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 the 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.

(a-5) In placing a child under this Act, the Department shall place the child with the child's sibling or siblings under Section 7.4 of this Act unless the placement is not in each child's best interest, or is otherwise not possible under the Department's rules. If the child is not placed with a sibling under the Department's rules, the Department shall consider placements that are likely to develop, preserve, nurture, and support sibling relationships, where doing so is in each child's best interest.

(b) In placing a child under this Act, the Department may

place a child with a relative if the Department determines 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 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 or the Criminal Code of 2012:

     (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, 11-13, 11-35, 11-40, and 11-45;

     (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 as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05;

(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 as described in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05;

(12) aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section 12-3.05;

(13) tampering with food, drugs, or cosmetics;

(14) drug-induced infliction of great bodily harm as described in Section 12-4.7 or subdivision (g)(1) of Section 12-3.05;

(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 as described in Section 12-21 or subsection

(b) of Section 12-4.4a;

(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; <u>or (iv) is a fictive kin;</u> "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.

Notwithstanding any other provision under this subsection
to the contrary, a fictive kin with whom a child is placed
pursuant to this subsection shall apply for licensure as a
foster family home pursuant to the Child Care Act of 1969
within 6 months of the child's placement with the fictive kin.
The Department shall not remove a child from the home of a
fictive kin on the basis that the fictive kin fails to apply
for licensure within 6 months of the child's placement with the
fictive kin, or fails to meet the standard for licensure. All
other requirements established under the rules and procedures
of the Department concerning the placement of a child, for whom
the Department is legally responsible, with a relative shall
apply. By June 1, 2015, the Department shall promulgate rules
establishing   criteria   and   standards   for   placement,
identification, and licensure of fictive kin.

For purposes of this subsection, "fictive kin" means any

individual, unrelated by birth or marriage, who is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual.

The provisions added to this subsection (b) by this amendatory Act of the 98th General Assembly shall become operative on and after June 1, 2015.

(c) In placing a child under this Act, the Department shall ensure that the child's health, safety, and best interests are met. 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 (l-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. 96-1551, Article 1, Section 900, eff. 7-1-11;
96-1551, Article 2, Section 920, eff. 7-1-11; 97-1076, eff.
8-24-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

Section 10. The Child Care Act of 1969 is amended by changing Sections 2.04 and 2.17 as follows:

(225 ILCS 10/2.04) (from Ch. 23, par. 2212.04)

Sec. 2.04. "Related" means any of the following relationships by blood, marriage, or adoption: parent, grandparent, great-grandparent, great-uncle, great-aunt, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, nephew, niece, fictive kin as defined in Section 7 of the Children and Family Services Act, or first cousin.
(Source: P.A. 80-459.)

(225 ILCS 10/2.17) (from Ch. 23, par. 2212.17)

Sec. 2.17. "Foster family home" means a facility for child care in residences of families who receive no more than 8 children unrelated to them, unless all the children are of common parentage, or residences of relatives who receive no more than 8 related children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except the Director of Children and Family Services, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause and only to facilitate an adoptive placement. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children

served. For purposes of this Section, a "relative" includes 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, great-uncle, or great-aunt; or (ii) is the spouse of such a relative; or (iii) is a child's step-father, step-mother, or adult step-brother or step-sister; or (iv) is a fictive kin; "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. The term "foster family home" includes homes receiving children from any State-operated institution for child care; or from any agency established by a municipality or other political subdivision of the State of Illinois authorized to provide care for children outside their own homes. The term "foster family home" does not include an "adoption-only home" as defined in Section 2.23 of this Act. The types of foster family homes are defined as follows:

    (a) "Boarding home" means a foster family home which receives payment for regular full-time care of a child or children.

    (b) "Free home" means a foster family home other than an adoptive home which does not receive payments for the care of a child or children.

    (c) "Adoptive home" means a foster family home which

receives a child or children for the purpose of adopting the child or children.

(d) "Work-wage home" means a foster family home which receives a child or children who pay part or all of their board by rendering some services to the family not prohibited by the Child Labor Law or by standards or regulations of the Department prescribed under this Act. The child or children may receive a wage in connection with the services rendered the foster family.

(e) "Agency-supervised home" means a foster family home under the direct and regular supervision of a licensed child welfare agency, of the Department of Children and Family Services, of a circuit court, or of any other State agency which has authority to place children in child care facilities, and which receives no more than 8 children, unless of common parentage, who are placed and are regularly supervised by one of the specified agencies.

(f) "Independent home" means a foster family home, other than an adoptive home, which receives no more than 4 children, unless of common parentage, directly from parents, or other legally responsible persons, by independent arrangement and which is not subject to direct and regular supervision of a specified agency except as such supervision pertains to licensing by the Department.

(Source: P.A. 92-318, eff. 1-1-02.)