



Rep. Al Riley

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1 AMENDMENT TO SENATE BILL 1379

2 AMENDMENT NO. _____. Amend Senate Bill 1379 on page 1,
3 after line 3, by inserting the following:

4 "Section 2. 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 19 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 physically or mentally
25 handicapped, older and other hard-to-place children who (i)
26 immediately prior to their adoption were legal wards of the

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

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

1 of the child.

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

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

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

14 (l) Before July 1, 2000, the Department may provide, and
15 beginning July 1, 2000, the Department shall offer family
16 preservation services, as defined in Section 8.2 of the Abused
17 and Neglected Child Reporting Act, to help families, including
18 adoptive and extended families. Family preservation services
19 shall be offered (i) to prevent the placement of children in
20 substitute care when the children can be cared for at home or
21 in the custody of the person responsible for the children's
22 welfare, (ii) to reunite children with their families, or (iii)
23 to maintain an adoptive placement. Family preservation
24 services shall only be offered when doing so will not endanger
25 the children's health or safety. With respect to children who
26 are in substitute care pursuant to the Juvenile Court Act of

1 1987, family preservation services shall not be offered if a
2 goal other than those of subdivisions (A), (B), or (B-1) of
3 subsection (2) of Section 2-28 of that Act has been set.
4 Nothing in this paragraph shall be construed to create a
5 private right of action or claim on the part of any individual
6 or child welfare agency.

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

26 The Department may, at its discretion except for those

1 children also adjudicated neglected or dependent, accept for
2 care and training any child who has been adjudicated addicted,
3 as a truant minor in need of supervision or as a minor
4 requiring authoritative intervention, under the Juvenile Court
5 Act or the Juvenile Court Act of 1987, but no such child shall
6 be committed to the Department by any court without the
7 approval of the Department. A minor charged with a criminal
8 offense under the Criminal Code of 1961 or adjudicated
9 delinquent shall not be placed in the custody of or committed
10 to the Department by any court, except a minor less than 13
11 years of age committed to the Department under Section 5-710 of
12 the Juvenile Court Act of 1987.

13 (1-1) The legislature recognizes that the best interests of
14 the child require that the child be placed in the most
15 permanent living arrangement as soon as is practically
16 possible. To achieve this goal, the legislature directs the
17 Department of Children and Family Services to conduct
18 concurrent planning so that permanency may occur at the
19 earliest opportunity. Permanent living arrangements may
20 include prevention of placement of a child outside the home of
21 the family when the child can be cared for at home without
22 endangering the child's health or safety; reunification with
23 the family, when safe and appropriate, if temporary placement
24 is necessary; or movement of the child toward the most
25 permanent living arrangement and permanent legal status.

26 When determining reasonable efforts to be made with respect

1 to a child, as described in this subsection, and in making such
2 reasonable efforts, the child's health and safety shall be the
3 paramount concern.

4 When a child is placed in foster care, the Department shall
5 ensure and document that reasonable efforts were made to
6 prevent or eliminate the need to remove the child from the
7 child's home. The Department must make reasonable efforts to
8 reunify the family when temporary placement of the child occurs
9 unless otherwise required, pursuant to the Juvenile Court Act
10 of 1987. At any time after the dispositional hearing where the
11 Department believes that further reunification services would
12 be ineffective, it may request a finding from the court that
13 reasonable efforts are no longer appropriate. The Department is
14 not required to provide further reunification services after
15 such a finding.

16 A decision to place a child in substitute care shall be
17 made with considerations of the child's health, safety, and
18 best interests. At the time of placement, consideration should
19 also be given so that if reunification fails or is delayed, the
20 placement made is the best available placement to provide
21 permanency for the child.

22 The Department shall adopt rules addressing concurrent
23 planning for reunification and permanency. The Department
24 shall consider the following factors when determining
25 appropriateness of concurrent planning:

- 26 (1) the likelihood of prompt reunification;

- 1 (2) the past history of the family;
- 2 (3) the barriers to reunification being addressed by
- 3 the family;
- 4 (4) the level of cooperation of the family;
- 5 (5) the foster parents' willingness to work with the
- 6 family to reunite;
- 7 (6) the willingness and ability of the foster family to
- 8 provide an adoptive home or long-term placement;
- 9 (7) the age of the child;
- 10 (8) placement of siblings.

11 (m) The Department may assume temporary custody of any
12 child if:

13 (1) it has received a written consent to such temporary
14 custody signed by the parents of the child or by the parent
15 having custody of the child if the parents are not living
16 together or by the guardian or custodian of the child if
17 the child is not in the custody of either parent, or

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

20 If the child is found in his or her residence without a parent,
21 guardian, custodian or responsible caretaker, the Department
22 may, instead of removing the child and assuming temporary
23 custody, place an authorized representative of the Department
24 in that residence until such time as a parent, guardian or
25 custodian enters the home and expresses a willingness and
26 apparent ability to ensure the child's health and safety and

1 resume permanent charge of the child, or until a relative
2 enters the home and is willing and able to ensure the child's
3 health and safety and assume charge of the child until a
4 parent, guardian or custodian enters the home and expresses
5 such willingness and ability to ensure the child's safety and
6 resume permanent charge. After a caretaker has remained in the
7 home for a period not to exceed 12 hours, the Department must
8 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
9 5-415 of the Juvenile Court Act of 1987.

10 The Department shall have the authority, responsibilities
11 and duties that a legal custodian of the child would have
12 pursuant to subsection (9) of Section 1-3 of the Juvenile Court
13 Act of 1987. Whenever a child is taken into temporary custody
14 pursuant to an investigation under the Abused and Neglected
15 Child Reporting Act, or pursuant to a referral and acceptance
16 under the Juvenile Court Act of 1987 of a minor in limited
17 custody, the Department, during the period of temporary custody
18 and before the child is brought before a judicial officer as
19 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
20 Court Act of 1987, shall have the authority, responsibilities
21 and duties that a legal custodian of the child would have under
22 subsection (9) of Section 1-3 of the Juvenile Court Act of
23 1987.

24 The Department shall ensure that any child taken into
25 custody is scheduled for an appointment for a medical
26 examination.

1 A parent, guardian or custodian of a child in the temporary
2 custody of the Department who would have custody of the child
3 if he were not in the temporary custody of the Department may
4 deliver to the Department a signed request that the Department
5 surrender the temporary custody of the child. The Department
6 may retain temporary custody of the child for 10 days after the
7 receipt of the request, during which period the Department may
8 cause to be filed a petition pursuant to the Juvenile Court Act
9 of 1987. If a petition is so filed, the Department shall retain
10 temporary custody of the child until the court orders
11 otherwise. If a petition is not filed within the 10 day period,
12 the child shall be surrendered to the custody of the requesting
13 parent, guardian or custodian not later than the expiration of
14 the 10 day period, at which time the authority and duties of
15 the Department with respect to the temporary custody of the
16 child shall terminate.

17 (m-1) The Department may place children under 18 years of
18 age in a secure child care facility licensed by the Department
19 that cares for children who are in need of secure living
20 arrangements for their health, safety, and well-being after a
21 determination is made by the facility director and the Director
22 or the Director's designate prior to admission to the facility
23 subject to Section 2-27.1 of the Juvenile Court Act of 1987.
24 This subsection (m-1) does not apply to a child who is subject
25 to placement in a correctional facility operated pursuant to
26 Section 3-15-2 of the Unified Code of Corrections, unless the

1 child is a ward who was placed under the care of the Department
2 before being subject to placement in a correctional facility
3 and a court of competent jurisdiction has ordered placement of
4 the child in a secure care facility.

5 (n) The Department may place children under 18 years of age
6 in licensed child care facilities when in the opinion of the
7 Department, appropriate services aimed at family preservation
8 have been unsuccessful and cannot ensure the child's health and
9 safety or are unavailable and such placement would be for their
10 best interest. Payment for board, clothing, care, training and
11 supervision of any child placed in a licensed child care
12 facility may be made by the Department, by the parents or
13 guardians of the estates of those children, or by both the
14 Department and the parents or guardians, except that no
15 payments shall be made by the Department for any child placed
16 in a licensed child care facility for board, clothing, care,
17 training and supervision of such a child that exceed the
18 average per capita cost of maintaining and of caring for a
19 child in institutions for dependent or neglected children
20 operated by the Department. However, such restriction on
21 payments does not apply in cases where children require
22 specialized care and treatment for problems of severe emotional
23 disturbance, physical disability, social adjustment, or any
24 combination thereof and suitable facilities for the placement
25 of such children are not available at payment rates within the
26 limitations set forth in this Section. All reimbursements for

1 services delivered shall be absolutely inalienable by
2 assignment, sale, attachment, garnishment or otherwise.

3 (o) The Department shall establish an administrative
4 review and appeal process for children and families who request
5 or receive child welfare services from the Department. Children
6 who are wards of the Department and are placed by private child
7 welfare agencies, and foster families with whom those children
8 are placed, shall be afforded the same procedural and appeal
9 rights as children and families in the case of placement by the
10 Department, including the right to an initial review of a
11 private agency decision by that agency. The Department shall
12 insure that any private child welfare agency, which accepts
13 wards of the Department for placement, affords those rights to
14 children and foster families. The Department shall accept for
15 administrative review and an appeal hearing a complaint made by
16 (i) a child or foster family concerning a decision following an
17 initial review by a private child welfare agency or (ii) a
18 prospective adoptive parent who alleges a violation of
19 subsection (j-5) of this Section. An appeal of a decision
20 concerning a change in the placement of a child shall be
21 conducted in an expedited manner.

22 (p) There is hereby created the Department of Children and
23 Family Services Emergency Assistance Fund from which the
24 Department may provide special financial assistance to
25 families which are in economic crisis when such assistance is
26 not available through other public or private sources and the

1 assistance is deemed necessary to prevent dissolution of the
2 family unit or to reunite families which have been separated
3 due to child abuse and neglect. The Department shall establish
4 administrative rules specifying the criteria for determining
5 eligibility for and the amount and nature of assistance to be
6 provided. The Department may also enter into written agreements
7 with private and public social service agencies to provide
8 emergency financial services to families referred by the
9 Department. Special financial assistance payments shall be
10 available to a family no more than once during each fiscal year
11 and the total payments to a family may not exceed \$500 during a
12 fiscal year.

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

19 The Department shall set up and administer no-cost,
20 interest-bearing accounts in appropriate financial
21 institutions for children for whom the Department is legally
22 responsible and who have been determined eligible for Veterans'
23 Benefits, Social Security benefits, assistance allotments from
24 the armed forces, court ordered payments, parental voluntary
25 payments, Supplemental Security Income, Railroad Retirement
26 payments, Black Lung benefits, or other miscellaneous

1 payments. Interest earned by each account shall be credited to
2 the account, unless disbursed in accordance with this
3 subsection.

4 In disbursing funds from children's accounts, the
5 Department shall:

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

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

23 (3) Maintain any balance remaining after reimbursing
24 for the child's costs of care, as specified in item (2).
25 The balance shall accumulate in accordance with relevant
26 State and federal laws and shall be disbursed to the child

1 or his or her guardian, or to the issuing agency.

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

17 (s) The Department of Children and Family Services may
18 establish and implement a program to reimburse Department and
19 private child welfare agency foster parents licensed by the
20 Department of Children and Family Services for damages
21 sustained by the foster parents as a result of the malicious or
22 negligent acts of foster children, as well as providing third
23 party coverage for such foster parents with regard to actions
24 of foster children to other individuals. Such coverage will be
25 secondary to the foster parent liability insurance policy, if
26 applicable. The program shall be funded through appropriations

1 from the General Revenue Fund, specifically designated for such
2 purposes.

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

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

9 (2) the court has ordered one or both of the parties to
10 the proceeding to reimburse the Department for its
11 reasonable costs for providing such services in accordance
12 with Department rules, or has determined that neither party
13 is financially able to pay.

14 The Department shall provide written notification to the
15 court of the specific arrangements for supervised visitation
16 and projected monthly costs within 60 days of the court order.
17 The Department shall send to the court information related to
18 the costs incurred except in cases where the court has
19 determined the parties are financially unable to pay. The court
20 may order additional periodic reports as appropriate.

21 (u) In addition to other information that must be provided,
22 whenever the Department places a child with a prospective
23 adoptive parent or parents or in a licensed foster home, group
24 home, child care institution, or in a relative home, the
25 Department shall provide to the prospective adoptive parent or
26 parents or other caretaker:

1 (1) available detailed information concerning the
2 child's educational and health history, copies of
3 immunization records (including insurance and medical card
4 information), a history of the child's previous
5 placements, if any, and reasons for placement changes
6 excluding any information that identifies or reveals the
7 location of any previous caretaker;

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

11 (3) information containing details of the child's
12 individualized educational plan when the child is
13 receiving special education services.

14 The caretaker shall be informed of any known social or
15 behavioral information (including, but not limited to,
16 criminal background, fire setting, perpetuation of sexual
17 abuse, destructive behavior, and substance abuse) necessary to
18 care for and safeguard the children to be placed or currently
19 in the home. The Department may prepare a written summary of
20 the information required by this paragraph, which may be
21 provided to the foster or prospective adoptive parent in
22 advance of a placement. The foster or prospective adoptive
23 parent may review the supporting documents in the child's file
24 in the presence of casework staff. In the case of an emergency
25 placement, casework staff shall at least provide known
26 information verbally, if necessary, and must subsequently

1 provide the information in writing as required by this
2 subsection.

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

18 (u-5) Effective July 1, 1995, only foster care placements
19 licensed as foster family homes pursuant to the Child Care Act
20 of 1969 shall be eligible to receive foster care payments from
21 the Department. Relative caregivers who, as of July 1, 1995,
22 were approved pursuant to approved relative placement rules
23 previously promulgated by the Department at 89 Ill. Adm. Code
24 335 and had submitted an application for licensure as a foster
25 family home may continue to receive foster care payments only
26 until the Department determines that they may be licensed as a

1 foster family home or that their application for licensure is
2 denied or until September 30, 1995, whichever occurs first.

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

25 (v-1) Prior to final approval for placement of a child, the
26 Department shall conduct a criminal records background check of

1 the prospective foster or adoptive parent, including
2 fingerprint-based checks of national crime information
3 databases. Final approval for placement shall not be granted if
4 the record check reveals a felony conviction for child abuse or
5 neglect, for spousal abuse, for a crime against children, or
6 for a crime involving violence, including rape, sexual assault,
7 or homicide, but not including other physical assault or
8 battery, or if there is a felony conviction for physical
9 assault, battery, or a drug-related offense committed within
10 the past 5 years.

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

19 (w) Within 120 days of August 20, 1995 (the effective date
20 of Public Act 89-392), the Department shall prepare and submit
21 to the Governor and the General Assembly, a written plan for
22 the development of in-state licensed secure child care
23 facilities that care for children who are in need of secure
24 living arrangements for their health, safety, and well-being.
25 For purposes of this subsection, secure care facility shall
26 mean a facility that is designed and operated to ensure that

1 all entrances and exits from the facility, a building or a
2 distinct part of the building, are under the exclusive control
3 of the staff of the facility, whether or not the child has the
4 freedom of movement within the perimeter of the facility,
5 building, or distinct part of the building. The plan shall
6 include descriptions of the types of facilities that are needed
7 in Illinois; the cost of developing these secure care
8 facilities; the estimated number of placements; the potential
9 cost savings resulting from the movement of children currently
10 out-of-state who are projected to be returned to Illinois; the
11 necessary geographic distribution of these facilities in
12 Illinois; and a proposed timetable for development of such
13 facilities.

14 (Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06.);
15 and

16 on page 6, after line 3, by inserting the following:

17 "Section 10. The Juvenile Court Act of 1987 is amended by
18 changing Section 2-28 as follows:

19 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

20 Sec. 2-28. Court review.

21 (1) The court may require any legal custodian or guardian
22 of the person appointed under this Act to report periodically
23 to the court or may cite him into court and require him or his

1 agency, to make a full and accurate report of his or its doings
2 in behalf of the minor. The custodian or guardian, within 10
3 days after such citation, shall make the report, either in
4 writing verified by affidavit or orally under oath in open
5 court, or otherwise as the court directs. Upon the hearing of
6 the report the court may remove the custodian or guardian and
7 appoint another in his stead or restore the minor to the
8 custody of his parents or former guardian or custodian.
9 However, custody of the minor shall not be restored to any
10 parent, guardian or legal custodian in any case in which the
11 minor is found to be neglected or abused under Section 2-3 or
12 dependent under Section 2-4 of this Act, unless the minor can
13 be cared for at home without endangering the minor's health or
14 safety and it is in the best interests of the minor, and if
15 such neglect, abuse, or dependency is found by the court under
16 paragraph (1) of Section 2-21 of this Act to have come about
17 due to the acts or omissions or both of such parent, guardian
18 or legal custodian, until such time as an investigation is made
19 as provided in paragraph (5) and a hearing is held on the issue
20 of the fitness of such parent, guardian or legal custodian to
21 care for the minor and the court enters an order that such
22 parent, guardian or legal custodian is fit to care for the
23 minor.

24 (2) The first permanency hearing shall be conducted by the
25 judge. Subsequent permanency hearings may be heard by a judge
26 or by hearing officers appointed or approved by the court in

1 the manner set forth in Section 2-28.1 of this Act. The initial
2 hearing shall be held (a) within 12 months from the date
3 temporary custody was taken, (b) if the parental rights of both
4 parents have been terminated in accordance with the procedure
5 described in subsection (5) of Section 2-21, within 30 days of
6 the order for termination of parental rights and appointment of
7 a guardian with power to consent to adoption, or (c) in
8 accordance with subsection (2) of Section 2-13.1. Subsequent
9 permanency hearings shall be held every 6 months or more
10 frequently if necessary in the court's determination following
11 the initial permanency hearing, in accordance with the
12 standards set forth in this Section, until the court determines
13 that the plan and goal have been achieved. Once the plan and
14 goal have been achieved, if the minor remains in substitute
15 care, the case shall be reviewed at least every 6 months
16 thereafter, subject to the provisions of this Section, unless
17 the minor is placed in the guardianship of a suitable relative
18 or other person and the court determines that further
19 monitoring by the court does not further the health, safety or
20 best interest of the child and that this is a stable permanent
21 placement. The permanency hearings must occur within the time
22 frames set forth in this subsection and may not be delayed in
23 anticipation of a report from any source or due to the agency's
24 failure to timely file its written report (this written report
25 means the one required under the next paragraph and does not
26 mean the service plan also referred to in that paragraph).

1 The public agency that is the custodian or guardian of the
2 minor, or another agency responsible for the minor's care,
3 shall ensure that all parties to the permanency hearings are
4 provided a copy of the most recent service plan prepared within
5 the prior 6 months at least 14 days in advance of the hearing.
6 If not contained in the plan, the agency shall also include a
7 report setting forth (i) any special physical, psychological,
8 educational, medical, emotional, or other needs of the minor or
9 his or her family that are relevant to a permanency or
10 placement determination and (ii) for any minor age 16 or over,
11 a written description of the programs and services that will
12 enable the minor to prepare for independent living. The
13 agency's written report must detail what progress or lack of
14 progress the parent has made in correcting the conditions
15 requiring the child to be in care; whether the child can be
16 returned home without jeopardizing the child's health, safety,
17 and welfare, and if not, what permanency goal is recommended to
18 be in the best interests of the child, and why the other
19 permanency goals are not appropriate. The caseworker must
20 appear and testify at the permanency hearing. If a permanency
21 hearing has not previously been scheduled by the court, the
22 moving party shall move for the setting of a permanency hearing
23 and the entry of an order within the time frames set forth in
24 this subsection.

25 At the permanency hearing, the court shall determine the
26 future status of the child. The court shall set one of the

1 following permanency goals:

2 (A) The minor will be returned home by a specific date
3 within 5 months.

4 (B) The minor will be in short-term care with a
5 continued goal to return home within a period not to exceed
6 one year, where the progress of the parent or parents is
7 substantial giving particular consideration to the age and
8 individual needs of the minor.

9 (B-1) The minor will be in short-term care with a
10 continued goal to return home pending a status hearing.
11 When the court finds that a parent has not made reasonable
12 efforts or reasonable progress to date, the court shall
13 identify what actions the parent and the Department must
14 take in order to justify a finding of reasonable efforts or
15 reasonable progress and shall set a status hearing to be
16 held not earlier than 9 months from the date of
17 adjudication nor later than 11 months from the date of
18 adjudication during which the parent's progress will again
19 be reviewed.

20 (C) The minor will be in substitute care pending court
21 determination on termination of parental rights.

22 (D) Adoption, provided that parental rights have been
23 terminated or relinquished.

24 (E) The guardianship of the minor will be transferred
25 to an individual or couple on a permanent basis provided
26 that goals (A) through (D) have been ruled out.

1 (F) The minor over age 15 will be in substitute care
2 pending independence.

3 (G) The minor will be in substitute care because he or
4 she cannot be provided for in a home environment due to
5 developmental disabilities or mental illness or because he
6 or she is a danger to self or others, provided that goals
7 (A) through (D) have been ruled out.

8 In selecting any permanency goal, the court shall indicate
9 in writing the reasons the goal was selected and why the
10 preceding goals were ruled out. Where the court has selected a
11 permanency goal other than (A), (B), or (B-1), the Department
12 of Children and Family Services shall not provide further
13 reunification services, but shall provide services consistent
14 with the goal selected.

15 The court shall set a permanency goal that is in the best
16 interest of the child. In determining that goal, the court
17 shall consult with the minor in an age-appropriate manner
18 regarding the proposed permanency or transition plan for the
19 minor. The court's determination shall include the following
20 factors:

21 (1) Age of the child.

22 (2) Options available for permanence, including both
23 out-of-State and in-State placement options.

24 (3) Current placement of the child and the intent of
25 the family regarding adoption.

26 (4) Emotional, physical, and mental status or

1 condition of the child.

2 (5) Types of services previously offered and whether or
3 not the services were successful and, if not successful,
4 the reasons the services failed.

5 (6) Availability of services currently needed and
6 whether the services exist.

7 (7) Status of siblings of the minor.

8 The court shall consider (i) the permanency goal contained
9 in the service plan, (ii) the appropriateness of the services
10 contained in the plan and whether those services have been
11 provided, (iii) whether reasonable efforts have been made by
12 all the parties to the service plan to achieve the goal, and
13 (iv) whether the plan and goal have been achieved. All evidence
14 relevant to determining these questions, including oral and
15 written reports, may be admitted and may be relied on to the
16 extent of their probative value.

17 If the goal has been achieved, the court shall enter orders
18 that are necessary to conform the minor's legal custody and
19 status to those findings.

20 If, after receiving evidence, the court determines that the
21 services contained in the plan are not reasonably calculated to
22 facilitate achievement of the permanency goal, the court shall
23 put in writing the factual basis supporting the determination
24 and enter specific findings based on the evidence. The court
25 also shall enter an order for the Department to develop and
26 implement a new service plan or to implement changes to the

1 current service plan consistent with the court's findings. The
2 new service plan shall be filed with the court and served on
3 all parties within 45 days of the date of the order. The court
4 shall continue the matter until the new service plan is filed.
5 Unless otherwise specifically authorized by law, the court is
6 not empowered under this subsection (2) or under subsection (3)
7 to order specific placements, specific services, or specific
8 service providers to be included in the plan.

9 A guardian or custodian appointed by the court pursuant to
10 this Act shall file updated case plans with the court every 6
11 months.

12 Rights of wards of the court under this Act are enforceable
13 against any public agency by complaints for relief by mandamus
14 filed in any proceedings brought under this Act.

15 (3) Following the permanency hearing, the court shall enter
16 a written order that includes the determinations required under
17 subsection (2) of this Section and sets forth the following:

18 (a) The future status of the minor, including the
19 permanency goal, and any order necessary to conform the
20 minor's legal custody and status to such determination; or

21 (b) If the permanency goal of the minor cannot be
22 achieved immediately, the specific reasons for continuing
23 the minor in the care of the Department of Children and
24 Family Services or other agency for short term placement,
25 and the following determinations:

26 (i) (Blank).

1 (ii) Whether the services required by the court and
2 by any service plan prepared within the prior 6 months
3 have been provided and (A) if so, whether the services
4 were reasonably calculated to facilitate the
5 achievement of the permanency goal or (B) if not
6 provided, why the services were not provided.

7 (iii) Whether the minor's placement is necessary,
8 and appropriate to the plan and goal, recognizing the
9 right of minors to the least restrictive (most
10 family-like) setting available and in close proximity
11 to the parents' home consistent with the health,
12 safety, best interest and special needs of the minor
13 and, if the minor is placed out-of-State, whether the
14 out-of-State placement continues to be appropriate and
15 consistent with the health, safety, and best interest
16 of the minor.

17 (iv) (Blank).

18 (v) (Blank).

19 Any order entered pursuant to this subsection (3) shall be
20 immediately appealable as a matter of right under Supreme Court
21 Rule 304(b)(1).

22 (4) The minor or any person interested in the minor may
23 apply to the court for a change in custody of the minor and the
24 appointment of a new custodian or guardian of the person or for
25 the restoration of the minor to the custody of his parents or
26 former guardian or custodian.

1 When return home is not selected as the permanency goal:

2 (a) The Department, the minor, or the current foster
3 parent or relative caregiver seeking private guardianship
4 may file a motion for private guardianship of the minor.
5 Appointment of a guardian under this Section requires
6 approval of the court.

7 (b) The State's Attorney may file a motion to terminate
8 parental rights of any parent who has failed to make
9 reasonable efforts to correct the conditions which led to
10 the removal of the child or reasonable progress toward the
11 return of the child, as defined in subdivision (D)(m) of
12 Section 1 of the Adoption Act or for whom any other
13 unfitness ground for terminating parental rights as
14 defined in subdivision (D) of Section 1 of the Adoption Act
15 exists.

16 Custody of the minor shall not be restored to any parent,
17 guardian or legal custodian in any case in which the minor is
18 found to be neglected or abused under Section 2-3 or dependent
19 under Section 2-4 of this Act, unless the minor can be cared
20 for at home without endangering his or her health or safety and
21 it is in the best interest of the minor, and if such neglect,
22 abuse, or dependency is found by the court under paragraph (1)
23 of Section 2-21 of this Act to have come about due to the acts
24 or omissions or both of such parent, guardian or legal
25 custodian, until such time as an investigation is made as
26 provided in paragraph (5) and a hearing is held on the issue of

1 the health, safety and best interest of the minor and the
2 fitness of such parent, guardian or legal custodian to care for
3 the minor and the court enters an order that such parent,
4 guardian or legal custodian is fit to care for the minor. In
5 the event that the minor has attained 18 years of age and the
6 guardian or custodian petitions the court for an order
7 terminating his guardianship or custody, guardianship or
8 custody shall terminate automatically 30 days after the receipt
9 of the petition unless the court orders otherwise. No legal
10 custodian or guardian of the person may be removed without his
11 consent until given notice and an opportunity to be heard by
12 the court.

13 When the court orders a child restored to the custody of
14 the parent or parents, the court shall order the parent or
15 parents to cooperate with the Department of Children and Family
16 Services and comply with the terms of an after-care plan, or
17 risk the loss of custody of the child and possible termination
18 of their parental rights. The court may also enter an order of
19 protective supervision in accordance with Section 2-24.

20 (5) Whenever a parent, guardian, or legal custodian files a
21 motion for restoration of custody of the minor, and the minor
22 was adjudicated neglected, abused, or dependent as a result of
23 physical abuse, the court shall cause to be made an
24 investigation as to whether the movant has ever been charged
25 with or convicted of any criminal offense which would indicate
26 the likelihood of any further physical abuse to the minor.

1 Evidence of such criminal convictions shall be taken into
2 account in determining whether the minor can be cared for at
3 home without endangering his or her health or safety and
4 fitness of the parent, guardian, or legal custodian.

5 (a) Any agency of this State or any subdivision thereof
6 shall co-operate with the agent of the court in providing
7 any information sought in the investigation.

8 (b) The information derived from the investigation and
9 any conclusions or recommendations derived from the
10 information shall be provided to the parent, guardian, or
11 legal custodian seeking restoration of custody prior to the
12 hearing on fitness and the movant shall have an opportunity
13 at the hearing to refute the information or contest its
14 significance.

15 (c) All information obtained from any investigation
16 shall be confidential as provided in Section 5-150 of this
17 Act.

18 (Source: P.A. 91-357, eff. 7-29-99; 92-320, eff. 1-1-02.)".