

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 changing Section 7 as follows:

(20 ILCS 505/7) (from Ch. 23, par. 5007)

Sec. 7. Placement of children; considerations.

(a) In placing any child under this Act, the Department shall place such child, as far as possible, in the care and custody of some individual holding the same religious belief as the parents of the child, or with some child care facility which is operated by persons of like religious faith as the parents of such child.

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

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

If the Department determines that a placement with any

identified relative is not in the child's best interests or that the relative does not meet the requirements to be a relative caregiver, as set forth in Department Rules or by statute, the Department must document the basis for that decision and maintain the documentation in the child's case file.

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

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

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

If the Department determines that an individual or a group of relatives are inappropriate to serve as visitation resources or possible placement resources, the Department shall document the basis of its determination and maintain the documentation in the child's case file.

When the Department determines that an individual or a group of relatives are appropriate to serve as visitation resources or possible future placement resources, the Department shall document the basis of its determination, maintain the documentation in the child's case file, create a visitation or transition plan, or both, and incorporate the visitation or transition plan, or both, into the child's case plan. For the purpose of this subsection, any determination as

to the child's best interests shall include consideration of the factors set out in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

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

- (1) murder;
 - (1.1) solicitation of murder;
 - (1.2) solicitation of murder for hire;
 - (1.3) intentional homicide of an unborn child;
 - (1.4) voluntary manslaughter of an unborn child;
 - (1.5) involuntary manslaughter;
 - (1.6) reckless homicide;
 - (1.7) concealment of a homicidal death;
 - (1.8) involuntary manslaughter of an unborn child;
 - (1.9) reckless homicide of an unborn child;
 - (1.10) drug-induced homicide;
- (2) a sex offense under Article 11, except offenses described in Sections 11-7, 11-8, 11-12, and 11-13;
- (3) kidnapping;
 - (3.1) aggravated unlawful restraint;
 - (3.2) forcible detention;
 - (3.3) aiding and abetting child abduction;
- (4) aggravated kidnapping;
- (5) child abduction;
- (6) aggravated battery of a child;
- (7) criminal sexual assault;
- (8) aggravated criminal sexual assault;
 - (8.1) predatory criminal sexual assault of a child;
- (9) criminal sexual abuse;
- (10) aggravated sexual abuse;
- (11) heinous battery;

- (12) aggravated battery with a firearm;
- (13) tampering with food, drugs, or cosmetics;
- (14) drug-induced infliction of great bodily harm;
- (15) aggravated stalking;
- (16) home invasion;
- (17) vehicular invasion;
- (18) criminal transmission of HIV;
- (19) criminal abuse or neglect of an elderly or disabled person;
- (20) child abandonment;
- (21) endangering the life or health of a child;
- (22) ritual mutilation;
- (23) ritualized abuse of a child;
- (24) an offense in any other state the elements of which are similar and bear a substantial relationship to any of the foregoing offenses.

For the purpose of this subsection, "relative" shall include any person, 21 years of age or over, other than the parent, who (i) is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, second cousin, godparent, great-uncle, or great-aunt; or (ii) is the spouse of such a relative; or (iii) is the child's step-father, step-mother, or adult step-brother or step-sister; "relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this paragraph prior to the adoption, but only if the Department determines, and documents, that it would be in the child's best interests to consider this person a relative, based upon the factors for determining best interests set forth

in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987. A relative with whom a child is placed pursuant to this subsection may, but is not required to, apply for licensure as a foster family home pursuant to the Child Care Act of 1969; provided, however, that as of July 1, 1995, foster care payments shall be made only to licensed foster family homes pursuant to the terms of Section 5 of this Act.

(c) In placing a child under this Act, the Department shall ensure that the child's health, safety, and best interests are met ~~in making a family foster care placement.~~ In rejecting placement of a child with an identified relative, the Department shall ensure that the child's health, safety, and best interests are met. In evaluating the best interests of the child, the Department shall take into consideration the factors set forth in subsection (4.05) of Section 1-3 of the Juvenile Court Act of 1987.

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

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

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

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

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

(Source: P.A. 92-192, eff. 1-1-02; 92-328, eff. 1-1-02; 92-334, eff. 8-10-01; 92-651, eff. 7-11-02; revised 2-17-03.)

Section 99. Effective date. This Act takes effect August 1, 2006.