

1 AN ACT concerning children.

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

4 Section 5. The Children and Family Services Act is
5 amended 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
9 welfare services when not available through other public or
10 private child care or program facilities.

11 (a) For purposes of this Section:

12 (1) "Children" means persons found within the State
13 who are under the age of 18 years. The term also
14 includes persons under age 19 who:

15 (A) were committed to the Department pursuant
16 to the Juvenile Court Act or the Juvenile Court Act
17 of 1987, as amended, prior to the age of 18 and who
18 continue under the jurisdiction of the court; or

19 (B) were accepted for care, service and
20 training by the Department prior to the age of 18
21 and whose best interest in the discretion of the
22 Department would be served by continuing that care,
23 service and training because of severe emotional
24 disturbances, physical disability, social adjustment
25 or any combination thereof, or because of the need
26 to complete an educational or vocational training
27 program.

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

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

4 (A) protecting and promoting the health,
5 safety and welfare of children, including homeless,
6 dependent or neglected children;

7 (B) remedying, or assisting in the solution of
8 problems which may result in, the neglect, abuse,
9 exploitation or delinquency of children;

10 (C) preventing the unnecessary separation of
11 children from their families by identifying family
12 problems, assisting families in resolving their
13 problems, and preventing the breakup of the family
14 where the prevention of child removal is desirable
15 and possible when the child can be cared for at home
16 without endangering the child's health and safety;

17 (D) restoring to their families children who
18 have been removed, by the provision of services to
19 the child and the families when the child can be
20 cared for at home without endangering the child's
21 health and safety;

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

25 (F) assuring safe and adequate care of
26 children away from their homes, in cases where the
27 child cannot be returned home or cannot be placed
28 for adoption. At the time of placement, the
29 Department shall consider concurrent planning, as
30 described in subsection (1-1) of this Section so
31 that permanency may occur at the earliest
32 opportunity. Consideration should be given so that
33 if reunification fails or is delayed, the placement
34 made is the best available placement to provide

1 permanency for the child;

2 (G) (blank);

3 (H) (blank); and

4 (I) placing and maintaining children in
5 facilities that provide separate living quarters for
6 children under the age of 18 and for children 18
7 years of age and older, unless a child 18 years of
8 age is in the last year of high school education or
9 vocational training, in an approved individual or
10 group treatment program, in a licensed shelter
11 facility, or secure child care facility. The
12 Department is not required to place or maintain
13 children:

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

15 (ii) who are persons with a developmental
16 disability, as defined in the Mental Health and
17 Developmental Disabilities Code, or

18 (iii) who are female children who are
19 pregnant, pregnant and parenting or parenting,
20 or

21 (iv) who are siblings,

22 in facilities that provide separate living quarters
23 for children 18 years of age and older and for
24 children under 18 years of age.

25 (b) Nothing in this Section shall be construed to
26 authorize the expenditure of public funds for the purpose of
27 performing abortions.

28 (c) The Department shall establish and maintain
29 tax-supported child welfare services and extend and seek to
30 improve voluntary services throughout the State, to the end
31 that services and care shall be available on an equal basis
32 throughout the State to children requiring such services.

33 (d) The Director may authorize advance disbursements for
34 any new program initiative to any agency contracting with the

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

25 (1) adoption;

26 (2) foster care;

27 (3) family counseling;

28 (4) protective services;

29 (5) (blank);

30 (6) homemaker service;

31 (7) return of runaway children;

32 (8) (blank);

33 (9) placement under Section 5-7 of the Juvenile
34 Court Act or Section 2-27, 3-28, 4-25 or 5-740 of the

1 Juvenile Court Act of 1987 in accordance with the federal
2 Adoption Assistance and Child Welfare Act of 1980; and
3 (10) interstate services.

4 Rules and regulations established by the Department shall
5 include provisions for training Department staff and the
6 staff of Department grantees, through contracts with other
7 agencies or resources, in alcohol and drug abuse screening
8 techniques approved by the Department of Human Services, as a
9 successor to the Department of Alcoholism and Substance
10 Abuse, for the purpose of identifying children and adults who
11 should be referred to an alcohol and drug abuse treatment
12 program for professional evaluation.

13 (h) If the Department finds that there is no appropriate
14 program or facility within or available to the Department for
15 a ward and that no licensed private facility has an adequate
16 and appropriate program or none agrees to accept the ward,
17 the Department shall create an appropriate individualized,
18 program-oriented plan for such ward. The plan may be
19 developed within the Department or through purchase of
20 services by the Department to the extent that it is within
21 its statutory authority to do.

22 (i) Service programs shall be available throughout the
23 State and shall include but not be limited to the following
24 services:

- 25 (1) case management;
- 26 (2) homemakers;
- 27 (3) counseling;
- 28 (4) parent education;
- 29 (5) day care; and
- 30 (6) emergency assistance and advocacy.

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

- 33 (1) comprehensive family-based services;
- 34 (2) assessments;

- 1 (3) respite care; and
- 2 (4) in-home health services.

3 The Department shall provide transportation for any of
4 the services it makes available to children or families or
5 for which it refers children or families.

6 (j) The Department may provide categories of financial
7 assistance and education assistance grants, and shall
8 establish rules and regulations concerning the assistance and
9 grants, to persons who adopt physically or mentally
10 handicapped, older and other hard-to-place children who (i)
11 immediately prior to their adoption were legal wards of the
12 Department or (ii) were determined eligible for financial
13 assistance with respect to a prior adoption and who become
14 available for adoption because the prior adoption has been
15 dissolved and the parental rights of the adoptive parents
16 have been terminated or because the child's adoptive parents
17 have died. The Department may also provide categories of
18 financial assistance and education assistance grants, and
19 shall establish rules and regulations for the assistance and
20 grants, to persons appointed guardian of the person under
21 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
22 4-25 or 5-740 of the Juvenile Court Act of 1987 for children
23 who were wards of the Department for 12 months immediately
24 prior to the appointment of the guardian.

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

32 Any financial assistance provided under this subsection
33 is inalienable by assignment, sale, execution, attachment,
34 garnishment, or any other remedy for recovery or collection

1 of a judgment or debt.

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

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

10 (l) Before July 1, 2000, the Department may provide, and
11 beginning July 1, 2000, the Department shall offer family
12 preservation services, as defined in Section 8.2 of the
13 Abused and Neglected Child Reporting Act, to help families,
14 including adoptive and extended families. Family preservation
15 services shall be offered (i) to prevent the placement of
16 children in substitute care when the children can be cared
17 for at home or in the custody of the person responsible for
18 the children's welfare, (ii) to reunite children with their
19 families, or (iii) to maintain an adoptive placement. Family
20 preservation services shall only be offered when doing so
21 will not endanger the children's health or safety. With
22 respect to children who are in substitute care pursuant to
23 the Juvenile Court Act of 1987, family preservation services
24 shall not be offered if a goal other than those of
25 subdivisions (A), (B), or (B-1) of subsection (2) of Section
26 2-28 of that Act has been set. Nothing in this paragraph
27 shall be construed to create a private right of action or
28 claim on the part of any individual or child welfare agency.

29 The Department shall notify the child and his family of
30 the Department's responsibility to offer and provide family
31 preservation services as identified in the service plan. The
32 child and his family shall be eligible for services as soon
33 as the report is determined to be "indicated". The
34 Department may offer services to any child or family with

1 respect to whom a report of suspected child abuse or neglect
2 has been filed, prior to concluding its investigation under
3 Section 7.12 of the Abused and Neglected Child Reporting Act.
4 However, the child's or family's willingness to accept
5 services shall not be considered in the investigation. The
6 Department may also provide services to any child or family
7 who is the subject of any report of suspected child abuse or
8 neglect or may refer such child or family to services
9 available from other agencies in the community, even if the
10 report is determined to be unfounded, if the conditions in
11 the child's or family's home are reasonably likely to subject
12 the child or family to future reports of suspected child
13 abuse or neglect. Acceptance of such services shall be
14 voluntary.

15 The Department may, at its discretion except for those
16 children also adjudicated neglected or dependent, accept for
17 care and training any child who has been adjudicated
18 addicted, as a truant minor in need of supervision or as a
19 minor requiring authoritative intervention, under the
20 Juvenile Court Act or the Juvenile Court Act of 1987, but no
21 such child shall be committed to the Department by any court
22 without the approval of the Department. A minor charged with
23 a criminal offense under the Criminal Code of 1961 or
24 adjudicated delinquent shall not be placed in the custody of
25 or committed to the Department by any court, except a minor
26 less than 13 years of age committed to the Department under
27 Section 5-710 of the Juvenile Court Act of 1987.

28 (1-1) The legislature recognizes that the best interests
29 of the child require that the child be placed in the most
30 permanent living arrangement as soon as is practically
31 possible. To achieve this goal, the legislature directs the
32 Department of Children and Family Services to conduct
33 concurrent planning so that permanency may occur at the
34 earliest opportunity. Permanent living arrangements may

1 include prevention of placement of a child outside the home
2 of the family when the child can be cared for at home without
3 endangering the child's health or safety; reunification with
4 the family, when safe and appropriate, if temporary placement
5 is necessary; or movement of the child toward the most
6 permanent living arrangement and permanent legal status.

7 When determining reasonable efforts to be made with
8 respect to a child, as described in this subsection, and in
9 making such reasonable efforts, the child's health and safety
10 shall be the paramount concern.

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

23 A decision to place a child in substitute care shall be
24 made with considerations of the child's health, safety, and
25 best interests. At the time of placement, consideration
26 should also be given so that if reunification fails or is
27 delayed, the placement made is the best available placement
28 to provide permanency for the child.

29 The Department shall adopt rules addressing concurrent
30 planning for reunification and permanency. The Department
31 shall consider the following factors when determining
32 appropriateness of concurrent planning:

- 33 (1) the likelihood of prompt reunification;
- 34 (2) the past history of the family;

1 (3) the barriers to reunification being addressed
2 by the family;

3 (4) the level of cooperation of the family;

4 (5) the foster parents' willingness to work with
5 the family to reunite;

6 (6) the willingness and ability of the foster
7 family to provide an adoptive home or long-term
8 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
14 temporary custody signed by the parents of the child or
15 by the parent having custody of the child if the parents
16 are not living together or by the guardian or custodian
17 of the child if the child is not in the custody of either
18 parent, or

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

22 If the child is found in his or her residence without a
23 parent, guardian, custodian or responsible caretaker, the
24 Department may, instead of removing the child and assuming
25 temporary custody, place an authorized representative of the
26 Department in that residence until such time as a parent,
27 guardian or custodian enters the home and expresses a
28 willingness and apparent ability to ensure the child's health
29 and safety and resume permanent charge of the child, or until
30 a relative enters the home and is willing and able to ensure
31 the child's health and safety and assume charge of the child
32 until a parent, guardian or custodian enters the home and
33 expresses such willingness and ability to ensure the child's
34 safety and resume permanent charge. After a caretaker has

1 remained in the home for a period not to exceed 12 hours, the
2 Department must follow those procedures outlined in Section
3 2-9, 3-11, 4-8, or 5-415 of the Juvenile Court Act of 1987.

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

18 The Department shall ensure that any child taken into
19 custody is scheduled for an appointment for a medical
20 examination.

21 A parent, guardian or custodian of a child in the
22 temporary custody of the Department who would have custody of
23 the child if he were not in the temporary custody of the
24 Department may deliver to the Department a signed request
25 that the Department surrender the temporary custody of the
26 child. The Department may retain temporary custody of the
27 child for 10 days after the receipt of the request, during
28 which period the Department may cause to be filed a petition
29 pursuant to the Juvenile Court Act of 1987. If a petition is
30 so filed, the Department shall retain temporary custody of
31 the child until the court orders otherwise. If a petition is
32 not filed within the 10 day period, the child shall be
33 surrendered to the custody of the requesting parent, guardian
34 or custodian not later than the expiration of the 10 day

1 period, at which time the authority and duties of the
2 Department with respect to the temporary custody of the child
3 shall terminate.

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

19 (n) The Department may place children under 18 years of
20 age in licensed child care facilities when in the opinion of
21 the Department, appropriate services aimed at family
22 preservation have been unsuccessful and cannot ensure the
23 child's health and safety or are unavailable and such
24 placement would be for their best interest. Payment for
25 board, clothing, care, training and supervision of any child
26 placed in a licensed child care facility may be made by the
27 Department, by the parents or guardians of the estates of
28 those children, or by both the Department and the parents or
29 guardians, except that no payments shall be made by the
30 Department for any child placed in a licensed child care
31 facility for board, clothing, care, training and supervision
32 of such a child that exceed the average per capita cost of
33 maintaining and of caring for a child in institutions for
34 dependent or neglected children operated by the Department.

1 However, such restriction on payments does not apply in cases
2 where children require specialized care and treatment for
3 problems of severe emotional disturbance, physical
4 disability, social adjustment, or any combination thereof and
5 suitable facilities for the placement of such children are
6 not available at payment rates within the limitations set
7 forth in this Section. All reimbursements for services
8 delivered shall be absolutely inalienable by assignment,
9 sale, attachment, garnishment or otherwise.

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

30 (p) There is hereby created the Department of Children
31 and Family Services Emergency Assistance Fund from which the
32 Department may provide special financial assistance to
33 families which are in economic crisis when such assistance is
34 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
4 establish administrative rules specifying the criteria for
5 determining eligibility for and the amount and nature of
6 assistance to be provided. The Department may also enter
7 into written agreements with private and public social
8 service agencies to provide emergency financial services to
9 families referred by the Department. Special financial
10 assistance payments shall be available to a family no more
11 than once during each fiscal year and the total payments to a
12 family may not exceed \$500 during a fiscal year.

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

19 The Department shall set up and administer no-cost,
20 interest-bearing savings accounts in appropriate financial
21 institutions ("individual accounts") for children for whom
22 the Department is legally responsible and who have been
23 determined eligible for Veterans' Benefits, Social Security
24 benefits, assistance allotments from the armed forces, court
25 ordered payments, parental voluntary payments, Supplemental
26 Security Income, Railroad Retirement payments, Black Lung
27 benefits, or other miscellaneous payments. Interest earned
28 by each individual account shall be credited to the account,
29 unless disbursed in accordance with this subsection.

30 In disbursing funds from children's individual accounts,
31 the Department shall:

32 (1) Establish standards in accordance with State
33 and federal laws for disbursing money from children's
34 individual accounts. In all circumstances, the

1 Department's "Guardianship Administrator" or his or her
2 designee must approve disbursements from children's
3 individual accounts. The Department shall be responsible
4 for keeping complete records of all disbursements for
5 each individual account for any purpose.

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

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

22 (r) The Department shall promulgate regulations
23 encouraging all adoption agencies to voluntarily forward to
24 the Department or its agent names and addresses of all
25 persons who have applied for and have been approved for
26 adoption of a hard-to-place or handicapped child and the
27 names of such children who have not been placed for adoption.
28 A list of such names and addresses shall be maintained by the
29 Department or its agent, and coded lists which maintain the
30 confidentiality of the person seeking to adopt the child and
31 of the child shall be made available, without charge, to
32 every adoption agency in the State to assist the agencies in
33 placing such children for adoption. The Department may
34 delegate to an agent its duty to maintain and make available

1 such lists. The Department shall ensure that such agent
2 maintains the confidentiality of the person seeking to adopt
3 the child and of the child.

4 (s) The Department of Children and Family Services may
5 establish and implement a program to reimburse Department and
6 private child welfare agency foster parents licensed by the
7 Department of Children and Family Services for damages
8 sustained by the foster parents as a result of the malicious
9 or negligent acts of foster children, as well as providing
10 third party coverage for such foster parents with regard to
11 actions of foster children to other individuals. Such
12 coverage will be secondary to the foster parent liability
13 insurance policy, if applicable. The program shall be funded
14 through appropriations from the General Revenue Fund,
15 specifically designated for such purposes.

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

20 (1) an order entered by an Illinois court
21 specifically directs the Department to perform such
22 services; and

23 (2) the court has ordered one or both of the
24 parties to the proceeding to reimburse the Department for
25 its reasonable costs for providing such services in
26 accordance with Department rules, or has determined that
27 neither party is financially able to pay.

28 The Department shall provide written notification to the
29 court of the specific arrangements for supervised visitation
30 and projected monthly costs within 60 days of the court
31 order. The Department shall send to the court information
32 related to the costs incurred except in cases where the court
33 has determined the parties are financially unable to pay. The
34 court may order additional periodic reports as appropriate.

1 (u) Whenever the Department places a child in a licensed
2 foster home, group home, child care institution, or in a
3 relative home, the Department shall provide to the caretaker:

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

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

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

18 The caretaker shall be informed of any known social or
19 behavioral information (including, but not limited to,
20 criminal background, fire setting, perpetuation of sexual
21 abuse, destructive behavior, and substance abuse) necessary
22 to care for and safeguard the child.

23 (u-5) Effective July 1, 1995, only foster care
24 placements licensed as foster family homes pursuant to the
25 Child Care Act of 1969 shall be eligible to receive foster
26 care payments from the Department. Relative caregivers who,
27 as of July 1, 1995, were approved pursuant to approved
28 relative placement rules previously promulgated by the
29 Department at 89 Ill. Adm. Code 335 and had submitted an
30 application for licensure as a foster family home may
31 continue to receive foster care payments only until the
32 Department determines that they may be licensed as a foster
33 family home or that their application for licensure is denied
34 or until September 30, 1995, whichever occurs first.

1 (v) The Department shall access criminal history record
2 information as defined in the Illinois Uniform Conviction
3 Information Act and information maintained in the
4 adjudicatory and dispositional record system as defined in
5 Section 2605-355 of the Department of State Police Law (20
6 ILCS 2605/2605-355) if the Department determines the
7 information is necessary to perform its duties under the
8 Abused and Neglected Child Reporting Act, the Child Care Act
9 of 1969, and the Children and Family Services Act, and
10 subsection (d) of Section 605 of the Illinois Marriage and
11 Dissolution of Marriage Act. The Department shall provide
12 for 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
16 certification requirements and provide certified operators
17 who have been trained by personnel from the Department of
18 State Police. In addition, one Office of the Inspector
19 General investigator shall have training in the use of the
20 criminal history information access system and have access to
21 the terminal. The Department of Children and Family Services
22 and its employees shall abide by rules and regulations
23 established by the Department of State Police relating to the
24 access and dissemination of this information.

25 (w) Within 120 days of August 20, 1995 (the effective
26 date of Public Act 89-392), the Department shall prepare and
27 submit to the Governor and the General Assembly, a written
28 plan for the development of in-state licensed secure child
29 care facilities that care for children who are in need of
30 secure living arrangements for their health, safety, and
31 well-being. For purposes of this subsection, secure care
32 facility shall mean a facility that is designed and operated
33 to ensure that all entrances and exits from the facility, a
34 building or a distinct part of the building, are under the

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

12 (x) The Department of Children and Family Services, upon
 13 notification by a peace officer that a suicide or attempted
 14 suicide has occurred in a household in which a child under 18
 15 years of age resides, shall investigate that household to
 16 determine whether continued placement in that household is
 17 detrimental to the child's health, safety, or welfare. If
 18 the Department determines that continued placement in the
 19 household is detrimental to the child's health, safety, or
 20 welfare, it may file a petition under Section 2-13 of the
 21 Juvenile Court Act of 1987 to have the minor adjudged a ward
 22 of the court.

23 (Source: P.A. 90-11, eff. 1-1-98; 90-27, eff. 1-1-98; 90-28,
 24 eff. 1-1-98; 90-362, eff. 1-1-98; 90-590, eff. 1-1-99;
 25 90-608, eff. 6-30-98; 90-655, eff. 7-30-98; 91-239, eff.
 26 1-1-00; 91-357, eff. 7-29-99; 91-812, eff. 6-13-00.)

27 Section 10. The Illinois Uniform Conviction Information
 28 Act is amended by adding Section 5.5 as follows:

29 (20 ILCS 2635/5.5 new)

30 Sec. 5.5. Dissemination of criminal history record
 31 information. If a court appoints a psychiatrist in a child
 32 custody proceeding or in a proceeding to grant visitation

1 rights, the Department of State Police shall disseminate
 2 criminal history record information of the persons seeking
 3 custody or visitation to the psychiatrist appointed by the
 4 court.

5 Section 15. The Code of Criminal Procedure of 1963 is
 6 amended by changing Section 112A-22 and adding Section 107-17
 7 as follows:

8 (725 ILCS 5/107-17 new)

9 Sec. 107-17. Suicide and attempted suicide
 10 investigations. When a peace officer investigates a suicide
 11 or attempted suicide that has occurred in a residence
 12 occupied by a child under 18 years of age, the peace officer
 13 shall notify the Department of Children and Family Services.

14 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

15 Sec. 112A-22. Notice of orders.

16 (a) Entry and issuance. Upon issuance of any order of
 17 protection, the clerk shall immediately, or on the next court
 18 day if an emergency order is issued in accordance with
 19 subsection (c) of Section 112A-17, (i) enter the order on the
 20 record and file it in accordance with the circuit court
 21 procedures and (ii) provide a file stamped copy of the order
 22 to respondent, if present, and to petitioner.

23 (b) Filing with sheriff. The clerk of the issuing judge
 24 shall, or the petitioner may, on the same day that an order
 25 of protection is issued, file a copy of that order with the
 26 sheriff or other law enforcement officials charged with
 27 maintaining Department of State Police records or charged
 28 with serving the order upon respondent. If the order was
 29 issued in accordance with subsection (c) of Section 112A-17,
 30 the clerk shall on the next court day, file a certified copy
 31 of the order with the Sheriff or other law enforcement

1 officials charged with maintaining Department of State Police
2 records.

3 (c) Service by sheriff. Unless respondent was present
4 in court when the order was issued, the sheriff, other law
5 enforcement official or special process server shall promptly
6 serve that order upon respondent and file proof of such
7 service, in the manner provided for service of process in
8 civil proceedings. If process has not yet been served upon
9 the respondent, it shall be served with the order.

10 (c-5) If the person against whom the order of protection
11 is issued is arrested and the written order is issued in
12 accordance with subsection (c) of Section 112A-17 and
13 received by the custodial law enforcement agency before the
14 respondent or arrestee is released from custody, the
15 custodial law enforcement agent shall promptly serve the
16 order upon the respondent or arrestee before the respondent
17 or arrestee is released from custody. In no event shall
18 detention of the respondent or arrestee be extended for
19 hearing on the petition for order of protection or receipt of
20 the order issued under Section 112A-17 of this Code.

21 (c-6) Upon issuance of an order of protection, if the
22 petitioner or respondent has custody of a child under 18
23 years of age and the noncustodial parent does not reside with
24 the child, the clerk shall send a certified copy of the order
25 of protection to the noncustodial parent.

26 (d) Extensions, modifications and revocations. Any
27 order extending, modifying or revoking any order of
28 protection shall be promptly recorded, issued and served as
29 provided in this Section.

30 (Source: P.A. 90-392, eff. 1-1-98.)

31 Section 20. The Illinois Marriage and Dissolution of
32 Marriage Act is amended by changing Section 605 as follows:

1 (750 ILCS 5/605) (from Ch. 40, par. 605)

2 Sec. 605. Investigations and Reports. (a) In contested
3 custody proceedings, and in other custody proceedings if a
4 parent or the child's custodian so requests, the court may
5 order an investigation and report concerning custodial
6 arrangements for the child. The investigation and report may
7 be made by a child welfare agency approved by the Department
8 of Children and Family Services, but shall not be made by
9 that Department unless the court determines either that there
10 is no child welfare agency available or that the parent or
11 the child's custodian is financially unable to pay for the
12 investigation or report.

13 (b) In preparing his report concerning a child, the
14 investigator may consult any person who may have information
15 about the child and his potential custodial arrangements.
16 Under order of the court, the investigator may refer the
17 child to professional personnel for diagnosis. The
18 investigator may consult with and obtain information from
19 medical, psychiatric or other expert persons who have served
20 the child in the past, without obtaining the consent of the
21 parent or the child's custodian. The child's consent must be
22 obtained if he has reached the age of 16, unless the court
23 finds that he lacks mental capacity to consent.

24 (c) The investigator shall mail the report to counsel,
25 and to any party not represented by counsel, at least 10 days
26 prior to the hearing. The court may examine and consider the
27 investigator's report in determining custody. The
28 investigator shall make available to counsel, and to any
29 party not represented by counsel, the investigator's file of
30 underlying data, reports, and the complete texts of
31 diagnostic reports made to the investigator pursuant to the
32 provisions of subsection (b) of this Section, and the names
33 and addresses of all persons whom the investigator has
34 consulted. Any party to the proceeding may call the

1 investigator, or any person whom he has consulted, as a
2 court's witness, for cross-examination. A party may not waive
3 his right of cross-examination prior to the hearing.

4 (d) If the court appoints a psychiatrist to evaluate the
5 child's potential custody or visitation arrangements, the
6 court shall order the Department of State Police to search
7 its criminal history record information files for criminal
8 history record information concerning persons seeking custody
9 or visitation of the child.

10 (Source: P.A. 86-659.)

11 Section 25. The Illinois Domestic Violence Act of 1986
12 is amended by changing Section 222 as follows:

13 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

14 Sec. 222. Notice of orders.

15 (a) Entry and issuance. Upon issuance of any order of
16 protection, the clerk shall immediately, or on the next court
17 day if an emergency order is issued in accordance with
18 subsection (c) of Section 217, (i) enter the order on the
19 record and file it in accordance with the circuit court
20 procedures and (ii) provide a file stamped copy of the order
21 to respondent, if present, and to petitioner.

22 (b) Filing with sheriff. The clerk of the issuing judge
23 shall, or the petitioner may, on the same day that an order
24 of protection is issued, file a certified copy of that order
25 with the sheriff or other law enforcement officials charged
26 with maintaining Department of State Police records or
27 charged with serving the order upon respondent. If the order
28 was issued in accordance with subsection (c) of Section 217,
29 the clerk shall on the next court day, file a certified copy
30 of the order with the Sheriff or other law enforcement
31 officials charged with maintaining Department of State Police
32 records.

1 (c) Service by sheriff. Unless respondent was present
2 in court when the order was issued, the sheriff, other law
3 enforcement official or special process server shall promptly
4 serve that order upon respondent and file proof of such
5 service, in the manner provided for service of process in
6 civil proceedings. If process has not yet been served upon
7 the respondent, it shall be served with the order. A single
8 fee may be charged for service of an order obtained in civil
9 court, or for service of such an order together with process,
10 unless waived or deferred under Section 210.

11 (c-5) If the person against whom the order of protection
12 is issued is arrested and the written order is issued in
13 accordance with subsection (c) of Section 217 and received by
14 the custodial law enforcement agency before the respondent or
15 arrestee is released from custody, the custodial law
16 enforcement agent shall promptly serve the order upon the
17 respondent or arrestee before the respondent or arrestee is
18 released from custody. In no event shall detention of the
19 respondent or arrestee be extended for hearing on the
20 petition for order of protection or receipt of the order
21 issued under Section 217 of this Act.

22 (c-6) Upon issuance of an order of protection, if the
23 petitioner or respondent has custody of a child under 18
24 years of age and the noncustodial parent does not reside with
25 the child, the clerk of the issuing judge shall send a
26 certified copy of the order of protection to the noncustodial
27 parent.

28 (d) Extensions, modifications and revocations. Any
29 order extending, modifying or revoking any order of
30 protection shall be promptly recorded, issued and served as
31 provided in this Section.

32 (e) Notice to schools. Upon request the clerk of the
33 issuing judge shall file a certified copy of an order of
34 protection with the private school or schools or the

1 principal office of the public school district or districts
2 in which any children of the petitioner are enrolled.

3 (f) Disclosure by schools. After receiving a certified
4 copy of an order of protection that prohibits a respondent's
5 access to records, neither a public or private school nor its
6 employees shall allow a respondent access to a protected
7 child's records or release information in those records to
8 the respondent. The school shall file the copy of the order
9 of protection in the records of a child who is a protected
10 person under the order of protection.

11 (Source: P.A. 89-106, eff. 7-7-95; 90-392, eff. 1-1-98.)