

AN ACT concerning State government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Children and Family Services Act is amended by adding Section 4e as follows:

(20 ILCS 505/4e new)

Sec. 4e. Prohibited restraints for youth in care during transport.

(a) Purpose and policy. It is the policy of this State to treat youth in the care of the Department with dignity and respect at all times, including during transport of the youth.

(b) Definitions. As used in this Section:

"Chemical restraint" means the use of medication that restricts a youth's freedom during a behavioral crisis or emergency and that is not a part of the youth's standard treatment or dosage for a behavioral, emotional, or psychiatric condition.

"Manual restraint" means a behavior management technique involving the use of physical contact or force, characterized by measures such as arm or body holds.

"Mechanical restraints" means any device, material, or equipment (including, but not limited to, straight jacket, arm or leg restraints, four-point restraints, and zip ties), other

than personal physical force, used to immobilize or directly restrict the limbs, head, or body of a youth.

"Residential treatment center" has the meaning ascribed to that term in paragraph (12.3) of Section 1-3 of the Juvenile Court Act of 1987.

"Restraints" means chemical restraints, manual restraints, and mechanical restraints, but does not include child restraint systems as defined in the Child Passenger Protection Act or devices, ordinarily worn by the youth during transport, for medical immobilization, adaptive support, or medical protection such as orthopedically prescribed devices, straps, or protective helmets.

"Transport" means transportation of a youth provided or arranged by the Department. "Transport" does not include the emergency transportation of youth in care by an ambulance service provider in an emergency situation or inter-hospital non-emergency transportation.

"Youth" means a youth in care as defined in Section 4d of this Act and youth in the protective custody of the Department.

(c) Prohibition on the use of restraints during transport. Notwithstanding any law to the contrary, no youth shall be subjected to restraints during the provision of any transportation services provided or arranged by the Department or its contractual assigns.

(d) Violations. Any known, alleged, or suspected violation

of this Section shall immediately be reported to the Department's Office of the Inspector General, the court presiding over the youth's case in accordance with the Juvenile Court Act of 1987, and the youth's attorney and guardian ad litem. A known, alleged, or suspected violation of this Section constitutes a "significant event" and requires a significant event report by the Department as defined in paragraph (14.2) of Section 1-3 of the Juvenile Court Act of 1987.

(e) Individualized trauma-sensitive transportation plans.

(1) The Department must prepare a written individualized trauma-sensitive transportation plan for any youth when:

(A) the youth is being transported to or from a psychiatric hospital or residential treatment center;

(B) the youth's caseworker or clinical team identifies the need for a transportation plan; or

(C) a court has ordered a transportation plan.

For youth who are psychiatrically hospitalized, the Department shall begin discharge and placement planning from the moment of admission, including developing the transportation plan required by this Section and seeking court approval as necessary.

(2) The Department must obtain written approval from its Chief Deputy Director and the Chief Deputy Director of its Clinical Division and court approval of the

transportation plan in accordance with Section 1-4.2 of the Juvenile Court Act of 1987 when:

(A) the youth is being transported to an out-of-state residential treatment center;

(B) the youth is being transported from an out-of-state residential treatment center to another residential treatment center or psychiatric hospital in any state;

(C) the youth is being transported from a psychiatric hospital to a residential treatment center in this State and the anticipated travel time is greater than 3 hours; or

(D) a court has ordered that the transportation plan be approved by the court.

(3) The written individualized trauma-sensitive transportation plan must be developed in consultation with: (i) the youth's caseworker; (ii) the youth's clinical treatment teams at the location the youth is leaving and the location the youth is being transported to; and (iii) the youth, to the extent possible and appropriate.

(4) The written individualized trauma-sensitive transportation plan must at a minimum:

(A) State the purpose of the transport, the location the youth is being transported from and to, and the anticipated length of transport and time of

day the transport will occur, and, if applicable, identify the plan for restroom and meal breaks and provisions for overnight stays.

(B) Include a written assessment of the youth's clinical condition and any safety concerns that may arise during transport.

(C) Identify any measures that may be taken to address the identified safety concerns, including a description of specific, individualized steps and techniques that will be used during transport to maintain the well-being of the youth. The description shall include specific de-escalation techniques that have been effective with the youth.

(D) Include a written assessment of the youth's medical condition and any concerns that may arise during transport. If the youth needs to take regularly prescribed medication during transport, the plan must identify the person responsible for dispensing the medication.

(E) Identify the caseworker or mental health professional, known to the youth, who will accompany the youth during transport. If the plan must be approved by the court and the youth is being driven in a passenger vehicle at any point during transport, there must be at least one caseworker or mental health professional known to the youth other than the person

driving the vehicle to ensure the youth's emotional and physical well-being during transport. The plan shall identify any additional individuals who will accompany the youth to ensure the youth's emotional and physical well-being during transport.

(F) Set forth the plan for handling emergencies that may arise during transport.

(G) Identify when and how the plan will be explained to the youth.

(f) Reporting.

(1) Any time a youth is transported in accordance with a court-approved transportation plan, the transport constitutes a "significant event" and requires a significant event report by the Department as defined in paragraph (14.2) of Section 1-3 of the Juvenile Court Act of 1987.

(2) Beginning December 1, 2021, and annually thereafter, the Department shall post on its website data from the preceding fiscal year regarding:

(A) the number of transportation plans authorized in accordance with Section 1-4.2 of the Juvenile Court Act of 1987;

(B) whether there were any significant events, excluding significant event reports required under paragraph (1), and the number and description or type of any significant events that occurred during each

transport made in accordance with this Section;

(C) the number of transportation plans modified or denied in accordance with Section 1-4.2 of the Juvenile Court Act of 1987, including information regarding why the court modified or denied the transportation plan; and

(D) the number of violations of this Section and for each violation, a detailed description of the date and circumstances.

Section 10. The Juvenile Court Act of 1987 is amended by adding Section 1-4.2 as follows:

(705 ILCS 405/1-4.2 new)

Sec. 1-4.2. Trauma-sensitive transport.

(a) The Department of Children and Family Services shall ensure the provision of trauma-sensitive transport to minors placed in its care in accordance with this Act. Notwithstanding any other law to the contrary, no minor shall be subjected to restraints, as defined in Section 4e of the Children and Family Services Act, during the provision of any transportation services provided or arranged by the Department of Children and Family Services or its contractual assigns.

(b) The Department of Children and Family Services' application to the court for approval of an individualized trauma-sensitive transportation plan must include a copy of

the plan developed in accordance with Section 4e of the Children and Family Services Act and the written approval of the Department as required by paragraph (2) of subsection (e) of Section 4e of the Children and Family Services Act.

(c) When considering whether to approve the individualized trauma-sensitive transportation plan, the court shall consider the minor's best interest and the following additional factors: the reason for the transport, the type of placement the minor is being transported from and to, the anticipated length of travel, the clinical needs of the minor, including any medical or emotional needs, any available less restrictive alternatives, and any other factor the court deems relevant. The court may require amendments to the minor's trauma-sensitive individualized transportation plan based on written findings of fact that the plan, as written, is not in the minor's best interest.

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