

1 AMENDMENT TO SENATE BILL 839

2 AMENDMENT NO. _____. Amend Senate Bill 839 on page 1,
3 between lines 3 and 4, by inserting the following:

4 "Section 2. The Children and Family Services Act is
5 amended by changing Sections 7, 7.3, and 35.6 and adding
6 Section 5d as follows:

7 (20 ILCS 505/5d new)

8 Sec. 5d. Advocacy Office for Children and Families. The
9 Department of Children and Family Services shall establish
10 and maintain an Advocacy Office for Children and Families
11 that shall, in addition to other duties assigned by the
12 Director, receive and respond to complaints that may be filed
13 by children, parents, caretakers, and relatives of children
14 receiving child welfare services from the Department of
15 Children and Family Services or its agents. The Department
16 shall promulgate policies and procedures for filing,
17 processing, investigating, and resolving the complaints. The
18 Department shall make a final report to the complainant of
19 its findings. If a final report is not completed, the
20 Department shall report on its disposition every 30 days.
21 The Advocacy Office shall include a statewide toll-free
22 telephone number that may be used to file complaints, or to

1 obtain information about the delivery of child welfare
2 services by the Department or its agents. This telephone
3 number shall be included in all appropriate notices and
4 handbooks regarding services available through the
5 Department.

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;
- 32 (1.7) concealment of a homicidal death;
- 33 (1.8) involuntary manslaughter of an unborn child;

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

34 For the purpose of this subsection, "relative" shall include

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

18 (c) In placing a child under this Act, the Department
19 shall ensure that the child's health, safety, and best
20 interests are met in making a family foster care placement.
21 The Department shall consider the individual needs of the
22 child and the capacity of the prospective foster or adoptive
23 parents to meet the needs of the child. When a child must be
24 placed outside his or her home and cannot be immediately
25 returned to his or her parents or guardian, a comprehensive,
26 individualized assessment shall be performed of that child at
27 which time the needs of the child shall be determined. Only
28 if race, color, or national origin is identified as a
29 legitimate factor in advancing the child's best interests
30 shall it be considered. Race, color, or national origin
31 shall not be routinely considered in making a placement
32 decision. The Department shall make special efforts for the
33 diligent recruitment of potential foster and adoptive
34 families that reflect the ethnic and racial diversity of the

1 children for whom foster and adoptive homes are needed.
2 "Special efforts" shall include contacting and working with
3 community organizations and religious organizations and may
4 include contracting with those organizations, utilizing local
5 media and other local resources, and conducting outreach
6 activities.

7 (c-1) At the time of placement, the Department shall
8 consider concurrent planning, as described in subsection
9 (1-1) of Section 5, so that permanency may occur at the
10 earliest opportunity. Consideration should be given so that
11 if reunification fails or is delayed, the placement made is
12 the best available placement to provide permanency for the
13 child.

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

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

22 (Source: P.A. 89-21, eff. 7-1-95; 89-422; 89-428, eff.
23 12-13-95; 89-462, eff. 5-29-96; 89-626, eff. 8-9-96; 90-27,
24 eff. 1-1-98; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98.)

25 (20 ILCS 505/7.3)

26 Sec. 7.3. Placement plan. The Department shall develop
27 and implement a written plan for placing children. The plan
28 shall include at least the following features:

29 (1) A plan for recruiting minority adoptive and
30 foster families. The plan shall include strategies for
31 using existing resources in minority communities, use of
32 minority outreach staff whenever possible, use of
33 minority foster homes for placements after birth and

1 before adoption, and other techniques as appropriate.

2 (2) A plan for training adoptive and foster
3 families of minority children.

4 (3) A plan for employing social workers in adoption
5 and foster care. The plan shall include staffing goals
6 and objectives.

7 (4) A plan for ensuring that adoption and foster
8 care workers attend training offered or approved by the
9 Department regarding the State's goal of encouraging
10 cultural diversity and the needs of special needs
11 children.

12 (5) A plan that includes policies and procedures
13 for determining for each child requiring placement
14 outside of his or her home, and who cannot be immediately
15 returned to his or her parents or guardian, the placement
16 needs of that child. In the rare instance when an
17 individualized assessment identifies, documents, and
18 substantiates that race, color, or national origin is a
19 factor that needs to be considered in advancing a
20 particular child's best interests, it shall be considered
21 in making a placement.

22 (Source: P.A. 89-422.)

23 (20 ILCS 505/35.6)

24 Sec. 35.6. State-wide Foster---parent--state-wide,
25 toll-free telephone number.

26 (a) There shall be a State-wide, toll-free telephone
27 number for any person foster-parents, whether or not mandated
28 by law, to report to the Inspector General of the Department,
29 suspected misconduct, malfeasance, misfeasance, or violations
30 of rules, procedures, or laws by Department employees,
31 service providers, or contractors that is detrimental to the
32 best interest of children receiving care, services, or
33 training from or who were committed to the Department as

1 allowed under Section 5 of this Act. Immediately upon
2 receipt of a telephone call regarding suspected abuse or
3 neglect of children, the Inspector General shall refer the
4 call to the Child Abuse and Neglect Hotline or to the State
5 Police as mandated by the Abused and Neglected Child
6 Reporting Act and Section 35.5 of this Act. A mandated
7 reporter shall not be relieved of his or her duty to report
8 incidents to the Child Abuse and Neglect Hotline referred to
9 in this subsection. The Inspector General shall also
10 establish rules and procedures for evaluating reports of
11 suspected misconduct and violation of rules and for
12 conducting an investigation of such reports.

13 (b) The Inspector General shall prepare and maintain
14 written records from the reporting source that shall contain
15 the following information to the extent known at the time the
16 report is made: (1) the names and addresses of the child and
17 the person responsible for the child's welfare; (2) the
18 nature of the misconduct and the detriment cause to the
19 child's best interest; (3) the names of the persons or
20 agencies responsible for the alleged misconduct. Any
21 investigation conducted by the Inspector General pursuant to
22 such information shall not duplicate and shall be separate
23 from the investigation mandated by the Abused and Neglected
24 Child Reporting Act. However, the Inspector General may
25 include the results of such investigation in reports compiled
26 under this Section. At the request of the reporting agent,
27 the Inspector General shall keep the identity of the
28 reporting agent strictly confidential from the operation of
29 the Department, until the Inspector General shall determine
30 what recommendations shall be made with regard to discipline
31 or sanction of the Department employee, service provider, or
32 contractor, with the exception of suspected child abuse or
33 neglect which shall be handled consistent with the Abused and
34 Neglected Child Reporting Act and Section 35.5 of this Act.

1 The Department shall take whatever steps are necessary to
2 assure that a person making a report in good faith under this
3 Section is not adversely affected solely on the basis of
4 having made such report.

5 (Source: P.A. 88-7; 88-491.); and

6 on page 1, after line 23, by inserting the following:

7 "Section 99. Effective date. This Act takes effect upon
8 becoming law."