

1 AN ACT concerning children.

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  
5 amended 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 such child, as far as possible, in the care and  
10 custody of some individual holding the same religious belief  
11 as 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 (b) In placing a child under this Act, the Department  
15 may place a child with a relative if the Department has  
16 reason to believe that the relative will be able to  
17 adequately provide for the child's safety and welfare. The  
18 Department may not place a child with a relative, with the  
19 exception of certain circumstances which may be waived as  
20 defined by the Department in rules, if the results of a check  
21 of the Law Enforcement Agency Data System (LEADS) identifies  
22 a prior criminal conviction of the relative or any adult  
23 member of the relative's household for any of the following  
24 offenses under the Criminal Code of 1961:

- 25 (1) murder;
- 26 (1.1) solicitation of murder;
- 27 (1.2) solicitation of murder for hire;
- 28 (1.3) intentional homicide of an unborn child;
- 29 (1.4) voluntary manslaughter of an unborn child;
- 30 (1.5) involuntary manslaughter;
- 31 (1.6) reckless homicide;

- 1 (1.7) concealment of a homicidal death;
- 2 (1.8) involuntary manslaughter of an unborn child;
- 3 (1.9) reckless homicide of an unborn child;
- 4 (1.10) drug-induced homicide;
- 5 (2) a sex offense under Article 11, except offenses
- 6 described in Sections 11-7, 11-8, 11-12, and 11-13;
- 7 (3) kidnapping;
- 8 (3.1) aggravated unlawful restraint;
- 9 (3.2) forcible detention;
- 10 (3.3) aiding and abetting child abduction;
- 11 (4) aggravated kidnapping;
- 12 (5) child abduction;
- 13 (6) aggravated battery of a child;
- 14 (7) criminal sexual assault;
- 15 (8) aggravated criminal sexual assault;
- 16 (8.1) predatory criminal sexual assault of a child;
- 17 (9) criminal sexual abuse;
- 18 (10) aggravated sexual abuse;
- 19 (11) heinous battery;
- 20 (12) aggravated battery with a firearm;
- 21 (13) tampering with food, drugs, or cosmetics;
- 22 (14) drug-induced infliction of great bodily harm;
- 23 (15) aggravated stalking;
- 24 (16) home invasion;
- 25 (17) vehicular invasion;
- 26 (18) criminal transmission of HIV;
- 27 (19) criminal neglect of an elderly or disabled
- 28 person;
- 29 (20) child abandonment;
- 30 (21) endangering the life or health of a child;
- 31 (22) ritual mutilation;
- 32 (23) ritualized abuse of a child;
- 33 (24) an offense in any other state the elements of
- 34 which are similar and bear a substantial relationship to

1 any of the foregoing offenses.

2 For the purpose of this subsection, "relative" shall include  
3 any person, 21 years of age or over, other than the parent,  
4 who (i) is currently related to the child in any of the  
5 following ways by blood or adoption: grandparent, sibling,  
6 great-grandparent, uncle, aunt, nephew, niece, first cousin,  
7 second cousin, godparent, great-uncle, or great-aunt; or (ii)  
8 is the spouse of such a relative; or (iii) is the child's  
9 step-father, step-mother, or adult step-brother or  
10 step-sister; "relative" also includes a person related in any  
11 of the foregoing ways to a sibling of a child, even though  
12 the person is not related to the child, when the child and  
13 its sibling are placed together with that person. A relative  
14 with whom a child is placed pursuant to this subsection may,  
15 but is not required to, apply for licensure as a foster  
16 family home pursuant to the Child Care Act of 1969; provided,  
17 however, that as of July 1, 1995, foster care payments shall  
18 be made only to licensed foster family homes pursuant to the  
19 terms of Section 5 of this Act.

20 (c) In placing a child under this Act, the Department  
21 shall ensure that the child's health, safety, and best  
22 interests are met in making a family foster care placement.  
23 The Department shall consider the individual needs of the  
24 child and the capacity of the prospective foster or adoptive  
25 parents to meet the needs of the child. The Department shall  
26 make special efforts for the diligent recruitment of  
27 potential foster and adoptive families that reflect the  
28 ethnic and racial diversity of the children for whom foster  
29 and adoptive homes are needed. "Special efforts" shall  
30 include contacting and working with community organizations  
31 and religious organizations and may include contracting with  
32 those organizations, utilizing local media and other local  
33 resources, and conducting outreach activities.

34 (c-1) At the time of placement, the Department shall

1 consider concurrent planning, as described in subsection  
2 (1-1) of Section 5, so that permanency may occur at the  
3 earliest opportunity. Consideration should be given so that  
4 if reunification fails or is delayed, the placement made is  
5 the best available placement to provide permanency for the  
6 child.

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

10 (e) The Department in placing children in adoptive or  
11 foster care homes may not, in any policy or practice relating  
12 to the placement of children for adoption or foster care,  
13 discriminate against any child or prospective adoptive or  
14 foster parent on the basis of race.

15 (Source: P.A. 89-21, eff. 7-1-95; 89-422; 89-428, eff.  
16 12-13-95; 89-462, eff. 5-29-96; 89-626, eff. 8-9-96; 90-27,  
17 eff. 1-1-98; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98.)