



Sen. Mattie Hunter

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1 AMENDMENT TO HOUSE BILL 2589

2 AMENDMENT NO. _____. Amend House Bill 2589 by replacing
3 everything after the enacting clause with the following:

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

6 (20 ILCS 505/5) (from Ch. 23, par. 5005)

7 Sec. 5. Direct child welfare services; Department of
8 Children and Family Services. To provide direct child welfare
9 services when not available through other public or private
10 child care or program facilities.

11 (a) For purposes of this Section:

12 (1) "Children" means persons found within the State who
13 are under the age of 18 years. The term also includes
14 persons under age 21 who:

15 (A) were committed to the Department pursuant to
16 the Juvenile Court Act or the Juvenile Court Act of

1 1987, as amended, prior to the age of 18 and who
2 continue under the jurisdiction of the court; or

3 (B) were accepted for care, service and training by
4 the Department prior to the age of 18 and whose best
5 interest in the discretion of the Department would be
6 served by continuing that care, service and training
7 because of severe emotional disturbances, physical
8 disability, social adjustment or any combination
9 thereof, or because of the need to complete an
10 educational or vocational training program.

11 (2) "Homeless youth" means persons found within the
12 State who are under the age of 19, are not in a safe and
13 stable living situation and cannot be reunited with their
14 families.

15 (3) "Child welfare services" means public social
16 services which are directed toward the accomplishment of
17 the following purposes:

18 (A) protecting and promoting the health, safety
19 and welfare of children, including homeless, dependent
20 or neglected children;

21 (B) remedying, or assisting in the solution of
22 problems which may result in, the neglect, abuse,
23 exploitation or delinquency of children;

24 (C) preventing the unnecessary separation of
25 children from their families by identifying family
26 problems, assisting families in resolving their

1 problems, and preventing the breakup of the family
2 where the prevention of child removal is desirable and
3 possible when the child can be cared for at home
4 without endangering the child's health and safety;

5 (D) restoring to their families children who have
6 been removed, by the provision of services to the child
7 and the families when the child can be cared for at
8 home without endangering the child's health and
9 safety;

10 (E) placing children in suitable adoptive homes,
11 in cases where restoration to the biological family is
12 not safe, possible or appropriate;

13 (F) assuring safe and adequate care of children
14 away from their homes, in cases where the child cannot
15 be returned home or cannot be placed for adoption. At
16 the time of placement, the Department shall consider
17 concurrent planning, as described in subsection (1-1)
18 of this Section so that permanency may occur at the
19 earliest opportunity. Consideration should be given so
20 that if reunification fails or is delayed, the
21 placement made is the best available placement to
22 provide permanency for the child;

23 (G) (blank);

24 (H) (blank); and

25 (I) placing and maintaining children in facilities
26 that provide separate living quarters for children

1 under the age of 18 and for children 18 years of age
2 and older, unless a child 18 years of age is in the
3 last year of high school education or vocational
4 training, in an approved individual or group treatment
5 program, in a licensed shelter facility, or secure
6 child care facility. The Department is not required to
7 place or maintain children:

8 (i) who are in a foster home, or

9 (ii) who are persons with a developmental
10 disability, as defined in the Mental Health and
11 Developmental Disabilities Code, or

12 (iii) who are female children who are
13 pregnant, pregnant and parenting or parenting, or

14 (iv) who are siblings, in facilities that
15 provide separate living quarters for children 18
16 years of age and older and for children under 18
17 years of age.

18 (b) Nothing in this Section shall be construed to authorize
19 the expenditure of public funds for the purpose of performing
20 abortions.

21 (c) The Department shall establish and maintain
22 tax-supported child welfare services and extend and seek to
23 improve voluntary services throughout the State, to the end
24 that services and care shall be available on an equal basis
25 throughout the State to children requiring such services.

26 (d) The Director may authorize advance disbursements for

1 any new program initiative to any agency contracting with the
2 Department. As a prerequisite for an advance disbursement, the
3 contractor must post a surety bond in the amount of the advance
4 disbursement and have a purchase of service contract approved
5 by the Department. The Department may pay up to 2 months
6 operational expenses in advance. The amount of the advance
7 disbursement shall be prorated over the life of the contract or
8 the remaining months of the fiscal year, whichever is less, and
9 the installment amount shall then be deducted from future
10 bills. Advance disbursement authorizations for new initiatives
11 shall not be made to any agency after that agency has operated
12 during 2 consecutive fiscal years. The requirements of this
13 Section concerning advance disbursements shall not apply with
14 respect to the following: payments to local public agencies for
15 child day care services as authorized by Section 5a of this
16 Act; and youth service programs receiving grant funds under
17 Section 17a-4.

18 (e) (Blank).

19 (f) (Blank).

20 (g) The Department shall establish rules and regulations
21 concerning its operation of programs designed to meet the goals
22 of child safety and protection, family preservation, family
23 reunification, and adoption, including but not limited to:

24 (1) adoption;

25 (2) foster care;

26 (3) family counseling;

- 1 (4) protective services;
- 2 (5) (blank);
- 3 (6) homemaker service;
- 4 (7) return of runaway children;
- 5 (8) (blank);
- 6 (9) placement under Section 5-7 of the Juvenile Court
- 7 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile
- 8 Court Act of 1987 in accordance with the federal Adoption
- 9 Assistance and Child Welfare Act of 1980; and
- 10 (10) interstate services.

11 Rules and regulations established by the Department shall
12 include provisions for training Department staff and the staff
13 of Department grantees, through contracts with other agencies
14 or resources, in alcohol and drug abuse screening techniques
15 approved by the Department of Human Services, as a successor to
16 the Department of Alcoholism and Substance Abuse, for the
17 purpose of identifying children and adults who should be
18 referred to an alcohol and drug abuse treatment program for
19 professional evaluation.

20 (h) If the Department finds that there is no appropriate
21 program or facility within or available to the Department for a
22 ward and that no licensed private facility has an adequate and
23 appropriate program or none agrees to accept the ward, the
24 Department shall create an appropriate individualized,
25 program-oriented plan for such ward. The plan may be developed
26 within the Department or through purchase of services by the

1 Department to the extent that it is within its statutory
2 authority to do.

3 (i) Service programs shall be available throughout the
4 State and shall include but not be limited to the following
5 services:

6 (1) case management;

7 (2) homemakers;

8 (3) counseling;

9 (4) parent education;

10 (5) day care; and

11 (6) emergency assistance and advocacy.

12 In addition, the following services may be made available
13 to assess and meet the needs of children and families:

14 (1) comprehensive family-based services;

15 (2) assessments;

16 (3) respite care; and

17 (4) in-home health services.

18 The Department shall provide transportation for any of the
19 services it makes available to children or families or for
20 which it refers children or families.

21 (j) The Department may provide categories of financial
22 assistance and education assistance grants, and shall
23 establish rules and regulations concerning the assistance and
24 grants, to persons who adopt children with physical or mental
25 disabilities, children who are older, or other hard-to-place
26 children who (i) immediately prior to their adoption were legal

1 wards of the Department or (ii) were determined eligible for
2 financial assistance with respect to a prior adoption and who
3 become available for adoption because the prior adoption has
4 been dissolved and the parental rights of the adoptive parents
5 have been terminated or because the child's adoptive parents
6 have died. The Department may continue to provide financial
7 assistance and education assistance grants for a child who was
8 determined eligible for financial assistance under this
9 subsection (j) in the interim period beginning when the child's
10 adoptive parents died and ending with the finalization of the
11 new adoption of the child by another adoptive parent or
12 parents. The Department may also provide categories of
13 financial assistance and education assistance grants, and
14 shall establish rules and regulations for the assistance and
15 grants, to persons appointed guardian of the person under
16 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
17 4-25 or 5-740 of the Juvenile Court Act of 1987 for children
18 who were wards of the Department for 12 months immediately
19 prior to the appointment of the guardian.

20 The amount of assistance may vary, depending upon the needs
21 of the child and the adoptive parents, as set forth in the
22 annual assistance agreement. Special purpose grants are
23 allowed where the child requires special service but such costs
24 may not exceed the amounts which similar services would cost
25 the Department if it were to provide or secure them as guardian
26 of the child.

1 Any financial assistance provided under this subsection is
2 inalienable by assignment, sale, execution, attachment,
3 garnishment, or any other remedy for recovery or collection of
4 a judgment or debt.

5 (j-5) The Department shall not deny or delay the placement
6 of a child for adoption if an approved family is available
7 either outside of the Department region handling the case, or
8 outside of the State of Illinois.

9 (k) The Department shall accept for care and training any
10 child who has been adjudicated neglected or abused, or
11 dependent committed to it pursuant to the Juvenile Court Act or
12 the Juvenile Court Act of 1987.

13 (l) The Department shall offer family preservation
14 services, as defined in Section 8.2 of the Abused and Neglected
15 Child Reporting Act, to help families, including adoptive and
16 extended families. Family preservation services shall be
17 offered (i) to prevent the placement of children in substitute
18 care when the children can be cared for at home or in the
19 custody of the person responsible for the children's welfare,
20 (ii) to reunite children with their families, or (iii) to
21 maintain an adoptive placement. Family preservation services
22 shall only be offered when doing so will not endanger the
23 children's health or safety. With respect to children who are
24 in substitute care pursuant to the Juvenile Court Act of 1987,
25 family preservation services shall not be offered if a goal
26 other than those of subdivisions (A), (B), or (B-1) of

1 subsection (2) of Section 2-28 of that Act has been set.
2 Nothing in this paragraph shall be construed to create a
3 private right of action or claim on the part of any individual
4 or child welfare agency, except that when a child is the
5 subject of an action under Article II of the Juvenile Court Act
6 of 1987 and the child's service plan calls for services to
7 facilitate achievement of the permanency goal, the court
8 hearing the action under Article II of the Juvenile Court Act
9 of 1987 may order the Department to provide the services set
10 out in the plan, if those services are not provided with
11 reasonable promptness and if those services are available.

12 The Department shall notify the child and his family of the
13 Department's responsibility to offer and provide family
14 preservation services as identified in the service plan. The
15 child and his family shall be eligible for services as soon as
16 the report is determined to be "indicated". The Department may
17 offer services to any child or family with respect to whom a
18 report of suspected child abuse or neglect has been filed,
19 prior to concluding its investigation under Section 7.12 of the
20 Abused and Neglected Child Reporting Act. However, the child's
21 or family's willingness to accept services shall not be
22 considered in the investigation. The Department may also
23 provide services to any child or family who is the subject of
24 any report of suspected child abuse or neglect or may refer
25 such child or family to services available from other agencies
26 in the community, even if the report is determined to be

1 unfounded, if the conditions in the child's or family's home
2 are reasonably likely to subject the child or family to future
3 reports of suspected child abuse or neglect. Acceptance of such
4 services shall be voluntary. The Department may also provide
5 services to any child or family after completion of a family
6 assessment, as an alternative to an investigation, as provided
7 under the "differential response program" provided for in
8 subsection (a-5) of Section 7.4 of the Abused and Neglected
9 Child Reporting Act.

10 The Department may, at its discretion except for those
11 children also adjudicated neglected or dependent, accept for
12 care and training any child who has been adjudicated addicted,
13 as a truant minor in need of supervision or as a minor
14 requiring authoritative intervention, under the Juvenile Court
15 Act or the Juvenile Court Act of 1987, but no such child shall
16 be committed to the Department by any court without the
17 approval of the Department. On and after the effective date of
18 this amendatory Act of the 98th General Assembly and before
19 January 1, 2017, a minor charged with a criminal offense under
20 the Criminal Code of 1961 or the Criminal Code of 2012 or
21 adjudicated delinquent shall not be placed in the custody of or
22 committed to the Department by any court, except (i) a minor
23 less than 16 years of age committed to the Department under
24 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
25 for whom an independent basis of abuse, neglect, or dependency
26 exists, which must be defined by departmental rule, or (iii) a

1 minor for whom the court has granted a supplemental petition to
2 reinstate wardship pursuant to subsection (2) of Section 2-33
3 of the Juvenile Court Act of 1987. On and after January 1,
4 2017, a minor charged with a criminal offense under the
5 Criminal Code of 1961 or the Criminal Code of 2012 or
6 adjudicated delinquent shall not be placed in the custody of or
7 committed to the Department by any court, except (i) a minor
8 less than 15 years of age committed to the Department under
9 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor
10 for whom an independent basis of abuse, neglect, or dependency
11 exists, which must be defined by departmental rule, or (iii) a
12 minor for whom the court has granted a supplemental petition to
13 reinstate wardship pursuant to subsection (2) of Section 2-33
14 of the Juvenile Court Act of 1987. An independent basis exists
15 when the allegations or adjudication of abuse, neglect, or
16 dependency do not arise from the same facts, incident, or
17 circumstances which give rise to a charge or adjudication of
18 delinquency. The Department shall assign a caseworker to attend
19 any hearing involving a youth in the care and custody of the
20 Department who is placed on aftercare release, including
21 hearings involving sanctions for violation of aftercare
22 release conditions and aftercare release revocation hearings.

23 As soon as is possible after August 7, 2009 (the effective
24 date of Public Act 96-134), the Department shall develop and
25 implement a special program of family preservation services to
26 support intact, foster, and adoptive families who are

1 experiencing extreme hardships due to the difficulty and stress
2 of caring for a child who has been diagnosed with a pervasive
3 developmental disorder if the Department determines that those
4 services are necessary to ensure the health and safety of the
5 child. The Department may offer services to any family whether
6 or not a report has been filed under the Abused and Neglected
7 Child Reporting Act. The Department may refer the child or
8 family to services available from other agencies in the
9 community if the conditions in the child's or family's home are
10 reasonably likely to subject the child or family to future
11 reports of suspected child abuse or neglect. Acceptance of
12 these services shall be voluntary. The Department shall develop
13 and implement a public information campaign to alert health and
14 social service providers and the general public about these
15 special family preservation services. The nature and scope of
16 the services offered and the number of families served under
17 the special program implemented under this paragraph shall be
18 determined by the level of funding that the Department annually
19 allocates for this purpose. The term "pervasive developmental
20 disorder" under this paragraph means a neurological condition,
21 including but not limited to, Asperger's Syndrome and autism,
22 as defined in the most recent edition of the Diagnostic and
23 Statistical Manual of Mental Disorders of the American
24 Psychiatric Association.

25 (1-1) The legislature recognizes that the best interests of
26 the child require that the child be placed in the most

1 permanent living arrangement as soon as is practically
2 possible. To achieve this goal, the legislature directs the
3 Department of Children and Family Services to conduct
4 concurrent planning so that permanency may occur at the
5 earliest opportunity. Permanent living arrangements may
6 include prevention of placement of a child outside the home of
7 the family when the child can be cared for at home without
8 endangering the child's health or safety; reunification with
9 the family, when safe and appropriate, if temporary placement
10 is necessary; or movement of the child toward the most
11 permanent living arrangement and permanent legal status.

12 When determining reasonable efforts to be made with respect
13 to a child, as described in this subsection, and in making such
14 reasonable efforts, the child's health and safety shall be the
15 paramount concern.

16 When a child is placed in foster care, the Department shall
17 ensure and document that reasonable efforts were made to
18 prevent or eliminate the need to remove the child from the
19 child's home. The Department must make reasonable efforts to
20 reunify the family when temporary placement of the child occurs
21 unless otherwise required, pursuant to the Juvenile Court Act
22 of 1987. At any time after the dispositional hearing where the
23 Department believes that further reunification services would
24 be ineffective, it may request a finding from the court that
25 reasonable efforts are no longer appropriate. The Department is
26 not required to provide further reunification services after

1 such a finding.

2 A decision to place a child in substitute care shall be
3 made with considerations of the child's health, safety, and
4 best interests. At the time of placement, consideration should
5 also be given so that if reunification fails or is delayed, the
6 placement made is the best available placement to provide
7 permanency for the child.

8 The Department shall adopt rules addressing concurrent
9 planning for reunification and permanency. The Department
10 shall consider the following factors when determining
11 appropriateness of concurrent planning:

- 12 (1) the likelihood of prompt reunification;
- 13 (2) the past history of the family;
- 14 (3) the barriers to reunification being addressed by
15 the family;
- 16 (4) the level of cooperation of the family;
- 17 (5) the foster parents' willingness to work with the
18 family to reunite;
- 19 (6) the willingness and ability of the foster family to
20 provide an adoptive home or long-term placement;
- 21 (7) the age of the child;
- 22 (8) placement of siblings.

23 (m) The Department may assume temporary custody of any
24 child if:

- 25 (1) it has received a written consent to such temporary
26 custody signed by the parents of the child or by the parent

1 having custody of the child if the parents are not living
2 together or by the guardian or custodian of the child if
3 the child is not in the custody of either parent, or

4 (2) the child is found in the State and neither a
5 parent, guardian nor custodian of the child can be located.

6 If the child is found in his or her residence without a parent,
7 guardian, custodian or responsible caretaker, the Department
8 may, instead of removing the child and assuming temporary
9 custody, place an authorized representative of the Department
10 in that residence until such time as a parent, guardian or
11 custodian enters the home and expresses a willingness and
12 apparent ability to ensure the child's health and safety and
13 resume permanent charge of the child, or until a relative
14 enters the home and is willing and able to ensure the child's
15 health and safety and assume charge of the child until a
16 parent, guardian or custodian enters the home and expresses
17 such willingness and ability to ensure the child's safety and
18 resume permanent charge. After a caretaker has remained in the
19 home for a period not to exceed 12 hours, the Department must
20 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
21 5-415 of the Juvenile Court Act of 1987.

22 The Department shall have the authority, responsibilities
23 and duties that a legal custodian of the child would have
24 pursuant to subsection (9) of Section 1-3 of the Juvenile Court
25 Act of 1987. Whenever a child is taken into temporary custody
26 pursuant to an investigation under the Abused and Neglected

1 Child Reporting Act, or pursuant to a referral and acceptance
2 under the Juvenile Court Act of 1987 of a minor in limited
3 custody, the Department, during the period of temporary custody
4 and before the child is brought before a judicial officer as
5 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
6 Court Act of 1987, shall have the authority, responsibilities
7 and duties that a legal custodian of the child would have under
8 subsection (9) of Section 1-3 of the Juvenile Court Act of
9 1987.

10 The Department shall ensure that any child taken into
11 custody is scheduled for an appointment for a medical
12 examination.

13 A parent, guardian or custodian of a child in the temporary
14 custody of the Department who would have custody of the child
15 if he were not in the temporary custody of the Department may
16 deliver to the Department a signed request that the Department
17 surrender the temporary custody of the child. The Department
18 may retain temporary custody of the child for 10 days after the
19 receipt of the request, during which period the Department may
20 cause to be filed a petition pursuant to the Juvenile Court Act
21 of 1987. If a petition is so filed, the Department shall retain
22 temporary custody of the child until the court orders
23 otherwise. If a petition is not filed within the 10 day period,
24 the child shall be surrendered to the custody of the requesting
25 parent, guardian or custodian not later than the expiration of
26 the 10 day period, at which time the authority and duties of

1 the Department with respect to the temporary custody of the
2 child shall terminate.

3 (m-1) The Department may place children under 18 years of
4 age in a secure child care facility licensed by the Department
5 that cares for children who are in need of secure living
6 arrangements for their health, safety, and well-being after a
7 determination is made by the facility director and the Director
8 or the Director's designate prior to admission to the facility
9 subject to Section 2-27.1 of the Juvenile Court Act of 1987.
10 This subsection (m-1) does not apply to a child who is subject
11 to placement in a correctional facility operated pursuant to
12 Section 3-15-2 of the Unified Code of Corrections, unless the
13 child is a ward who was placed under the care of the Department
14 before being subject to placement in a correctional facility
15 and a court of competent jurisdiction has ordered placement of
16 the child in a secure care facility.

17 (n) The Department may place children under 18 years of age
18 in licensed child care facilities when in the opinion of the
19 Department, appropriate services aimed at family preservation
20 have been unsuccessful and cannot ensure the child's health and
21 safety or are unavailable and such placement would be for their
22 best interest. Payment for board, clothing, care, training and
23 supervision of any child placed in a licensed child care
24 facility may be made by the Department, by the parents or
25 guardians of the estates of those children, or by both the
26 Department and the parents or guardians, except that no

1 payments shall be made by the Department for any child placed
2 in a licensed child care facility for board, clothing, care,
3 training and supervision of such a child that exceed the
4 average per capita cost of maintaining and of caring for a
5 child in institutions for dependent or neglected children
6 operated by the Department. However, such restriction on
7 payments does not apply in cases where children require
8 specialized care and treatment for problems of severe emotional
9 disturbance, physical disability, social adjustment, or any
10 combination thereof and suitable facilities for the placement
11 of such children are not available at payment rates within the
12 limitations set forth in this Section. All reimbursements for
13 services delivered shall be absolutely inalienable by
14 assignment, sale, attachment, garnishment or otherwise.

15 (n-1) The Department shall provide or authorize child
16 welfare services, aimed at assisting minors to achieve
17 sustainable self-sufficiency as independent adults, for any
18 minor eligible for the reinstatement of wardship pursuant to
19 subsection (2) of Section 2-33 of the Juvenile Court Act of
20 1987, whether or not such reinstatement is sought or allowed,
21 provided that the minor consents to such services and has not
22 yet attained the age of 21. The Department shall have
23 responsibility for the development and delivery of services
24 under this Section. An eligible youth may access services under
25 this Section through the Department of Children and Family
26 Services or by referral from the Department of Human Services.

1 Youth participating in services under this Section shall
2 cooperate with the assigned case manager in developing an
3 agreement identifying the services to be provided and how the
4 youth will increase skills to achieve self-sufficiency. A
5 homeless shelter is not considered appropriate housing for any
6 youth receiving child welfare services under this Section. The
7 Department shall continue child welfare services under this
8 Section to any eligible minor until the minor becomes 21 years
9 of age, no longer consents to participate, or achieves
10 self-sufficiency as identified in the minor's service plan. The
11 Department of Children and Family Services shall create clear,
12 readable notice of the rights of former foster youth to child
13 welfare services under this Section and how such services may
14 be obtained. The Department of Children and Family Services and
15 the Department of Human Services shall disseminate this
16 information statewide. The Department shall adopt regulations
17 describing services intended to assist minors in achieving
18 sustainable self-sufficiency as independent adults.

19 (o) The Department shall establish an administrative
20 review and appeal process for children and families who request
21 or receive child welfare services from the Department. Children
22 who are wards of the Department and are placed by private child
23 welfare agencies, and foster families with whom those children
24 are placed, shall be afforded the same procedural and appeal
25 rights as children and families in the case of placement by the
26 Department, including the right to an initial review of a

1 private agency decision by that agency. The Department shall
2 insure that any private child welfare agency, which accepts
3 wards of the Department for placement, affords those rights to
4 children and foster families. The Department shall accept for
5 administrative review and an appeal hearing a complaint made by
6 (i) a child or foster family concerning a decision following an
7 initial review by a private child welfare agency or (ii) a
8 prospective adoptive parent who alleges a violation of
9 subsection (j-5) of this Section. An appeal of a decision
10 concerning a change in the placement of a child shall be
11 conducted in an expedited manner. A court determination that a
12 current foster home placement is necessary and appropriate
13 under Section 2-28 of the Juvenile Court Act of 1987 does not
14 constitute a judicial determination on the merits of an
15 administrative appeal, filed by a former foster parent,
16 involving a change of placement decision.

17 (p) (Blank).

18 (q) The Department may receive and use, in their entirety,
19 for the benefit of children any gift, donation or bequest of
20 money or other property which is received on behalf of such
21 children, or any financial benefits to which such children are
22 or may become entitled while under the jurisdiction or care of
23 the Department.

24 The Department shall set up and administer no-cost,
25 interest-bearing accounts in appropriate financial
26 institutions for children for whom the Department is legally

1 responsible and who have been determined eligible for Veterans'
2 Benefits, Social Security benefits, assistance allotments from
3 the armed forces, court ordered payments, parental voluntary
4 payments, Supplemental Security Income, Railroad Retirement
5 payments, Black Lung benefits, or other miscellaneous
6 payments. Interest earned by each account shall be credited to
7 the account, unless disbursed in accordance with this
8 subsection.

9 In disbursing funds from children's accounts, the
10 Department shall:

11 (1) Establish standards in accordance with State and
12 federal laws for disbursing money from children's
13 accounts. In all circumstances, the Department's
14 "Guardianship Administrator" or his or her designee must
15 approve disbursements from children's accounts. The
16 Department shall be responsible for keeping complete
17 records of all disbursements for each account for any
18 purpose.

19 (2) Calculate on a monthly basis the amounts paid from
20 State funds for the child's board and care, medical care
21 not covered under Medicaid, and social services; and
22 utilize funds from the child's account, as covered by
23 regulation, to reimburse those costs. Monthly,
24 disbursements from all children's accounts, up to 1/12 of
25 \$13,000,000, shall be deposited by the Department into the
26 General Revenue Fund and the balance over 1/12 of

1 \$13,000,000 into the DCFS Children's Services Fund.

2 (3) Maintain any balance remaining after reimbursing
3 for the child's costs of care, as specified in item (2).
4 The balance shall accumulate in accordance with relevant
5 State and federal laws and shall be disbursed to the child
6 or his or her guardian, or to the issuing agency.

7 (r) The Department shall promulgate regulations
8 encouraging all adoption agencies to voluntarily forward to the
9 Department or its agent names and addresses of all persons who
10 have applied for and have been approved for adoption of a
11 hard-to-place child or child with a disability and the names of
12 such children who have not been placed for adoption. A list of
13 such names and addresses shall be maintained by the Department
14 or its agent, and coded lists which maintain the
15 confidentiality of the person seeking to adopt the child and of
16 the child shall be made available, without charge, to every
17 adoption agency in the State to assist the agencies in placing
18 such children for adoption. The Department may delegate to an
19 agent its duty to maintain and make available such lists. The
20 Department shall ensure that such agent maintains the
21 confidentiality of the person seeking to adopt the child and of
22 the child.

23 (s) The Department of Children and Family Services may
24 establish and implement a program to reimburse Department and
25 private child welfare agency foster parents licensed by the
26 Department of Children and Family Services for damages

1 sustained by the foster parents as a result of the malicious or
2 negligent acts of foster children, as well as providing third
3 party coverage for such foster parents with regard to actions
4 of foster children to other individuals. Such coverage will be
5 secondary to the foster parent liability insurance policy, if
6 applicable. The program shall be funded through appropriations
7 from the General Revenue Fund, specifically designated for such
8 purposes.

9 (t) The Department shall perform home studies and
10 investigations and shall exercise supervision over visitation
11 as ordered by a court pursuant to the Illinois Marriage and
12 Dissolution of Marriage Act or the Adoption Act only if:

13 (1) an order entered by an Illinois court specifically
14 directs the Department to perform such services; and

15 (2) the court has ordered one or both of the parties to
16 the proceeding to reimburse the Department for its
17 reasonable costs for providing such services in accordance
18 with Department rules, or has determined that neither party
19 is financially able to pay.

20 The Department shall provide written notification to the
21 court of the specific arrangements for supervised visitation
22 and projected monthly costs within 60 days of the court order.
23 The Department shall send to the court information related to
24 the costs incurred except in cases where the court has
25 determined the parties are financially unable to pay. The court
26 may order additional periodic reports as appropriate.

1 (u) In addition to other information that must be provided,
2 whenever the Department places a child with a prospective
3 adoptive parent or parents or in a licensed foster home, group
4 home, child care institution, or in a relative home, the
5 Department shall provide to the prospective adoptive parent or
6 parents or other caretaker:

7 (1) available detailed information concerning the
8 child's educational and health history, copies of
9 immunization records (including insurance and medical card
10 information), a history of the child's previous
11 placements, if any, and reasons for placement changes
12 excluding any information that identifies or reveals the
13 location of any previous caretaker;

14 (2) a copy of the child's portion of the client service
15 plan, including any visitation arrangement, and all
16 amendments or revisions to it as related to the child; and

17 (3) information containing details of the child's
18 individualized educational plan when the child is
19 receiving special education services.

20 The caretaker shall be informed of any known social or
21 behavioral information (including, but not limited to,
22 criminal background, fire setting, perpetuation of sexual
23 abuse, destructive behavior, and substance abuse) necessary to
24 care for and safeguard the children to be placed or currently
25 in the home. The Department may prepare a written summary of
26 the information required by this paragraph, which may be

1 provided to the foster or prospective adoptive parent in
2 advance of a placement. The foster or prospective adoptive
3 parent may review the supporting documents in the child's file
4 in the presence of casework staff. In the case of an emergency
5 placement, casework staff shall at least provide known
6 information verbally, if necessary, and must subsequently
7 provide the information in writing as required by this
8 subsection.

9 The information described in this subsection shall be
10 provided in writing. In the case of emergency placements when
11 time does not allow prior review, preparation, and collection
12 of written information, the Department shall provide such
13 information as it becomes available. Within 10 business days
14 after placement, the Department shall obtain from the
15 prospective adoptive parent or parents or other caretaker a
16 signed verification of receipt of the information provided.
17 Within 10 business days after placement, the Department shall
18 provide to the child's guardian ad litem a copy of the
19 information provided to the prospective adoptive parent or
20 parents or other caretaker. The information provided to the
21 prospective adoptive parent or parents or other caretaker shall
22 be reviewed and approved regarding accuracy at the supervisory
23 level.

24 (u-5) Effective July 1, 1995, only foster care placements
25 licensed as foster family homes pursuant to the Child Care Act
26 of 1969 shall be eligible to receive foster care payments from

1 the Department. Relative caregivers who, as of July 1, 1995,
2 were approved pursuant to approved relative placement rules
3 previously promulgated by the Department at 89 Ill. Adm. Code
4 335 and had submitted an application for licensure as a foster
5 family home may continue to receive foster care payments only
6 until the Department determines that they may be licensed as a
7 foster family home or that their application for licensure is
8 denied or until September 30, 1995, whichever occurs first.

9 (v) The Department shall access criminal history record
10 information as defined in the Illinois Uniform Conviction
11 Information Act and information maintained in the adjudicatory
12 and dispositional record system as defined in Section 2605-355
13 of the Department of State Police Law (20 ILCS 2605/2605-355)
14 if the Department determines the information is necessary to
15 perform its duties under the Abused and Neglected Child
16 Reporting Act, the Child Care Act of 1969, and the Children and
17 Family Services Act. The Department shall provide for
18 interactive computerized communication and processing
19 equipment that permits direct on-line communication with the
20 Department of State Police's central criminal history data
21 repository. The Department shall comply with all certification
22 requirements and provide certified operators who have been
23 trained by personnel from the Department of State Police. In
24 addition, one Office of the Inspector General investigator
25 shall have training in the use of the criminal history
26 information access system and have access to the terminal. The

1 Department of Children and Family Services and its employees
2 shall abide by rules and regulations established by the
3 Department of State Police relating to the access and
4 dissemination of this information.

5 (v-1) Prior to final approval for placement of a child, the
6 Department shall conduct a criminal records background check of
7 the prospective foster or adoptive parent, including
8 fingerprint-based checks of national crime information
9 databases. Final approval for placement shall not be granted if
10 the record check reveals a felony conviction for child abuse or
11 neglect, for spousal abuse, for a crime against children, or
12 for a crime involving violence, including rape, sexual assault,
13 or homicide, but not including other physical assault or
14 battery, or if there is a felony conviction for physical
15 assault, battery, or a drug-related offense committed within
16 the past 5 years.

17 (v-2) Prior to final approval for placement of a child, the
18 Department shall check its child abuse and neglect registry for
19 information concerning prospective foster and adoptive
20 parents, and any adult living in the home. If any prospective
21 foster or adoptive parent or other adult living in the home has
22 resided in another state in the preceding 5 years, the
23 Department shall request a check of that other state's child
24 abuse and neglect registry.

25 (w) Within 120 days of August 20, 1995 (the effective date
26 of Public Act 89-392), the Department shall prepare and submit

1 to the Governor and the General Assembly, a written plan for
2 the development of in-state licensed secure child care
3 facilities that care for children who are in need of secure
4 living arrangements for their health, safety, and well-being.
5 For purposes of this subsection, secure care facility shall
6 mean a facility that is designed and operated to ensure that
7 all entrances and exits from the facility, a building or a
8 distinct part of the building, are under the exclusive control
9 of the staff of the facility, whether or not the child has the
10 freedom of movement within the perimeter of the facility,
11 building, or distinct part of the building. The plan shall
12 include descriptions of the types of facilities that are needed
13 in Illinois; the cost of developing these secure care
14 facilities; the estimated number of placements; the potential
15 cost savings resulting from the movement of children currently
16 out-of-state who are projected to be returned to Illinois; the
17 necessary geographic distribution of these facilities in
18 Illinois; and a proposed timetable for development of such
19 facilities.

20 (x) The Department shall conduct annual credit history
21 checks to determine the financial history of children placed
22 under its guardianship pursuant to the Juvenile Court Act of
23 1987. The Department shall conduct such credit checks starting
24 when a ward turns 12 years old and each year thereafter for the
25 duration of the guardianship as terminated pursuant to the
26 Juvenile Court Act of 1987. The Department shall determine if

1 financial exploitation of the child's personal information has
2 occurred. If financial exploitation appears to have taken place
3 or is presently ongoing, the Department shall notify the proper
4 law enforcement agency, the proper State's Attorney, or the
5 Attorney General.

6 (y) Beginning on the effective date of this amendatory Act
7 of the 96th General Assembly, a child with a disability who
8 receives residential and educational services from the
9 Department shall be eligible to receive transition services in
10 accordance with Article 14 of the School Code from the age of
11 14.5 through age 21, inclusive, notwithstanding the child's
12 residential services arrangement. For purposes of this
13 subsection, "child with a disability" means a child with a
14 disability as defined by the federal Individuals with
15 Disabilities Education Improvement Act of 2004.

16 (z) The Department shall access criminal history record
17 information as defined as "background information" in this
18 subsection and criminal history record information as defined
19 in the Illinois Uniform Conviction Information Act for each
20 Department employee or Department applicant. Each Department
21 employee or Department applicant shall submit his or her
22 fingerprints to the Department of State Police in the form and
23 manner prescribed by the Department of State Police. These
24 fingerprints shall be checked against the fingerprint records
25 now and hereafter filed in the Department of State Police and
26 the Federal Bureau of Investigation criminal history records

1 databases. The Department of State Police shall charge a fee
2 for conducting the criminal history record check, which shall
3 be deposited into the State Police Services Fund and shall not
4 exceed the actual cost of the record check. The Department of
5 State Police shall furnish, pursuant to positive
6 identification, all Illinois conviction information to the
7 Department of Children and Family Services.

8 For purposes of this subsection:

9 "Background information" means all of the following:

10 (i) Upon the request of the Department of Children and
11 Family Services, conviction information obtained from the
12 Department of State Police as a result of a
13 fingerprint-based criminal history records check of the
14 Illinois criminal history records database and the Federal
15 Bureau of Investigation criminal history records database
16 concerning a Department employee or Department applicant.

17 (ii) Information obtained by the Department of
18 Children and Family Services after performing a check of
19 the Department of State Police's Sex Offender Database, as
20 authorized by Section 120 of the Sex Offender Community
21 Notification Law, concerning a Department employee or
22 Department applicant.

23 (iii) Information obtained by the Department of
24 Children and Family Services after performing a check of
25 the Child Abuse and Neglect Tracking System (CANTS)
26 operated and maintained by the Department.

1 "Department employee" means a full-time or temporary
2 employee coded or certified within the State of Illinois
3 Personnel System.

4 "Department applicant" means an individual who has
5 conditional Department full-time or part-time work, a
6 contractor, an individual used to replace or supplement staff,
7 an academic intern, a volunteer in Department offices or on
8 Department contracts, a work-study student, an individual or
9 entity licensed by the Department, or an unlicensed service
10 provider who works as a condition of a contract or an agreement
11 and whose work may bring the unlicensed service provider into
12 contact with Department clients or client records.

13 (Source: P.A. 98-249, eff. 1-1-14; 98-570, eff. 8-27-13;
14 98-756, eff. 7-16-14; 98-803, eff. 1-1-15; 99-143, eff.
15 7-27-15; 99-933, eff. 1-27-17.)

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