal or emotional ties with the child or the
13 child's family prior to the child's placement with the
14 individual.

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

18 (c) In placing a child under this Act, the Department shall
19 ensure that the child's health, safety, and best interests are
20 met. In rejecting placement of a child with an identified
21 relative, the Department shall ensure that the child's health,
22 safety, and best interests are met. In evaluating the best
23 interests of the child, the Department shall take into
24 consideration the factors set forth in subsection (4.05) of
25 Section 1-3 of the Juvenile Court Act of 1987.

26 The Department shall consider the individual needs of the

1 child and the capacity of the prospective foster or adoptive
2 parents to meet the needs of the child. When a child must be
3 placed outside his or her home and cannot be immediately
4 returned to his or her parents or guardian, a comprehensive,
5 individualized assessment shall be performed of that child at
6 which time the needs of the child shall be determined. Only if
7 race, color, or national origin is identified as a legitimate
8 factor in advancing the child's best interests shall it be
9 considered. Race, color, or national origin shall not be
10 routinely considered in making a placement decision. The
11 Department shall make special efforts for the diligent
12 recruitment of potential foster and adoptive families that
13 reflect the ethnic and racial diversity of the children for
14 whom foster and adoptive homes are needed. "Special efforts"
15 shall include contacting and working with community
16 organizations and religious organizations and may include
17 contracting with those organizations, utilizing local media
18 and other local resources, and conducting outreach activities.

19 (c-1) At the time of placement, the Department shall
20 consider concurrent planning, as described in subsection (1-1)
21 of Section 5, so that permanency may occur at the earliest
22 opportunity. Consideration should be given so that if
23 reunification fails or is delayed, the placement made is the
24 best available placement to provide permanency for the child.

25 (d) The Department may accept gifts, grants, offers of
26 services, and other contributions to use in making special

1 recruitment efforts.

2 (e) The Department in placing children in adoptive or
3 foster care homes may not, in any policy or practice relating
4 to the placement of children for adoption or foster care,
5 discriminate against any child or prospective adoptive or
6 foster parent on the basis of race.

7 (Source: P.A. 97-1076, eff. 8-24-12; 97-1109, eff. 1-1-13;
8 97-1150, eff. 1-25-13; 98-846, eff. 1-1-15.)".