



Rep. Patricia R. Bellock

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1 AMENDMENT TO HOUSE BILL 4083

2 AMENDMENT NO. _____. Amend House Bill 4083 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 (i-5) During any investigation of alleged child abuse or
22 neglect that does not result in a placement of the child
23 outside of the child's home, the Department shall provide
24 information to the parent or guardian about community service
25 programs that provide respite care, voluntary guardianship, or
26 other support services for families in crisis.

1 (j) The Department may provide categories of financial
2 assistance and education assistance grants, and shall
3 establish rules and regulations concerning the assistance and
4 grants, to persons who adopt physically or mentally
5 handicapped, older and other hard-to-place children who (i)
6 immediately prior to their adoption were legal wards of the
7 Department or (ii) were determined eligible for financial
8 assistance with respect to a prior adoption and who become
9 available for adoption because the prior adoption has been
10 dissolved and the parental rights of the adoptive parents have
11 been terminated or because the child's adoptive parents have
12 died. The Department may continue to provide financial
13 assistance and education assistance grants for a child who was
14 determined eligible for financial assistance under this
15 subsection (j) in the interim period beginning when the child's
16 adoptive parents died and ending with the finalization of the
17 new adoption of the child by another adoptive parent or
18 parents. The Department may also provide categories of
19 financial assistance and education assistance grants, and
20 shall establish rules and regulations for the assistance and
21 grants, to persons appointed guardian of the person under
22 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
23 4-25 or 5-740 of the Juvenile Court Act of 1987 for children
24 who were wards of the Department for 12 months immediately
25 prior to the appointment of the guardian.

26 The amount of assistance may vary, depending upon the needs

1 of the child and the adoptive parents, as set forth in the
2 annual assistance agreement. Special purpose grants are
3 allowed where the child requires special service but such costs
4 may not exceed the amounts which similar services would cost
5 the Department if it were to provide or secure them as guardian
6 of the child.

7 Any financial assistance provided under this subsection is
8 inalienable by assignment, sale, execution, attachment,
9 garnishment, or any other remedy for recovery or collection of
10 a judgment or debt.

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

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

19 (l) The Department shall offer family preservation
20 services, as defined in Section 8.2 of the Abused and Neglected
21 Child Reporting Act, to help families, including adoptive and
22 extended families. Family preservation services shall be
23 offered (i) to prevent the placement of children in substitute
24 care when the children can be cared for at home or in the
25 custody of the person responsible for the children's welfare,
26 (ii) to reunite children with their families, or (iii) to

1 maintain an adoptive placement. Family preservation services
2 shall only be offered when doing so will not endanger the
3 children's health or safety. With respect to children who are
4 in substitute care pursuant to the Juvenile Court Act of 1987,
5 family preservation services shall not be offered if a goal
6 other than those of subdivisions (A), (B), or (B-1) of
7 subsection (2) of Section 2-28 of that Act has been set.
8 Nothing in this paragraph shall be construed to create a
9 private right of action or claim on the part of any individual
10 or child welfare agency, except that when a child is the
11 subject of an action under Article II of the Juvenile Court Act
12 of 1987 and the child's service plan calls for services to
13 facilitate achievement of the permanency goal, the court
14 hearing the action under Article II of the Juvenile Court Act
15 of 1987 may order the Department to provide the services set
16 out in the plan, if those services are not provided with
17 reasonable promptness and if those services are available.

18 The Department shall notify the child and his family of the
19 Department's responsibility to offer and provide family
20 preservation services as identified in the service plan. The
21 child and his family shall be eligible for services as soon as
22 the report is determined to be "indicated". The Department may
23 offer services to any child or family with respect to whom a
24 report of suspected child abuse or neglect has been filed,
25 prior to concluding its investigation under Section 7.12 of the
26 Abused and Neglected Child Reporting Act. However, the child's

1 or family's willingness to accept services shall not be
2 considered in the investigation. The Department may also
3 provide services to any child or family who is the subject of
4 any report of suspected child abuse or neglect or may refer
5 such child or family to services available from other agencies
6 in the community, even if the report is determined to be
7 unfounded, if the conditions in the child's or family's home
8 are reasonably likely to subject the child or family to future
9 reports of suspected child abuse or neglect. Acceptance of such
10 services shall be voluntary. The Department may also provide
11 services to any child or family after completion of a family
12 assessment, as an alternative to an investigation, as provided
13 under the "differential response program" provided for in
14 subsection (a-5) of Section 7.4 of the Abused and Neglected
15 Child Reporting Act.

16 The Department may, at its discretion except for those
17 children also adjudicated neglected or dependent, accept for
18 care and training any child who has been adjudicated addicted,
19 as a truant minor in need of supervision or as a minor
20 requiring authoritative intervention, under the Juvenile Court
21 Act or the Juvenile Court Act of 1987, but no such child shall
22 be committed to the Department by any court without the
23 approval of the Department. On and after the effective date of
24 this amendatory Act of the 98th General Assembly and before
25 January 1, 2017, a minor charged with a criminal offense under
26 the Criminal Code of 1961 or the Criminal Code of 2012 or

1 adjudicated delinquent shall not be placed in the custody of or
2 committed to the Department by any court, except (i) a minor
3 less than 16 years of age committed to the Department under
4 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
5 for whom an independent basis of abuse, neglect, or dependency
6 exists, which must be defined by departmental rule, or (iii) a
7 minor for whom the court has granted a supplemental petition to
8 reinstate wardship pursuant to subsection (2) of Section 2-33
9 of the Juvenile Court Act of 1987. On and after January 1,
10 2017, a minor charged with a criminal offense under the
11 Criminal Code of 1961 or the Criminal Code of 2012 or
12 adjudicated delinquent shall not be placed in the custody of or
13 committed to the Department by any court, except (i) a minor
14 less than 15 years of age committed to the Department under
15 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor
16 for whom an independent basis of abuse, neglect, or dependency
17 exists, which must be defined by departmental rule, or (iii) a
18 minor for whom the court has granted a supplemental petition to
19 reinstate wardship pursuant to subsection (2) of Section 2-33
20 of the Juvenile Court Act of 1987. An independent basis exists
21 when the allegations or adjudication of abuse, neglect, or
22 dependency do not arise from the same facts, incident, or
23 circumstances which give rise to a charge or adjudication of
24 delinquency.

25 As soon as is possible after August 7, 2009 (the effective
26 date of Public Act 96-134), the Department shall develop and

1 implement a special program of family preservation services to
2 support intact, foster, and adoptive families who are
3 experiencing extreme hardships due to the difficulty and stress
4 of caring for a child who has been diagnosed with a pervasive
5 developmental disorder if the Department determines that those
6 services are necessary to ensure the health and safety of the
7 child. The Department may offer services to any family whether
8 or not a report has been filed under the Abused and Neglected
9 Child Reporting Act. The Department may refer the child or
10 family to services available from other agencies in the
11 community if the conditions in the child's or family's home are
12 reasonably likely to subject the child or family to future
13 reports of suspected child abuse or neglect. Acceptance of
14 these services shall be voluntary. The Department shall develop
15 and implement a public information campaign to alert health and
16 social service providers and the general public about these
17 special family preservation services. The nature and scope of
18 the services offered and the number of families served under
19 the special program implemented under this paragraph shall be
20 determined by the level of funding that the Department annually
21 allocates for this purpose. The term "pervasive developmental
22 disorder" under this paragraph means a neurological condition,
23 including but not limited to, Asperger's Syndrome and autism,
24 as defined in the most recent edition of the Diagnostic and
25 Statistical Manual of Mental Disorders of the American
26 Psychiatric Association.

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

14 When determining reasonable efforts to be made with respect
15 to a child, as described in this subsection, and in making such
16 reasonable efforts, the child's health and safety shall be the
17 paramount concern.

18 When a child is placed in foster care, the Department shall
19 ensure and document that reasonable efforts were made to
20 prevent or eliminate the need to remove the child from the
21 child's home. The Department must make reasonable efforts to
22 reunify the family when temporary placement of the child occurs
23 unless otherwise required, pursuant to the Juvenile Court Act
24 of 1987. At any time after the dispositional hearing where the
25 Department believes that further reunification services would
26 be ineffective, it may request a finding from the court that

1 reasonable efforts are no longer appropriate. The Department is
2 not required to provide further reunification services after
3 such a finding.

4 A decision to place a child in substitute care shall be
5 made with considerations of the child's health, safety, and
6 best interests. At the time of placement, consideration should
7 also be given so that if reunification fails or is delayed, the
8 placement made is the best available placement to provide
9 permanency for the child.

10 The Department shall adopt rules addressing concurrent
11 planning for reunification and permanency. The Department
12 shall consider the following factors when determining
13 appropriateness of concurrent planning:

- 14 (1) the likelihood of prompt reunification;
- 15 (2) the past history of the family;
- 16 (3) the barriers to reunification being addressed by
17 the family;
- 18 (4) the level of cooperation of the family;
- 19 (5) the foster parents' willingness to work with the
20 family to reunite;
- 21 (6) the willingness and ability of the foster family to
22 provide an adoptive home or long-term placement;
- 23 (7) the age of the child;
- 24 (8) placement of siblings.

25 (m) The Department may assume temporary custody of any
26 child if:

1 (1) it has received a written consent to such temporary
2 custody signed by the parents of the child or by the parent
3 having custody of the child if the parents are not living
4 together or by the guardian or custodian of the child if
5 the child is not in the custody of either parent, or

6 (2) the child is found in the State and neither a
7 parent, guardian nor custodian of the child can be located.
8 If the child is found in his or her residence without a parent,
9 guardian, custodian or responsible caretaker, the Department
10 may, instead of removing the child and assuming temporary
11 custody, place an authorized representative of the Department
12 in that residence until such time as a parent, guardian or
13 custodian enters the home and expresses a willingness and
14 apparent ability to ensure the child's health and safety and
15 resume permanent charge of the child, or until a relative
16 enters the home and is willing and able to ensure the child's
17 health and safety and assume charge of the child until a
18 parent, guardian or custodian enters the home and expresses
19 such willingness and ability to ensure the child's safety and
20 resume permanent charge. After a caretaker has remained in the
21 home for a period not to exceed 12 hours, the Department must
22 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
23 5-415 of the Juvenile Court Act of 1987.

24 The Department shall have the authority, responsibilities
25 and duties that a legal custodian of the child would have
26 pursuant to subsection (9) of Section 1-3 of the Juvenile Court

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

12 The Department shall ensure that any child taken into
13 custody is scheduled for an appointment for a medical
14 examination.

15 A parent, guardian or custodian of a child in the temporary
16 custody of the Department who would have custody of the child
17 if he were not in the temporary custody of the Department may
18 deliver to the Department a signed request that the Department
19 surrender the temporary custody of the child. The Department
20 may retain temporary custody of the child for 10 days after the
21 receipt of the request, during which period the Department may
22 cause to be filed a petition pursuant to the Juvenile Court Act
23 of 1987. If a petition is so filed, the Department shall retain
24 temporary custody of the child until the court orders
25 otherwise. If a petition is not filed within the 10 day period,
26 the child shall be surrendered to the custody of the requesting

1 parent, guardian or custodian not later than the expiration of
2 the 10 day period, at which time the authority and duties of
3 the Department with respect to the temporary custody of the
4 child shall terminate.

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

19 (n) The Department may place children under 18 years of age
20 in licensed child care facilities when in the opinion of the
21 Department, appropriate services aimed at family preservation
22 have been unsuccessful and cannot ensure the child's health and
23 safety or are unavailable and such placement would be for their
24 best interest. Payment for board, clothing, care, training and
25 supervision of any child placed in a licensed child care
26 facility may be made by the Department, by the parents or

1 guardians of the estates of those children, or by both the
2 Department and the parents or guardians, except that no
3 payments shall be made by the Department for any child placed
4 in a licensed child care facility for board, clothing, care,
5 training and supervision of such a child that exceed the
6 average per capita cost of maintaining and of caring for a
7 child in institutions for dependent or neglected children
8 operated by the Department. However, such restriction on
9 payments does not apply in cases where children require
10 specialized care and treatment for problems of severe emotional
11 disturbance, physical disability, social adjustment, or any
12 combination thereof and suitable facilities for the placement
13 of such children are not available at payment rates within the
14 limitations set forth in this Section. All reimbursements for
15 services delivered shall be absolutely inalienable by
16 assignment, sale, attachment, garnishment or otherwise.

17 (n-1) The Department shall provide or authorize child
18 welfare services, aimed at assisting minors to achieve
19 sustainable self-sufficiency as independent adults, for any
20 minor eligible for the reinstatement of wardship pursuant to
21 subsection (2) of Section 2-33 of the Juvenile Court Act of
22 1987, whether or not such reinstatement is sought or allowed,
23 provided that the minor consents to such services and has not
24 yet attained the age of 21. The Department shall have
25 responsibility for the development and delivery of services
26 under this Section. An eligible youth may access services under

1 this Section through the Department of Children and Family
2 Services or by referral from the Department of Human Services.
3 Youth participating in services under this Section shall
4 cooperate with the assigned case manager in developing an
5 agreement identifying the services to be provided and how the
6 youth will increase skills to achieve self-sufficiency. A
7 homeless shelter is not considered appropriate housing for any
8 youth receiving child welfare services under this Section. The
9 Department shall continue child welfare services under this
10 Section to any eligible minor until the minor becomes 21 years
11 of age, no longer consents to participate, or achieves
12 self-sufficiency as identified in the minor's service plan. The
13 Department of Children and Family Services shall create clear,
14 readable notice of the rights of former foster youth to child
15 welfare services under this Section and how such services may
16 be obtained. The Department of Children and Family Services and
17 the Department of Human Services shall disseminate this
18 information statewide. The Department shall adopt regulations
19 describing services intended to assist minors in achieving
20 sustainable self-sufficiency as independent adults.

21 (o) The Department shall establish an administrative
22 review and appeal process for children and families who request
23 or receive child welfare services from the Department. Children
24 who are wards of the Department and are placed by private child
25 welfare agencies, and foster families with whom those children
26 are placed, shall be afforded the same procedural and appeal

1 rights as children and families in the case of placement by the
2 Department, including the right to an initial review of a
3 private agency decision by that agency. The Department shall
4 insure that any private child welfare agency, which accepts
5 wards of the Department for placement, affords those rights to
6 children and foster families. The Department shall accept for
7 administrative review and an appeal hearing a complaint made by
8 (i) a child or foster family concerning a decision following an
9 initial review by a private child welfare agency or (ii) a
10 prospective adoptive parent who alleges a violation of
11 subsection (j-5) of this Section. An appeal of a decision
12 concerning a change in the placement of a child shall be
13 conducted in an expedited manner. A court determination that a
14 current foster home placement is necessary and appropriate
15 under Section 2-28 of the Juvenile Court Act of 1987 does not
16 constitute a judicial determination on the merits of an
17 administrative appeal, filed by a former foster parent,
18 involving a change of placement decision.

19 (p) There is hereby created the Department of Children and
20 Family Services Emergency Assistance Fund from which the
21 Department may provide special financial assistance to
22 families which are in economic crisis when such assistance is
23 not available through other public or private sources and the
24 assistance is deemed necessary to prevent dissolution of the
25 family unit or to reunite families which have been separated
26 due to child abuse and neglect. The Department shall establish

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

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

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

1 In disbursing funds from children's accounts, the
2 Department shall:

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

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

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

25 (r) The Department shall promulgate regulations
26 encouraging all adoption agencies to voluntarily forward to the

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

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

26 (t) The Department shall perform home studies and

1 investigations and shall exercise supervision over visitation
2 as ordered by a court pursuant to the Illinois Marriage and
3 Dissolution of Marriage Act or the Adoption Act only if:

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

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

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

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

24 (1) available detailed information concerning the
25 child's educational and health history, copies of
26 immunization records (including insurance and medical card

1 information), a history of the child's previous
2 placements, if any, and reasons for placement changes
3 excluding any information that identifies or reveals the
4 location of any previous caretaker;

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

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

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

26 The information described in this subsection shall be

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

15 (u-5) Effective July 1, 1995, only foster care placements
16 licensed as foster family homes pursuant to the Child Care Act
17 of 1969 shall be eligible to receive foster care payments from
18 the Department. Relative caregivers who, as of July 1, 1995,
19 were approved pursuant to approved relative placement rules
20 previously promulgated by the Department at 89 Ill. Adm. Code
21 335 and had submitted an application for licensure as a foster
22 family home may continue to receive foster care payments only
23 until the Department determines that they may be licensed as a
24 foster family home or that their application for licensure is
25 denied or until September 30, 1995, whichever occurs first.

26 (v) The Department shall access criminal history record

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

22 (v-1) Prior to final approval for placement of a child, the
23 Department shall conduct a criminal records background check of
24 the prospective foster or adoptive parent, including
25 fingerprint-based checks of national crime information
26 databases. Final approval for placement shall not be granted if

1 the record check reveals a felony conviction for child abuse or
2 neglect, for spousal abuse, for a crime against children, or
3 for a crime involving violence, including rape, sexual assault,
4 or homicide, but not including other physical assault or
5 battery, or if there is a felony conviction for physical
6 assault, battery, or a drug-related offense committed within
7 the past 5 years.

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

16 (w) Within 120 days of August 20, 1995 (the effective date
17 of Public Act 89-392), the Department shall prepare and submit
18 to the Governor and the General Assembly, a written plan for
19 the development of in-state licensed secure child care
20 facilities that care for children who are in need of secure
21 living arrangements for their health, safety, and well-being.
22 For purposes of this subsection, secure care facility shall
23 mean a facility that is designed and operated to ensure that
24 all entrances and exits from the facility, a building or a
25 distinct part of the building, are under the exclusive control
26 of the staff of the facility, whether or not the child has the

1 freedom of movement within the perimeter of the facility,
2 building, or distinct part of the building. The plan shall
3 include descriptions of the types of facilities that are needed
4 in Illinois; the cost of developing these secure care
5 facilities; the estimated number of placements; the potential
6 cost savings resulting from the movement of children currently
7 out-of-state who are projected to be returned to Illinois; the
8 necessary geographic distribution of these facilities in
9 Illinois; and a proposed timetable for development of such
10 facilities.

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

23 (y) Beginning on the effective date of this amendatory Act
24 of the 96th General Assembly, a child with a disability who
25 receives residential and educational services from the
26 Department shall be eligible to receive transition services in

1 accordance with Article 14 of the School Code from the age of
2 14.5 through age 21, inclusive, notwithstanding the child's
3 residential services arrangement. For purposes of this
4 subsection, "child with a disability" means a child with a
5 disability as defined by the federal Individuals with
6 Disabilities Education Improvement Act of 2004.

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

25 For purposes of this subsection:

26 "Background information" means all of the following:

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

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

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

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

21 "Department applicant" means an individual who has
22 conditional Department full-time or part-time work, a
23 contractor, an individual used to replace or supplement staff,
24 an academic intern, a volunteer in Department offices or on
25 Department contracts, a work-study student, an individual or
26 entity licensed by the Department, or an unlicensed service

1 provider who works as a condition of a contract or an agreement
2 and whose work may bring the unlicensed service provider into
3 contact with Department clients or client records.

4 (Source: P.A. 97-1150, eff. 1-25-13; 98-249, eff. 1-1-14;
5 98-570, eff. 8-27-13; 98-756, eff. 7-16-14; 98-803, eff.
6 1-1-15.)

7 Section 10. The Illinois Power of Attorney Act is amended
8 by adding Article I-A as follows:

9 (755 ILCS 45/Art. I-A heading new)

10 ARTICLE I-A - POWER OF ATTORNEY FOR CARE AND CUSTODY OF CHILD.

11 (755 ILCS 45/1A-1 new)

12 Sec. 1A-1. Definitions. As used in this Article:

13 "Serving parent" means a parent who is a member of the
14 Armed Forces of the United States, including any reserve
15 component thereof, or the commissioned corps of the National
16 Oceanic and Atmospheric Administration or the Public Health
17 Service of the United States Department of Health and Human
18 Services detailed by proper authority for duty with the Armed
19 Forces of the United States, or who is required to enter or
20 serve in the active military service of the United States under
21 a call or order of the President of the United States or to
22 serve on State active duty.

23 "Attorney-in-fact" means a person to whom powers are

1 delegated under a power of attorney.

2 (755 ILCS 45/1A-2 new)

3 Sec. 1A-2. Power of attorney for care and custody of child.

4 (a) A parent or legal custodian of a child, by a properly
5 executed power of attorney provided in Section 1A-3, may
6 delegate to another person, for a period not to exceed one
7 year, except as provided in subsection (f), any of the powers
8 regarding the care and custody of the child, except the power
9 to consent to marriage or adoption of the child, the
10 performance or inducement of an abortion on or for the child,
11 or the termination of parental rights to the child. A
12 delegation of powers under this Section shall not operate to
13 change or modify any parental or legal rights, obligations, or
14 authority established by an existing court order, or deprive
15 the parent or legal custodian of any parental or legal rights,
16 obligations, or authority regarding the custody, visitation,
17 or support of the child.

18 (b) The parent or legal custodian of the child may revoke
19 or withdraw the power of attorney authorized by subsection (a)
20 at any time. Except as provided in subsection (f), if the
21 delegation of authority lasts longer than one year, the parent
22 or legal custodian of the child shall execute a new power of
23 attorney for each additional year that the delegation exists.
24 If a parent withdraws or revokes the power of attorney, the
25 child shall be returned to the custody of the parents as soon

1 as reasonably possible.

2 (c) Unless the authority is revoked or withdrawn by the
3 parent, the attorney-in-fact shall exercise parental or legal
4 authority on a continuous basis without compensation for the
5 duration of the power of attorney authorized by subsection (a)
6 and shall not be subject to any laws concerning the licensing
7 or regulation of foster care homes.

8 (d) Except as otherwise provided by law, the execution of a
9 power of attorney by a parent or legal custodian, as authorized
10 in subsection (a), shall not constitute abandonment, abuse, or
11 neglect unless the parent or legal custodian fails to take
12 custody of the child or execute a new power of attorney after
13 the one-year time limit has elapsed.

14 (e) Under a delegation of powers as authorized by
15 subsection (a), the child subject to the power of attorney
16 shall not be considered placed in foster care and the parties
17 shall not be subject to any of the requirements or licensing
18 rules for foster care or other rules relating to community care
19 for children.

20 (f) A serving parent may delegate the powers designated in
21 subsection (a) for a period longer than one year if on active
22 duty service. The term of delegation, however, may not exceed
23 the term of active duty service plus 30 days.

24 (755 ILCS 45/1A-3 new)

25 Sec. 1A-3. Form.

1 (a) The following statutory form of power of attorney to
2 delegate parental or legal authority as authorized by Section
3 1A-2 is legally sufficient:

4 STATUTORY FORM FOR POWER OF ATTORNEY TO DELEGATE
5 PARENTAL OR LEGAL CUSTODIAN POWERS

6 1. I certify that I am the parent or legal custodian of:

7

8 (Full name of minor child) (Date of birth)

9

10 (Full name of minor child) (Date of birth)

11

12 (Full name of minor child) (Date of birth)

13 who is/are minor children.

14 2. I designate (Full name of attorney-in-fact),

15

16 (Street address, city, state, and zip code of attorney-in-fact)

17

18 (Home phone of (Work phone of

19 attorney-in-fact) attorney-in-fact)

20 as the attorney-in-fact of each minor child named above.

21 3. I delegate to the attorney-in-fact all of my power and

22 authority regarding the care, custody, and property of each

1 minor child named above, including, but not limited to, the
 2 right to enroll the child in school, inspect and obtain copies
 3 of education records and other records concerning the child,
 4 attend school activities and other functions concerning the
 5 child, and give or withhold any consent or waiver with respect
 6 to school activities, medical and dental treatment, and any
 7 other activity, function, or treatment that may concern the
 8 child. This delegation does not include the power or authority
 9 to consent to marriage or adoption of the child, the
 10 performance or inducement of an abortion on or for the child,
 11 or the termination of parental rights to the child.

12 OR

13 4. I delegate to the attorney-in-fact the following specific
 14 powers and responsibilities (write in):

15

16 (In the event Section 4 is completed, Section 3 does not
 17 apply).

18 This delegation does not include the power or authority to
 19 consent to marriage or adoption of the child, the performance
 20 or inducement of an abortion on or for the child, or the
 21 termination of parental rights to the child.

22 5. This power of attorney is effective for a period not to
 23 exceed one year, beginning, 20....., and ending

1, 20..... I reserve the right to revoke this
2 authority at any time.

3 OR

4 6. I am a serving parent as defined by Section 1A-1 of the
5 Illinois Power of Attorney Act. My active duty service is
6 scheduled to begin on, 20....., and is estimated
7 to end on, 20..... I acknowledge that in no event
8 may this delegation of power last more than one year or the
9 term on my active duty plus 30 days, whichever is longer.

10 By
11 (Parent/Legal Custodian signature)

12 7. I hereby accept my designation as attorney-in-fact for the
13 minor child/children specified in this power of attorney.

14
15 (attorney-in-fact signature)

16 Signed and sworn before me on (insert date)
17 by (parent or legal custodian) and
18 (attorney-in-fact).

19

1 (Signature of notary public)

2 My commission expires:"

3 (b) The power of attorney under this Section is legally
4 sufficient under this Act if the wording of the form complies
5 substantially with subsection (a) of this Section, the form is
6 properly completed, and the signatures of the parties are
7 acknowledged.

8 (755 ILCS 45/1A-4 new)

9 Sec. 1A-4. Other laws. An attorney-in-fact to whom powers
10 are delegated under this Article by a parent or guardian is not
11 subject, as a result of the delegation of powers, to the
12 requirements of any child care facility licensing laws or
13 foster care licensing laws and the delegation does not
14 constitute an out-of-home child placement under any child
15 welfare law of this State."