

1 AN ACT concerning State government.

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 amended  
5 by changing Section 5 as follows:

6 (20 ILCS 505/5)

7 (Text of Section before amendment by P.A. 103-1061)

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

12 (a) For purposes of this Section:

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

16 (A) were committed to the Department pursuant to  
17 the Juvenile Court Act or the Juvenile Court Act of  
18 1987 and who continue under the jurisdiction of the  
19 court; or

20 (B) were accepted for care, service and training  
21 by the Department prior to the age of 18 and whose best  
22 interest in the discretion of the Department would be  
23 served by continuing that care, service and training

1           because of severe emotional disturbances, physical  
2           disability, social adjustment or any combination  
3           thereof, or because of the need to complete an  
4           educational or vocational training program.

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

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

12                 (A) protecting and promoting the health, safety  
13                 and welfare of children, including homeless,  
14                 dependent, or neglected children;

15                 (B) remedying, or assisting in the solution of  
16                 problems which may result in, the neglect, abuse,  
17                 exploitation, or delinquency of children;

18                 (C) preventing the unnecessary separation of  
19                 children from their families by identifying family  
20                 problems, assisting families in resolving their  
21                 problems, and preventing the breakup of the family  
22                 where the prevention of child removal is desirable and  
23                 possible when the child can be cared for at home  
24                 without endangering the child's health and safety;

25                 (D) restoring to their families children who have  
26                 been removed, by the provision of services to the

1 child and the families when the child can be cared for  
2 at home without endangering the child's health and  
3 safety;

4 (E) placing children in suitable permanent family  
5 arrangements, through guardianship or adoption, in  
6 cases where restoration to the birth family is not  
7 safe, possible, or appropriate;

8 (F) at the time of placement, conducting  
9 concurrent planning, as described in subsection (1-1)  
10 of this Section, so that permanency may occur at the  
11 earliest opportunity. Consideration should be given so  
12 that if reunification fails or is delayed, the  
13 placement made is the best available placement to  
14 provide permanency for the child;

15 (G) (blank);

16 (H) (blank); and

17 (I) placing and maintaining children in facilities  
18 that provide separate living quarters for children  
19 under the age of 18 and for children 18 years of age  
20 and older, unless a child 18 years of age is in the  
21 last year of high school education or vocational  
22 training, in an approved individual or group treatment  
23 program, in a licensed shelter facility, or secure  
24 child care facility. The Department is not required to  
25 place or maintain children:

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

1 (ii) who are persons with a developmental  
2 disability, as defined in the Mental Health and  
3 Developmental Disabilities Code, or

4 (iii) who are female children who are  
5 pregnant, pregnant and parenting, or parenting, or

6 (iv) who are siblings, in facilities that  
7 provide separate living quarters for children 18  
8 years of age and older and for children under 18  
9 years of age.

10 (b) (Blank).

11 (b-5) The Department shall adopt rules to establish a  
12 process for all licensed residential providers in Illinois to  
13 submit data as required by the Department if they contract or  
14 receive reimbursement for children's mental health, substance  
15 use, and developmental disability services from the Department  
16 of Human Services, the Department of Juvenile Justice, or the  
17 Department of Healthcare and Family Services. The requested  
18 data must include, but is not limited to, capacity, staffing,  
19 and occupancy data for the purpose of establishing State need  
20 and placement availability.

21 All information collected, shared, or stored pursuant to  
22 this subsection shall be handled in accordance with all State  
23 and federal privacy laws and accompanying regulations and  
24 rules, including without limitation the federal Health  
25 Insurance Portability and Accountability Act of 1996 (Public  
26 Law 104-191) and the Mental Health and Developmental

1 Disabilities Confidentiality Act.

2 (c) The Department shall establish and maintain  
3 tax-supported child welfare services and extend and seek to  
4 improve voluntary services throughout the State, to the end  
5 that services and care shall be available on an equal basis  
6 throughout the State to children requiring such services.

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

25 (e) (Blank).

26 (f) (Blank).

1 (g) The Department shall establish rules and regulations  
2 concerning its operation of programs designed to meet the  
3 goals of child safety and protection, family preservation,  
4 family reunification, and adoption, including, but not limited  
5 to:

6 (1) adoption;

7 (2) foster care;

8 (3) family counseling;

9 (4) protective services;

10 (5) (blank);

11 (6) homemaker service;

12 (7) return of runaway children;

13 (8) (blank);

14 (9) placement under Section 5-7 of the Juvenile Court  
15 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile  
16 Court Act of 1987 in accordance with the federal Adoption  
17 Assistance and Child Welfare Act of 1980; and

18 (10) interstate services.

19 Rules and regulations established by the Department shall  
20 include provisions for training Department staff and the staff  
21 of Department grantees, through contracts with other agencies  
22 or resources, in screening techniques to identify substance  
23 use disorders, as defined in the Substance Use Disorder Act,  
24 approved by the Department of Human Services, as a successor  
25 to the Department of Alcoholism and Substance Abuse, for the  
26 purpose of identifying children and adults who should be

1 referred for an assessment at an organization appropriately  
2 licensed by the Department of Human Services for substance use  
3 disorder treatment.

4 (h) If the Department finds that there is no appropriate  
5 program or facility within or available to the Department for  
6 a youth in care and that no licensed private facility has an  
7 adequate and appropriate program or none agrees to accept the  
8 youth in care, the Department shall create an appropriate  
9 individualized, program-oriented plan for such youth in care.  
10 The plan may be developed within the Department or through  
11 purchase of services by the Department to the extent that it is  
12 within its statutory authority to do.

13 (i) Service programs shall be available throughout the  
14 State and shall include but not be limited to the following  
15 services:

- 16 (1) case management;
- 17 (2) homemakers;
- 18 (3) counseling;
- 19 (4) parent education;
- 20 (5) day care; and
- 21 (6) emergency assistance and advocacy.

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

- 24 (1) comprehensive family-based services;
- 25 (2) assessments;
- 26 (3) respite care; and

1           (4) in-home health services.

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

5           (j) The Department may provide categories of financial  
6 assistance and education assistance grants, and shall  
7 establish rules and regulations concerning the assistance and  
8 grants, to persons who adopt children with physical or mental  
9 disabilities, children who are older, or other hard-to-place  
10 children who (i) immediately prior to their adoption were  
11 youth in care or (ii) were determined eligible for financial  
12 assistance with respect to a prior adoption and who become  
13 available for adoption because the prior adoption has been  
14 dissolved and the parental rights of the adoptive parents have  
15 been terminated or because the child's adoptive parents have  
16 died. The Department may continue to provide financial  
17 assistance and education assistance grants for a child who was  
18 determined eligible for financial assistance under this  
19 subsection (j) in the interim period beginning when the  
20 child's adoptive parents died and ending with the finalization  
21 of the new adoption of the child by another adoptive parent or  
22 parents. The Department may also provide categories of  
23 financial assistance and education assistance grants, and  
24 shall establish rules and regulations for the assistance and  
25 grants, to persons appointed guardian of the person under  
26 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,

1 4-25, or 5-740 of the Juvenile Court Act of 1987 for children  
2 who were youth in care for 12 months immediately prior to the  
3 appointment of the guardian.

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

11 Any financial assistance provided under this subsection is  
12 inalienable by assignment, sale, execution, attachment,  
13 garnishment, or any other remedy for recovery or collection of  
14 a judgment or debt.

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

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

23 (l) The Department shall offer family preservation  
24 services, as defined in Section 8.2 of the Abused and  
25 Neglected Child Reporting Act, to help families, including  
26 adoptive and extended families. Family preservation services

1 shall be offered (i) to prevent the placement of children in  
2 substitute care when the children can be cared for at home or  
3 in the custody of the person responsible for the children's  
4 welfare, (ii) to reunite children with their families, or  
5 (iii) to maintain an adoptive placement. Family preservation  
6 services shall only be offered when doing so will not endanger  
7 the children's health or safety. With respect to children who  
8 are in substitute care pursuant to the Juvenile Court Act of  
9 1987, family preservation services shall not be offered if a  
10 goal other than those of subdivisions (A), (B), or (B-1) of  
11 subsection (2) of Section 2-28 of that Act has been set, except  
12 that reunification services may be offered as provided in  
13 paragraph (F) of subsection (2) of Section 2-28 of that Act.  
14 Nothing in this paragraph shall be construed to create a  
15 private right of action or claim on the part of any individual  
16 or child welfare agency, except that when a child is the  
17 subject of an action under Article II of the Juvenile Court Act  
18 of 1987 and the child's service plan calls for services to  
19 facilitate achievement of the permanency goal, the court  
20 hearing the action under Article II of the Juvenile Court Act  
21 of 1987 may order the Department to provide the services set  
22 out in the plan, if those services are not provided with  
23 reasonable promptness and if those services are available.

24 The Department shall notify the child and the child's  
25 family of the Department's responsibility to offer and provide  
26 family preservation services as identified in the service

1 plan. The child and the child's family shall be eligible for  
2 services as soon as the report is determined to be  
3 "indicated". The Department may offer services to any child or  
4 family with respect to whom a report of suspected child abuse  
5 or neglect has been filed, prior to concluding its  
6 investigation under Section 7.12 of the Abused and Neglected  
7 Child Reporting Act. However, the child's or family's  
8 willingness to accept services shall not be considered in the  
9 investigation. The Department may also provide services to any  
10 child or family who is the subject of any report of suspected  
11 child abuse or neglect or may refer such child or family to  
12 services available from other agencies in the community, even  
13 if the report is determined to be unfounded, if the conditions  
14 in the child's or family's home are reasonably likely to  
15 subject the child or family to future reports of suspected  
16 child abuse or neglect. Acceptance of such services shall be  
17 voluntary. The Department may also provide services to any  
18 child or family after completion of a family assessment, as an  
19 alternative to an investigation, as provided under the  
20 "differential response program" provided for in subsection  
21 (a-5) of Section 7.4 of the Abused and Neglected Child  
22 Reporting Act.

23 The Department may, at its discretion except for those  
24 children also adjudicated neglected or dependent, accept for  
25 care and training any child who has been adjudicated addicted,  
26 as a truant minor in need of supervision or as a minor

1 requiring authoritative intervention, under the Juvenile Court  
2 Act or the Juvenile Court Act of 1987, but no such child shall  
3 be committed to the Department by any court without the  
4 approval of the Department. On and after January 1, 2015 (the  
5 effective date of Public Act 98-803) and before January 1,  
6 2017, a minor charged with a criminal offense under the  
7 Criminal Code of 1961 or the Criminal Code of 2012 or  
8 adjudicated delinquent shall not be placed in the custody of  
9 or committed to the Department by any court, except (i) a minor  
10 less than 16 years of age committed to the Department under  
11 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
12 for whom an independent basis of abuse, neglect, or dependency  
13 exists, which must be defined by departmental rule, or (iii) a  
14 minor for whom the court has granted a supplemental petition  
15 to reinstate wardship pursuant to subsection (2) of Section  
16 2-33 of the Juvenile Court Act of 1987. On and after January 1,  
17 2017, a minor charged with a criminal offense under the  
18 Criminal Code of 1961 or the Criminal Code of 2012 or  
19 adjudicated delinquent shall not be placed in the custody of  
20 or committed to the Department by any court, except (i) a minor  
21 less than 15 years of age committed to the Department under  
22 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
23 for whom an independent basis of abuse, neglect, or dependency  
24 exists, which must be defined by departmental rule, or (iii) a  
25 minor for whom the court has granted a supplemental petition  
26 to reinstate wardship pursuant to subsection (2) of Section

1 2-33 of the Juvenile Court Act of 1987. An independent basis  
2 exists when the allegations or adjudication of abuse, neglect,  
3 or dependency do not arise from the same facts, incident, or  
4 circumstances which give rise to a charge or adjudication of  
5 delinquency. The Department shall assign a caseworker to  
6 attend any hearing involving a youth in the care and custody of  
7 the Department who is placed on aftercare release, including  
8 hearings involving sanctions for violation of aftercare  
9 release conditions and aftercare release revocation hearings.

10 As soon as is possible after August 7, 2009 (the effective  
11 date of Public Act 96-134), the Department shall develop and  
12 implement a special program of family preservation services to  
13 support intact, foster, and adoptive families who are  
14 experiencing extreme hardships due to the difficulty and  
15 stress of caring for a child who has been diagnosed with a  
16 pervasive developmental disorder if the Department determines  
17 that those services are necessary to ensure the health and  
18 safety of the child. The Department may offer services to any  
19 family whether or not a report has been filed under the Abused  
20 and Neglected Child Reporting Act. The Department may refer  
21 the child or family to services available from other agencies  
22 in the community if the conditions in the child's or family's  
23 home are reasonably likely to subject the child or family to  
24 future reports of suspected child abuse or neglect. Acceptance  
25 of these services shall be voluntary. The Department shall  
26 develop and implement a public information campaign to alert

1 health and social service providers and the general public  
2 about these special family preservation services. The nature  
3 and scope of the services offered and the number of families  
4 served under the special program implemented under this  
5 paragraph shall be determined by the level of funding that the  
6 Department annually allocates for this purpose. The term  
7 "pervasive developmental disorder" under this paragraph means  
8 a neurological condition, including, but not limited to,  
9 Asperger's Syndrome and autism, as defined in the most recent  
10 edition of the Diagnostic and Statistical Manual of Mental  
11 Disorders of the American Psychiatric Association.

12 (1-1) The General Assembly recognizes that the best  
13 interests of the child require that the child be placed in the  
14 most permanent living arrangement as soon as is practically  
15 possible. To achieve this goal, the General Assembly directs  
16 the Department of Children and Family Services to conduct  
17 concurrent planning so that permanency may occur at the  
18 earliest opportunity. Permanent living arrangements may  
19 include prevention of placement of a child outside the home of  
20 the family when the child can be cared for at home without  
21 endangering the child's health or safety; reunification with  
22 the family, when safe and appropriate, if temporary placement  
23 is necessary; or movement of the child toward the most  
24 permanent living arrangement and permanent legal status.

25 When determining reasonable efforts to be made with  
26 respect to a child, as described in this subsection, and in

1 making such reasonable efforts, the child's health and safety  
2 shall be the paramount concern.

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

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

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

- 25 (1) the likelihood of prompt reunification;  
26 (2) the past history of the family;

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

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

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

6           (6) the willingness and ability of the foster family  
7 to provide an adoptive home or long-term placement;

8           (7) the age of the child;

9           (8) placement of siblings.

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

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

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

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

1 willingness and apparent ability to ensure the child's health  
2 and safety and resume permanent charge of the child, or until a  
3 relative enters the home and is willing and able to ensure the  
4 child's health and safety and assume charge of the child until  
5 a parent, guardian, or custodian enters the home and expresses  
6 such willingness and ability to ensure the child's safety and  
7 resume permanent charge. After a caretaker has remained in the  
8 home for a period not to exceed 12 hours, the Department must  
9 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
10 5-415 of the Juvenile Court Act of 1987.

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

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

1 examination.

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

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

1 pursuant to Section 3-15-2 of the Unified Code of Corrections,  
2 unless the child is a youth in care who was placed in the care  
3 of the Department before being subject to placement in a  
4 correctional facility and a court of competent jurisdiction  
5 has ordered placement of the child in a secure care facility.

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

1 available at payment rates within the limitations set forth in  
2 this Section. All reimbursements for services delivered shall  
3 be absolutely inalienable by assignment, sale, attachment, or  
4 garnishment or otherwise.

5 (n-1) The Department shall provide or authorize child  
6 welfare services, aimed at assisting minors to achieve  
7 sustainable self-sufficiency as independent adults, for any  
8 minor eligible for the reinstatement of wardship pursuant to  
9 subsection (2) of Section 2-33 of the Juvenile Court Act of  
10 1987, whether or not such reinstatement is sought or allowed,  
11 provided that the minor consents to such services and has not  
12 yet attained the age of 21. The Department shall have  
13 responsibility for the development and delivery of services  
14 under this Section. An eligible youth may access services  
15 under this Section through the Department of Children and  
16 Family Services or by referral from the Department of Human  
17 Services. Youth participating in services under this Section  
18 shall cooperate with the assigned case manager in developing  
19 an agreement identifying the services to be provided and how  
20 the youth will increase skills to achieve self-sufficiency. A  
21 homeless shelter is not considered appropriate housing for any  
22 youth receiving child welfare services under this Section. The  
23 Department shall continue child welfare services under this  
24 Section to any eligible minor until the minor becomes 21 years  
25 of age, no longer consents to participate, or achieves  
26 self-sufficiency as identified in the minor's service plan.

1 The Department of Children and Family Services shall create  
2 clear, readable notice of the rights of former foster youth to  
3 child welfare services under this Section and how such  
4 services may be obtained. The Department of Children and  
5 Family Services and the Department of Human Services shall  
6 disseminate this information statewide. The Department shall  
7 adopt regulations describing services intended to assist  
8 minors in achieving sustainable self-sufficiency as  
9 independent adults.

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 Department.  
13 Youth in care who are placed by private child welfare  
14 agencies, and foster families with whom those youth are  
15 placed, shall be afforded the same procedural and appeal  
16 rights as children and families in the case of placement by the  
17 Department, including the right to an initial review of a  
18 private agency decision by that agency. The Department shall  
19 ensure that any private child welfare agency, which accepts  
20 youth in care for placement, affords those rights to children  
21 and foster families. The Department shall accept for  
22 administrative review and an appeal hearing a complaint made  
23 by (i) a child or foster family concerning a decision  
24 following an initial review by a private child welfare agency  
25 or (ii) a prospective adoptive parent who alleges a violation  
26 of subsection (j-5) of this Section. An appeal of a decision

1 concerning a change in the placement of a child shall be  
2 conducted in an expedited manner. A court determination that a  
3 current foster home placement is necessary and appropriate  
4 under Section 2-28 of the Juvenile Court Act of 1987 does not  
5 constitute a judicial determination on the merits of an  
6 administrative appeal, filed by a former foster parent,  
7 involving a change of placement decision.

8 (p) (Blank).

9 (q) The Department may receive and use, in their entirety,  
10 for the benefit of children any gift, donation, or bequest of  
11 money or other property which is received on behalf of such  
12 children, or any financial benefits to which such children are  
13 or may become entitled while under the jurisdiction or care of  
14 the Department, except that the benefits described in Section  
15 5.46 must be used and conserved consistent with the provisions  
16 under Section 5.46.

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

1 with this subsection.

2 In disbursing funds from children's accounts, the  
3 Department shall:

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

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

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

26 (r) The Department shall promulgate regulations

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

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

1 such purposes.

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

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

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

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

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

26 (1) available detailed information concerning the

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

7 (2) a copy of the child's portion of the client  
8 service plan, including any visitation arrangement, and  
9 all amendments or revisions to it as related to the child;  
10 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  
16 shall be reviewed and approved regarding accuracy at the  
17 supervisory 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 Illinois State Police Law if the Department determines  
8 the information is necessary to perform its duties under the  
9 Abused and Neglected Child Reporting Act, the Child Care Act  
10 of 1969, and the Children and Family Services Act. The  
11 Department shall provide for interactive computerized  
12 communication and processing equipment that permits direct  
13 on-line communication with the Illinois State Police's central  
14 criminal history data repository. The Department shall comply  
15 with all certification requirements and provide certified  
16 operators who have been trained by personnel from the Illinois  
17 State Police. In addition, one Office of the Inspector General  
18 investigator shall have training in the use of the criminal  
19 history information access system and have access to the  
20 terminal. The Department of Children and Family Services and  
21 its employees shall abide by rules and regulations established  
22 by the Illinois State Police relating to the access and  
23 dissemination of this information.

24 (v-1) Prior to final approval for placement of a child,  
25 the Department shall conduct a criminal records background  
26 check of the prospective foster or adoptive parent, including

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

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

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

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

13 (x) The Department shall conduct annual credit history  
14 checks to determine the financial history of children placed  
15 under its guardianship pursuant to the Juvenile Court Act of  
16 1987. The Department shall conduct such credit checks starting  
17 when a youth in care turns 12 years old and each year  
18 thereafter for the duration of the guardianship as terminated  
19 pursuant to the Juvenile Court Act of 1987. The Department  
20 shall determine if financial exploitation of the child's  
21 personal information has occurred. If financial exploitation  
22 appears to have taken place or is presently ongoing, the  
23 Department shall notify the proper law enforcement agency, the  
24 proper State's Attorney, or the Attorney General.

25 (y) Beginning on July 22, 2010 (the effective date of  
26 Public Act 96-1189), a child with a disability who receives

1 residential and educational services from the Department shall  
2 be eligible to receive transition services in accordance with  
3 Article 14 of the School Code from the age of 14.5 through age  
4 21, inclusive, notwithstanding the child's residential  
5 services arrangement. For purposes of this subsection, "child  
6 with a disability" means a child with a disability as defined  
7 by the federal Individuals with Disabilities Education  
8 Improvement Act of 2004.

9 (z) The Department shall access criminal history record  
10 information as defined as "background information" in this  
11 subsection and criminal history record information as defined  
12 in the Illinois Uniform Conviction Information Act for each  
13 Department employee or Department applicant. Each Department  
14 employee or Department applicant shall submit the employee's  
15 or applicant's fingerprints to the Illinois State Police in  
16 the form and manner prescribed by the Illinois State Police.  
17 These fingerprints shall be checked against the fingerprint  
18 records now and hereafter filed in the Illinois State Police  
19 and the Federal Bureau of Investigation criminal history  
20 records databases. The Illinois State Police shall charge a  
21 fee for conducting the criminal history record check, which  
22 shall be deposited into the State Police Services Fund and  
23 shall not exceed the actual cost of the record check. The  
24 Illinois State Police shall furnish, pursuant to positive  
25 identification, all Illinois conviction information to the  
26 Department of Children and Family Services.

1 For purposes of this subsection:

2 "Background information" means all of the following:

3 (i) Upon the request of the Department of Children and  
4 Family Services, conviction information obtained from the  
5 Illinois State Police as a result of a fingerprint-based  
6 criminal history records check of the Illinois criminal  
7 history records database and the Federal Bureau of  
8 Investigation criminal history records database concerning  
9 a Department employee or Department applicant.

10 (ii) Information obtained by the Department of  
11 Children and Family Services after performing a check of  
12 the Illinois State Police's Sex Offender Database, as  
13 authorized by Section 120 of the Sex Offender Community  
14 Notification Law, concerning a Department employee or  
15 Department applicant.

16 (iii) Information obtained by the Department of  
17 Children and Family Services after performing a check of  
18 the Child Abuse and Neglect Tracking System (CANTS)  
19 operated and maintained by the Department.

20 "Department employee" means a full-time or temporary  
21 employee coded or certified within the State of Illinois  
22 Personnel System.

23 "Department applicant" means an individual who has  
24 conditional Department full-time or part-time work, a  
25 contractor, an individual used to replace or supplement staff,  
26 an academic intern, a volunteer in Department offices or on

1 Department contracts, a work-study student, an individual or  
2 entity licensed by the Department, or an unlicensed service  
3 provider who works as a condition of a contract or an agreement  
4 and whose work may bring the unlicensed service provider into  
5 contact with Department clients or client records.

6 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
7 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.  
8 1-1-24; 103-546, eff. 8-11-23; 103-605, eff. 7-1-24.)

9 (Text of Section after amendment by P.A. 103-1061)

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

14 (a) For purposes of this Section:

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

18 (A) were committed to the Department pursuant to  
19 the Juvenile Court Act or the Juvenile Court Act of  
20 1987 and who continue under the jurisdiction of the  
21 court; or

22 (B) were accepted for care, service and training  
23 by the Department prior to the age of 18 and whose best  
24 interest in the discretion of the Department would be  
25 served by continuing that care, service and training

1           because of severe emotional disturbances, physical  
2           disability, social adjustment or any combination  
3           thereof, or because of the need to complete an  
4           educational or vocational training program.

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

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

12                 (A) protecting and promoting the health, safety  
13                 and welfare of children, including homeless,  
14                 dependent, or neglected children;

15                 (B) remedying, or assisting in the solution of  
16                 problems which may result in, the neglect, abuse,  
17                 exploitation, or delinquency of children;

18                 (C) preventing the unnecessary separation of  
19                 children from their families by identifying family  
20                 problems, assisting families in resolving their  
21                 problems, and preventing the breakup of the family  
22                 where the prevention of child removal is desirable and  
23                 possible when the child can be cared for at home  
24                 without endangering the child's health and safety;

25                 (D) restoring to their families children who have  
26                 been removed, by the provision of services to the

1 child and the families when the child can be cared for  
2 at home without endangering the child's health and  
3 safety;

4 (E) placing children in suitable permanent family  
5 arrangements, through guardianship or adoption, in  
6 cases where restoration to the birth family is not  
7 safe, possible, or appropriate;

8 (F) at the time of placement, conducting  
9 concurrent planning, as described in subsection (1-1)  
10 of this Section, so that permanency may occur at the  
11 earliest opportunity. Consideration should be given so  
12 that if reunification fails or is delayed, the  
13 placement made is the best available placement to  
14 provide permanency for the child;

15 (G) (blank);

16 (H) (blank); and

17 (I) placing and maintaining children in facilities  
18 that provide separate living quarters for children  
19 under the age of 18 and for children 18 years of age  
20 and older, unless a child 18 years of age is in the  
21 last year of high school education or vocational  
22 training, in an approved individual or group treatment  
23 program, in a licensed shelter facility, or secure  
24 child care facility. The Department is not required to  
25 place or maintain children:

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

1 (ii) who are persons with a developmental  
2 disability, as defined in the Mental Health and  
3 Developmental Disabilities Code, or

4 (iii) who are female children who are  
5 pregnant, pregnant and parenting, or parenting, or

6 (iv) who are siblings, in facilities that  
7 provide separate living quarters for children 18  
8 years of age and older and for children under 18  
9 years of age.

10 (b) (Blank).

11 (b-5) The Department shall adopt rules to establish a  
12 process for all licensed residential providers in Illinois to  
13 submit data as required by the Department if they contract or  
14 receive reimbursement for children's mental health, substance  
15 use, and developmental disability services from the Department  
16 of Human Services, the Department of Juvenile Justice, or the  
17 Department of Healthcare and Family Services. The requested  
18 data must include, but is not limited to, capacity, staffing,  
19 and occupancy data for the purpose of establishing State need  
20 and placement availability.

21 All information collected, shared, or stored pursuant to  
22 this subsection shall be handled in accordance with all State  
23 and federal privacy laws and accompanying regulations and  
24 rules, including without limitation the federal Health  
25 Insurance Portability and Accountability Act of 1996 (Public  
26 Law 104-191) and the Mental Health and Developmental

1 Disabilities Confidentiality Act.

2 (c) The Department shall establish and maintain  
3 tax-supported child welfare services and extend and seek to  
4 improve voluntary services throughout the State, to the end  
5 that services and care shall be available on an equal basis  
6 throughout the State to children requiring such services.

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

25 (e) (Blank).

26 (f) (Blank).

1 (g) The Department shall establish rules and regulations  
2 concerning its operation of programs designed to meet the  
3 goals of child safety and protection, family preservation, and  
4 permanency, including, but not limited to:

5 (1) reunification, guardianship, and adoption;

6 (2) relative and licensed foster care;

7 (3) family counseling;

8 (4) protective services;

9 (5) (blank);

10 (6) homemaker service;

11 (7) return of runaway children;

12 (8) (blank);

13 (9) placement under Section 5-7 of the Juvenile Court  
14 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile  
15 Court Act of 1987 in accordance with the federal Adoption  
16 Assistance and Child Welfare Act of 1980; and

17 (10) interstate services.

18 Rules and regulations established by the Department shall  
19 include provisions for training Department staff and the staff  
20 of Department grantees, through contracts with other agencies  
21 or resources, in screening techniques to identify substance  
22 use disorders, as defined in the Substance Use Disorder Act,  
23 approved by the Department of Human Services, as a successor  
24 to the Department of Alcoholism and Substance Abuse, for the  
25 purpose of identifying children and adults who should be  
26 referred for an assessment at an organization appropriately

1 licensed by the Department of Human Services for substance use  
2 disorder treatment.

3 (h) If the Department finds that there is no appropriate  
4 program or facility within or available to the Department for  
5 a youth in care and that no licensed private facility has an  
6 adequate and appropriate program or none agrees to accept the  
7 youth in care, the Department shall create an appropriate  
8 individualized, program-oriented plan for such youth in care.  
9 The plan may be developed within the Department or through  
10 purchase of services by the Department to the extent that it is  
11 within its statutory authority to do.

12 (i) Service programs shall be available throughout the  
13 State and shall include but not be limited to the following  
14 services:

- 15 (1) case management;
- 16 (2) homemakers;
- 17 (3) counseling;
- 18 (4) parent education;
- 19 (5) day care;
- 20 (6) emergency assistance and advocacy; and
- 21 (7) kinship navigator and relative caregiver supports.

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

- 24 (1) comprehensive family-based services;
- 25 (2) assessments;
- 26 (3) respite care; and

1           (4) in-home health services.

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

5           (j) The Department may provide categories of financial  
6 assistance and education assistance grants, and shall  
7 establish rules and regulations concerning the assistance and  
8 grants, to persons who adopt or become subsidized guardians of  
9 children with physical or mental disabilities, children who  
10 are older, or other hard-to-place children who (i) immediately  
11 prior to their adoption or subsidized guardianship were youth  
12 in care 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 have  
16 been terminated or because the child's adoptive parents have  
17 died. The Department may continue to provide financial  
18 assistance and education assistance grants for a child who was  
19 determined eligible for financial assistance under this  
20 subsection (j) in the interim period beginning when the  
21 child's adoptive parents died and ending with the finalization  
22 of the new adoption of the child by another adoptive parent or  
23 parents. The Department may also provide categories of  
24 financial assistance and education assistance grants, and  
25 shall establish rules and regulations for the assistance and  
26 grants, to persons appointed guardian of the person under

1 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
2 4-25, or 5-740 of the Juvenile Court Act of 1987 for children  
3 who were youth in care for 12 months immediately prior to the  
4 appointment of the guardian.

5 The amount of assistance may vary, depending upon the  
6 needs of the child and the adoptive parents or subsidized  
7 guardians, as set forth in the annual assistance agreement.  
8 Special purpose grants are allowed where the child requires  
9 special service but such costs may not exceed the amounts  
10 which similar services would cost the Department if it were to  
11 provide or secure them as guardian of the child.

12 Any financial assistance provided under this subsection is  
13 inalienable by assignment, sale, execution, attachment,  
14 garnishment, or any other remedy for recovery or collection of  
15 a judgment or debt.

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

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

24 (l) The Department shall offer family preservation  
25 services, as defined in Section 8.2 of the Abused and  
26 Neglected Child Reporting Act, to help families, including

1 adoptive and extended families. Family preservation services  
2 shall be offered (i) to prevent the placement of children in  
3 substitute care when the children can be cared for at home or  
4 in the custody of the person responsible for the children's  
5 welfare, (ii) to reunite children with their families, or  
6 (iii) to maintain an adoption or subsidized guardianship.  
7 Family preservation services shall only be offered when doing  
8 so will not endanger the children's health or safety. With  
9 respect to children who are in substitute care pursuant to the  
10 Juvenile Court Act of 1987, family preservation services shall  
11 not be offered if a goal other than those of subdivisions (A),  
12 (B), or (B-1) of subsection (2.3) of Section 2-28 of that Act  
13 has been set, except that reunification services may be  
14 offered as provided in paragraph (F) of subsection (2.3) of  
15 Section 2-28 of that Act. Nothing in this paragraph shall be  
16 construed to create a private right of action or claim on the  
17 part of any individual or child welfare agency, except that  
18 when a child is the subject of an action under Article II of  
19 the Juvenile Court Act of 1987 and the child's service plan  
20 calls for services to facilitate achievement of the permanency  
21 goal, the court hearing the action under Article II of the  
22 Juvenile Court Act of 1987 may order the Department to provide  
23 the services set out in the plan, if those services are not  
24 provided with reasonable promptness and if those services are  
25 available.

26 The Department shall notify the child and the child's

1 family of the Department's responsibility to offer and provide  
2 family preservation services as identified in the service  
3 plan. The child and the child's family shall be eligible for  
4 services as soon as the report is determined to be  
5 "indicated". The Department may offer services to any child or  
6 family with respect to whom a report of suspected child abuse  
7 or neglect has been filed, prior to concluding its  
8 investigation under Section 7.12 of the Abused and Neglected  
9 Child Reporting Act. However, the child's or family's  
10 willingness to accept services shall not be considered in the  
11 investigation. The Department may also provide services to any  
12 child or family who is the subject of any report of suspected  
13 child abuse or neglect or may refer such child or family to  
14 services available from other agencies in the community, even  
15 if the report is determined to be unfounded, if the conditions  
16 in the child's or family's home are reasonably likely to  
17 subject the child or family to future reports of suspected  
18 child abuse or neglect. Acceptance of such services shall be  
19 voluntary. The Department may also provide services to any  
20 child or family after completion of a family assessment, as an  
21 alternative to an investigation, as provided under the  
22 "differential response program" provided for in subsection  
23 (a-5) of Section 7.4 of the Abused and Neglected Child  
24 Reporting Act.

25 The Department may, at its discretion except for those  
26 children also adjudicated neglected or dependent, accept for

1 care and training any child who has been adjudicated addicted,  
2 as a truant minor in need of supervision or as a minor  
3 requiring authoritative intervention, under the Juvenile Court  
4 Act or the Juvenile Court Act of 1987, but no such child shall  
5 be committed to the Department by any court without the  
6 approval of the Department. On and after January 1, 2015 (the  
7 effective date of Public Act 98-803) and before January 1,  
8 2017, a minor charged with a criminal offense under the  
9 Criminal Code of 1961 or the Criminal Code of 2012 or  
10 adjudicated delinquent shall not be placed in the custody of  
11 or committed to the Department by any court, except (i) a minor  
12 less than 16 years of age committed to the Department under  
13 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
14 for whom an independent basis of abuse, neglect, or dependency  
15 exists, which must be defined by departmental rule, or (iii) a  
16 minor for whom the court has granted a supplemental petition  
17 to reinstate wardship pursuant to subsection (2) of Section  
18 2-33 of the Juvenile Court Act of 1987. On and after January 1,  
19 2017, a minor charged with a criminal offense under the  
20 Criminal Code of 1961 or the Criminal Code of 2012 or  
21 adjudicated delinquent shall not be placed in the custody of  
22 or committed to the Department by any court, except (i) a minor  
23 less than 15 years of age committed to the Department under  
24 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
25 for whom an independent basis of abuse, neglect, or dependency  
26 exists, which must be defined by departmental rule, or (iii) a

1 minor for whom the court has granted a supplemental petition  
2 to reinstate wardship pursuant to subsection (2) of Section  
3 2-33 of the Juvenile Court Act of 1987. An independent basis  
4 exists when the allegations or adjudication of abuse, neglect,  
5 or dependency do not arise from the same facts, incident, or  
6 circumstances which give rise to a charge or adjudication of  
7 delinquency. The Department shall assign a caseworker to  
8 attend any hearing involving a youth in the care and custody of  
9 the Department who is placed on aftercare release, including  
10 hearings involving sanctions for violation of aftercare  
11 release conditions and aftercare release revocation hearings.

12 As soon as is possible, the Department shall develop and  
13 implement a special program of family preservation services to  
14 support intact, relative, foster, and adoptive families who  
15 are experiencing extreme hardships due to the difficulty and  
16 stress of caring for a child who has been diagnosed with a  
17 pervasive developmental disorder if the Department determines  
18 that those services are necessary to ensure the health and  
19 safety of the child. The Department may offer services to any  
20 family whether or not a report has been filed under the Abused  
21 and Neglected Child Reporting Act. The Department may refer  
22 the child or family to services available from other agencies  
23 in the community if the conditions in the child's or family's  
24 home are reasonably likely to subject the child or family to  
25 future reports of suspected child abuse or neglect. Acceptance  
26 of these services shall be voluntary. The Department shall

1 develop and implement a public information campaign to alert  
2 health and social service providers and the general public  
3 about these special family preservation services. The nature  
4 and scope of the services offered and the number of families  
5 served under the special program implemented under this  
6 paragraph shall be determined by the level of funding that the  
7 Department annually allocates for this purpose. The term  
8 "pervasive developmental disorder" under this paragraph means  
9 a neurological condition, including, but not limited to,  
10 Asperger's Syndrome and autism, as defined in the most recent  
11 edition of the Diagnostic and Statistical Manual of Mental  
12 Disorders of the American Psychiatric Association.

13 (1-1) The General Assembly recognizes that the best  
14 interests of the child require that the child be placed in the  
15 most permanent living arrangement that is an appropriate  
16 option for the child, consistent with the child's best  
17 interest, using the factors set forth in subsection (4.05) of  
18 Section 1-3 of the Juvenile Court Act of 1987 as soon as is  
19 practically possible. To achieve this goal, the General  
20 Assembly directs the Department of Children and Family  
21 Services to conduct concurrent planning so that permanency may  
22 occur at the earliest opportunity. Permanent living  
23 arrangements may include prevention of placement of a child  
24 outside the home of the family when the child can be cared for  
25 at home without endangering the child's health or safety;  
26 reunification with the family, when safe and appropriate, if

1 temporary placement is necessary; or movement of the child  
2 toward the most appropriate living arrangement and legal  
3 status.

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

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

20 A decision to place a child in substitute care shall be  
21 made with considerations of the child's health, safety, and  
22 best interests. The Department shall make diligent efforts to  
23 place the child with a relative, document those diligent  
24 efforts, and document reasons for any failure or inability to  
25 secure such a relative placement. If the primary issue  
26 preventing an emergency placement of a child with a relative

1 is a lack of resources, including, but not limited to,  
2 concrete goods, safety modifications, and services, the  
3 Department shall make diligent efforts to assist the relative  
4 in obtaining the necessary resources. No later than July 1,  
5 2025, the Department shall adopt rules defining what is  
6 diligent and necessary in providing supports to potential  
7 relative placements. At the time of placement, consideration  
8 should also be given so that if reunification fails or is  
9 delayed, the placement has the potential to be an appropriate  
10 permanent placement for the child.

11 The Department shall adopt rules addressing concurrent  
12 planning for reunification and permanency. The Department  
13 shall consider the following factors when determining  
14 appropriateness of concurrent planning:

- 15 (1) the likelihood of prompt reunification;
- 16 (2) the past history of the family;
- 17 (3) the barriers to reunification being addressed by  
18 the family;
- 19 (4) the level of cooperation of the family;
- 20 (4.5) the child's wishes;
- 21 (5) the caregivers' willingness to work with the  
22 family to reunite;
- 23 (6) the willingness and ability of the caregivers' to  
24 provide a permanent placement;
- 25 (7) the age of the child;
- 26 (8) placement of siblings; and

1           (9) the wishes of the parent or parents unless the  
2           parental preferences are contrary to the best interests of  
3           the child.

4           (m) The Department may assume temporary custody of any  
5           child if:

6           (1) it has received a written consent to such  
7           temporary custody signed by the parents of the child or by  
8           the parent having custody of the child if the parents are  
9           not living together or by the guardian or custodian of the  
10          child if the child is not in the custody of either parent,  
11          or

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

15          If the child is found in the child's residence without a  
16          parent, guardian, custodian, or responsible caretaker, the  
17          Department may, instead of removing the child and assuming  
18          temporary custody, place an authorized representative of the  
19          Department in that residence until such time as a parent,  
20          guardian, or custodian enters the home and expresses a  
21          willingness and apparent ability to ensure the child's health  
22          and safety and resume permanent charge of the child, or until a  
23          relative enters the home and is willing and able to ensure the  
24          child's health and safety and assume charge of the child until  
25          a parent, guardian, or custodian enters the home and expresses  
26          such willingness and ability to ensure the child's safety and

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

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

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

22 A parent, guardian, or custodian of a child in the  
23 temporary custody of the Department who would have custody of  
24 the child if the child were not in the temporary custody of the  
25 Department may deliver to the Department a signed request that  
26 the Department surrender the temporary custody of the child.

1 The Department may retain temporary custody of the child for  
2 10 days after the receipt of the request, during which period  
3 the Department may cause to be filed a petition pursuant to the  
4 Juvenile Court Act of 1987. If a petition is so filed, the  
5 Department shall retain temporary custody of the child until  
6 the court orders otherwise. If a petition is not filed within  
7 the 10-day period, the child shall be surrendered to the  
8 custody of the requesting parent, guardian, or custodian not  
9 later than the expiration of the 10-day period, at which time  
10 the authority and duties of the Department with respect to the  
11 temporary custody of the child shall terminate.

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

26 (n) The Department may place children under 18 years of

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

25 (n-1) The Department shall provide or authorize child  
26 welfare services, aimed at assisting minors to achieve

1 sustainable self-sufficiency as independent adults, for any  
2 minor eligible for the reinstatement of wardship pursuant to  
3 subsection (2) of Section 2-33 of the Juvenile Court Act of  
4 1987, whether or not such reinstatement is sought or allowed,  
5 provided that the minor consents to such services and has not  
6 yet attained the age of 21. The Department shall have  
7 responsibility for the development and delivery of services  
8 under this Section. An eligible youth may access services  
9 under this Section through the Department of Children and  
10 Family Services or by referral from the Department of Human  
11 Services. Youth participating in services under this Section  
12 shall cooperate with the assigned case manager in developing  
13 an agreement identifying the services to be provided and how  
14 the youth will increase skills to achieve self-sufficiency. A  
15 homeless shelter is not considered appropriate housing for any  
16 youth receiving child welfare services under this Section. The  
17 Department shall continue child welfare services under this  
18 Section to any eligible minor until the minor becomes 21 years  
19 of age, no longer consents to participate, or achieves  
20 self-sufficiency as identified in the minor's service plan.  
21 The Department of Children and Family Services shall create  
22 clear, readable notice of the rights of former foster youth to  
23 child welfare services under this Section and how such  
24 services may be obtained. The Department of Children and  
25 Family Services and the Department of Human Services shall  
26 disseminate this information statewide. The Department shall

1 adopt regulations describing services intended to assist  
2 minors in achieving sustainable self-sufficiency as  
3 independent adults.

4 (o) The Department shall establish an administrative  
5 review and appeal process for children and families who  
6 request or receive child welfare services from the Department.  
7 Youth in care who are placed by private child welfare  
8 agencies, and caregivers with whom those youth are placed,  
9 shall be afforded the same procedural and appeal rights as  
10 children and families in the case of placement by the  
11 Department, including the right to an initial review of a  
12 private agency decision by that agency. The Department shall  
13 ensure that any private child welfare agency, which accepts  
14 youth in care for placement, affords those rights to children  
15 and caregivers with whom those children are placed. The  
16 Department shall accept for administrative review and an  
17 appeal hearing a complaint made by (i) a child or caregiver  
18 with whom the child is placed concerning a decision following  
19 an initial review by a private child welfare agency or (ii) a  
20 prospective adoptive parent who alleges a violation of  
21 subsection (j-5) of this Section. An appeal of a decision  
22 concerning a change in the placement of a child shall be  
23 conducted in an expedited manner. A court determination that a  
24 current placement is necessary and appropriate under Section  
25 2-28 of the Juvenile Court Act of 1987 does not constitute a  
26 judicial determination on the merits of an administrative

1 appeal, filed by a former caregiver, involving a change of  
2 placement decision. No later than July 1, 2025, the Department  
3 shall adopt rules to develop a reconsideration process to  
4 review: a denial of certification of a relative, a denial of  
5 placement with a relative, and a denial of visitation with an  
6 identified relative. Rules shall include standards and  
7 criteria for reconsideration that incorporate the best  
8 interests of the child under subsection (4.05) of Section 1-3  
9 of the Juvenile Court Act of 1987, address situations where  
10 multiple relatives seek certification, and provide that all  
11 rules regarding placement changes shall be followed. The rules  
12 shall outline the essential elements of each form used in the  
13 implementation and enforcement of the provisions of this  
14 amendatory Act of the 103rd General Assembly.

15 (p) (Blank).

16 (q) The Department may receive and use, in their entirety,  
17 for the benefit of children any gift, donation, or bequest of  
18 money or other property which is received on behalf of such  
19 children, or any financial benefits to which such children are  
20 or may become entitled while under the jurisdiction or care of  
21 the Department, except that the benefits described in Section  
22 5.46 must be used and conserved consistent with the provisions  
23 under Section 5.46.

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

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

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

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

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

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

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

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

23          (s) The Department of Children and Family Services may  
24          establish and implement a program to reimburse caregivers  
25          licensed, certified, or otherwise approved by the Department  
26          of Children and Family Services for damages sustained by the

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

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

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

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

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

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

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

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

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

22           The caregiver, appropriate facility staff, or prospective  
23 adoptive parent or parents, shall be informed of any known  
24 social or behavioral information (including, but not limited  
25 to, criminal background, fire setting, perpetuation of sexual  
26 abuse, destructive behavior, and substance abuse) necessary to

1 care for and safeguard the children to be placed or currently  
2 in the home or setting. The Department may prepare a written  
3 summary of the information required by this paragraph, which  
4 may be provided to the caregiver, appropriate facility staff,  
5 or prospective adoptive parent in advance of a placement. The  
6 caregiver, appropriate facility staff, or prospective adoptive  
7 parent may review the supporting documents in the child's file  
8 in the presence of casework staff. In the case of an emergency  
9 placement, casework staff shall at least provide known  
10 information verbally, if necessary, and must subsequently  
11 provide the information in writing as required by this  
12 subsection.

13 The information described in this subsection shall be  
14 provided in writing. In the case of emergency placements when  
15 time does not allow prior review, preparation, and collection  
16 of written information, the Department shall provide such  
17 information as it becomes available. Within 10 business days  
18 after placement, the Department shall obtain from the  
19 caregiver, appropriate facility staff, or prospective adoptive  
20 parent or parents a signed verification of receipt of the  
21 information provided. Within 10 business days after placement,  
22 the Department shall provide to the child's guardian ad litem  
23 a copy of the information provided to the caregiver,  
24 appropriate facility staff, or prospective adoptive parent or  
25 parents. The information provided to the caregiver,  
26 appropriate facility staff, or prospective adoptive parent or

1 parents shall be reviewed and approved regarding accuracy at  
2 the supervisory level.

3 (u-5) Beginning July 1, 2025, certified relative caregiver  
4 homes under Section 3.4 of the Child Care Act of 1969 shall be  
5 eligible to receive foster care maintenance payments from the  
6 Department in an amount no less than payments made to licensed  
7 foster family homes. Beginning July 1, 2025, relative homes  
8 providing care to a child placed by the Department that are not  
9 a certified relative caregiver home under Section 3.4 of the  
10 Child Care Act of 1969 or a licensed foster family home shall  
11 be eligible to receive payments from the Department in an  
12 amount no less 90% of the payments made to licensed foster  
13 family homes and certified relative caregiver homes.

14 (u-6) To assist relative and certified relative  
15 caregivers, no later than July 1, 2025, the Department shall  
16 adopt rules to implement a relative support program, as  
17 follows:

18 (1) For relative and certified relative caregivers,  
19 the Department is authorized to reimburse or prepay  
20 reasonable expenditures to remedy home conditions  
21 necessary to fulfill the home safety-related requirements  
22 of relative caregiver homes.

23 (2) The Department may provide short-term emergency  
24 funds to relative and certified relative caregiver homes  
25 experiencing extreme hardships due to the difficulty and  
26 stress associated with adding youth in care as new

1 household members.

2 (3) Consistent with federal law, the Department shall  
3 include in any State Plan made in accordance with the  
4 Adoption Assistance and Child Welfare Act of 1980, Titles  
5 IV-E and XIX of the Social Security Act, and any other  
6 applicable federal laws the provision of kinship navigator  
7 program services. The Department shall apply for and  
8 administer all relevant federal aid in accordance with  
9 law. Federal funds acquired for the kinship navigator  
10 program shall be used for the development, implementation,  
11 and operation of kinship navigator program services. The  
12 kinship navigator program services may provide  
13 information, referral services, support, and assistance to  
14 relative and certified relative caregivers of youth in  
15 care to address their unique needs and challenges. Until  
16 the Department is approved to receive federal funds for  
17 these purposes, the Department shall publicly post on the  
18 Department's website semi-annual updates regarding the  
19 Department's progress in pursuing federal funding.  
20 Whenever the Department publicly posts these updates on  
21 its website, the Department shall notify the General  
22 Assembly through the General Assembly's designee.

23 (u-7) To support finding permanency for children through  
24 subsidized guardianship and adoption and to prevent disruption  
25 in guardianship and adoptive placements, the Department shall  
26 establish and maintain accessible subsidized guardianship and

1 adoption support services for all children under 18 years of  
2 age placed in guardianship or adoption who, immediately  
3 preceding the guardianship or adoption, were in the custody or  
4 guardianship of the Department under Article II of the  
5 Juvenile Court Act of 1987.

6 The Department shall establish and maintain a toll-free  
7 number to respond to requests from the public about its  
8 subsidized guardianship and adoption support services under  
9 this subsection and shall staff the toll-free number so that  
10 calls are answered on a timely basis, but in no event more than  
11 one business day after the receipt of a request. These  
12 requests from the public may be made anonymously. To meet this  
13 obligation, the Department may utilize the same toll-free  
14 number the Department operates to respond to post-adoption  
15 requests under subsection (b-5) of Section 18.9 of the  
16 Adoption Act. The Department shall publicize information about  
17 the Department's subsidized guardianship support services and  
18 toll-free number as follows:

19 (1) it shall post information on the Department's  
20 website;

21 (2) it shall provide the information to every licensed  
22 child welfare agency and any entity providing subsidized  
23 guardianship support services in Illinois courts;

24 (3) it shall reference such information in the  
25 materials the Department provides to caregivers pursuing  
26 subsidized guardianship to inform them of their rights and

1 responsibilities under the Child Care Act of 1969 and this  
2 Act;

3 (4) it shall provide the information, including the  
4 Department's Post Adoption and Guardianship Services  
5 booklet, to eligible caregivers as part of its  
6 guardianship training and at the time they are presented  
7 with the Permanency Commitment form;

8 (5) it shall include, in each annual notification  
9 letter mailed to subsidized guardians, a short, 2-sided  
10 flier or news bulletin in plain language that describes  
11 access to post-guardianship services, how to access  
12 services under the Family Support Program, formerly known  
13 as the Individual Care Grant Program, the webpage address  
14 to the Post Adoption and Guardianship Services booklet,  
15 information on how to request that a copy of the booklet be  
16 mailed; and

17 (6) it shall ensure that kinship navigator programs of  
18 this State, when established, have this information to  
19 include in materials the programs provide to caregivers.

20 No later than July 1, 2026, the Department shall provide a  
21 mechanism for the public to make information requests by  
22 electronic means.

23 The Department shall review and update annually all  
24 information relating to its subsidized guardianship support  
25 services, including its Post Adoption and Guardianship  
26 Services booklet, to include updated information on Family

1 Support Program services eligibility and subsidized  
2 guardianship support services that are available through the  
3 medical assistance program established under Article V of the  
4 Illinois Public Aid Code or any other State program for mental  
5 health services. The Department and the Department of  
6 Healthcare and Family Services shall coordinate their efforts  
7 in the development of these resources.

8 Every licensed child welfare agency and any entity  
9 providing kinship navigator programs funded by the Department  
10 shall provide the Department's website address and link to the  
11 Department's subsidized guardianship support services  
12 information set forth in subsection (d), including the  
13 Department's toll-free number, to every relative who is or  
14 will be providing guardianship placement for a child placed by  
15 the Department.

16 (v) The Department shall access criminal history record  
17 information as defined in the Illinois Uniform Conviction  
18 Information Act and information maintained in the adjudicatory  
19 and dispositional record system as defined in Section 2605-355  
20 of the Illinois State Police Law if the Department determines  
21 the information is necessary to perform its duties under the  
22 Abused and Neglected Child Reporting Act, the Child Care Act  
23 of 1969, and the Children and Family Services Act. The  
24 Department shall provide for interactive computerized  
25 communication and processing equipment that permits direct  
26 on-line communication with the Illinois State Police's central

1 criminal history data repository. The Department shall comply  
2 with all certification requirements and provide certified  
3 operators who have been trained by personnel from the Illinois  
4 State Police. In addition, one Office of the Inspector General  
5 investigator shall have training in the use of the criminal  
6 history information access system and have access to the  
7 terminal. The Department of Children and Family Services and  
8 its employees shall abide by rules and regulations established  
9 by the Illinois State Police relating to the access and  
10 dissemination of this information.

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

24 (v-2) Prior to final approval for placement of a child  
25 with a foster or adoptive parent, the Department shall check  
26 its child abuse and neglect registry for information

1 concerning prospective foster and adoptive parents, and any  
2 adult living in the home. If any prospective foster or  
3 adoptive parent or other adult living in the home has resided  
4 in another state in the preceding 5 years, the Department  
5 shall request a check of that other state's child abuse and  
6 neglect registry.

7 (v-3) Prior to the final approval of final placement of a  
8 related child in a certified relative caregiver home as  
9 defined in Section 2.37 of the Child Care Act of 1969, the  
10 Department shall ensure that the background screening meets  
11 the standards required under subsection (c) of Section 3.4 of  
12 the Child Care Act of 1969.

13 (v-4) Prior to final approval for placement of a child  
14 with a relative, as defined in Section 4d of this Act, who is  
15 not a licensed foster parent, has declined to seek approval to  
16 be a certified relative caregiver, or was denied approval as a  
17 certified relative caregiver, the Department shall:

18 (i) check the child abuse and neglect registry for  
19 information concerning the prospective relative caregiver  
20 and any other adult living in the home. If any prospective  
21 relative caregiver or other adult living in the home has  
22 resided in another state in the preceding 5 years, the  
23 Department shall request a check of that other state's  
24 child abuse and neglect registry; and

25 (ii) conduct a criminal records background check of  
26 the prospective relative caregiver and all other adults

1 living in the home, including fingerprint-based checks of  
2 national crime information databases. Final approval for  
3 placement shall not be granted if the record check reveals  
4 a felony conviction for child abuse or neglect, for  
5 spousal abuse, for a crime against children, or for a  
6 crime involving violence, including human trafficking, sex  
7 trafficking, rape, sexual assault, or homicide, but not  
8 including other physical assault or battery, or if there  
9 is a felony conviction for physical assault, battery, or a  
10 drug-related offense committed within the past 5 years;  
11 provided however, that the Department is empowered to  
12 grant a waiver as the Department may provide by rule, and  
13 the Department approves the request for the waiver based  
14 on a comprehensive evaluation of the caregiver and  
15 household members and the conditions relating to the  
16 safety of the placement.

17 No later than July 1, 2025, the Department shall adopt  
18 rules or revise existing rules to effectuate the changes made  
19 to this subsection (v-4). The rules shall outline the  
20 essential elements of each form used in the implementation and  
21 enforcement of the provisions of this amendatory Act of the  
22 103rd General Assembly.

23 (w) (Blank).

24 (x) The Department shall conduct annual credit history  
25 checks to determine the financial history of children placed  
26 under its guardianship pursuant to the Juvenile Court Act of

1 1987. The Department shall conduct such credit checks starting  
2 when a youth in care turns 12 years old and each year  
3 thereafter for the duration of the guardianship as terminated  
4 pursuant to the Juvenile Court Act of 1987. The Department  
5 shall determine if financial exploitation of the child's  
6 personal information has occurred. If financial exploitation  
7 appears to have taken place or is presently ongoing, the  
8 Department shall notify the proper law enforcement agency, the  
9 proper State's Attorney, or the Attorney General.

10 (y) Beginning on July 22, 2010 (the effective date of  
11 Public Act 96-1189), a child with a disability who receives  
12 residential and educational services from the Department shall  
13 be eligible to receive transition services in accordance with  
14 Article 14 of the School Code from the age of 14.5 through age  
15 21, inclusive, notwithstanding the child's residential  
16 services arrangement. For purposes of this subsection, "child  
17 with a disability" means a child with a disability as defined  
18 by the federal Individuals with Disabilities Education  
19 Improvement Act of 2004.

20 (z) The Department shall access criminal history record  
21 information as defined as "background information" in this  
22 subsection and criminal history record information as defined  
23 in the Illinois Uniform Conviction Information Act for each  
24 Department employee or Department applicant. Each Department  
25 employee or Department applicant shall submit the employee's  
26 or applicant's fingerprints to the Illinois State Police in

1 the form and manner prescribed by the Illinois State Police.  
2 These fingerprints shall be checked against the fingerprint  
3 records now and hereafter filed in the Illinois State Police  
4 and the Federal Bureau of Investigation criminal history  
5 records databases. The Illinois State Police shall charge a  
6 fee for conducting the criminal history record check, which  
7 shall be deposited into the State Police Services Fund and  
8 shall not exceed the actual cost of the record check. The  
9 Illinois State Police shall furnish, pursuant to positive  
10 identification, all Illinois conviction information to the  
11 Department of Children and Family Services.

12 For purposes of this subsection:

13 "Background information" means all of the following:

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

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

1 (iii) Information obtained by the Department of  
2 Children and Family Services after performing a check of  
3 the Child Abuse and Neglect Tracking System (CANTS)  
4 operated and maintained by the Department.

5 "Department employee" means a full-time or temporary  
6 employee coded or certified within the State of Illinois  
7 Personnel System.

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

17 (aa) The changes made to this Section by this amendatory  
18 Act of the 104th General Assembly are declarative of existing  
19 law and are not a new enactment.

20 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
21 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.  
22 1-1-24; 103-546, eff. 8-11-23; 103-605, eff. 7-1-24; 103-1061,  
23 eff. 7-1-25.)

24 Section 10. The Child Care Act of 1969 is amended by  
25 changing Section 3.4 as follows:

1 (225 ILCS 10/3.4)

2 (This Section may contain text from a Public Act with a  
3 delayed effective date)

4 Sec. 3.4. Standards for certified relative caregiver  
5 homes.

6 (a) No later than July 1, 2025, the Department shall adopt  
7 rules outlining the standards for certified relative caregiver  
8 homes, which are reasonably in accordance with the national  
9 consortium recommendations and federal law and rules, and  
10 consistent with the requirements of this Act. The standards  
11 for certified relative caregiver homes shall: (i) be different  
12 from licensing standards used for non-relative foster family  
13 homes under Section 4; (ii) align with the recommendation of  
14 the U.S. Department of Health and Human Services'  
15 Administration for Children and Families for implementation of  
16 Section 471(a)(10), 471(a)(11), and 471(a)(20) and Section 474  
17 of Title IV-E of the Social Security Act; (iii) be no more  
18 restrictive than, and reasonably in accordance with, national  
19 consortium recommendations; and (iv) address background  
20 screening for caregivers and other household residents and  
21 assessing home safety and caregiver capacity to meet the  
22 identified child's needs.

23 A guiding premise for certified relative caregiver home  
24 standards is that foster care maintenance payments for every  
25 relative, starting upon placement, regardless of federal

1 reimbursement, are critical to ensure that the basic needs and  
2 well-being of all children in relative care are being met. If  
3 an agency places a child in the care of a relative, the  
4 relative must immediately be provided with adequate support to  
5 care for that child. The Department shall review foster care  
6 maintenance payments to ensure that children receive the same  
7 amount of foster care maintenance payments whether placed in a  
8 certified relative caregiver home or a licensed foster family  
9 home.

10 In developing rules, the Department shall solicit and  
11 incorporate feedback from relative caregivers. No later than  
12 60 days after the effective date of this amendatory Act of the  
13 103rd General Assembly, the Department shall begin soliciting  
14 input from relatives who are currently or have recently been  
15 caregivers to youth in care to develop the rules and  
16 procedures to implement the requirements of this Section. The  
17 Department shall solicit this input in a manner convenient for  
18 caregivers to participate, including without limitation,  
19 in-person convenings at after hours and weekend venues,  
20 locations that provide child care, and modalities that are  
21 accessible and welcoming to new and experienced relative  
22 caregivers from all regions of the State. The rules shall  
23 outline the essential elements of each form used in the  
24 implementation and enforcement of the provisions of this  
25 amendatory Act of the 103rd General Assembly.

26 (b) In order to assess whether standards are met for a

1 certified relative caregiver home under this Section, the  
2 Department or a licensed child welfare agency shall:

3 (1) complete the home safety and needs assessment and  
4 identify and provide any necessary concrete goods or  
5 safety modifications to assist the prospective certified  
6 relative caregiver in meeting the needs of the specific  
7 child or children being placed by the Department, in a  
8 manner consistent with Department rule;

9 (2) assess the ability of the prospective certified  
10 relative caregiver to care for the physical, emotional,  
11 medical, and educational needs of the specific child or  
12 children being placed by the Department using the protocol  
13 and form provided through national consortium  
14 recommendations; and

15 (3) using the standard background check form  
16 established by rule, complete a background check for each  
17 person seeking certified relative caregiver approval and  
18 any other adults living in the home as required under this  
19 Section.

20 (c) The Department or a licensed child welfare agency  
21 shall conduct the following background screening investigation  
22 for every prospective certified relative caregiver and adult  
23 resident living in the home:

24 (1) a name-based State, local, or tribal criminal  
25 background check, and as soon as reasonably possible,  
26 initiate a fingerprint-based background check;

1           (2) a review of this State's Central Registry and  
2 registries of any state in which an adult household member  
3 has resided in the last 5 years, if applicable to  
4 determine if the person has been determined to be a  
5 perpetrator in an indicated report of child abuse or  
6 neglect; and

7           (3) a review of the sex offender registry.

8           No home may be a certified relative caregiver home if any  
9 prospective caregivers or adult residents in the home refuse  
10 to authorize a background screening investigation as required  
11 by this Section. Only information and standards that bear a  
12 reasonable and rational relation to the caregiving capacity of  
13 the certified relative caregiver and adult member of the  
14 household and overall safety provided by residents of that  
15 home shall be used by the Department or licensed child welfare  
16 agency.

17           In approving a certified relative caregiver home in  
18 accordance with this Section, if an adult has a criminal  
19 record, the Department or licensed child welfare agency shall  
20 thoroughly investigate and evaluate the criminal history of  
21 the adult and, in so doing, include an assessment of the  
22 adult's character and, in the case of the prospective  
23 certified relative caregiver, the impact that the criminal  
24 history has on the prospective certified relative caregiver's  
25 ability to parent the child; the investigation should consider  
26 the type of crime, the number of crimes, the nature of the

1 offense, the age of the person at the time of the crime, the  
2 length of time that has elapsed since the last conviction, the  
3 relationship of the crime to the ability to care for children,  
4 the role that adult will have with the child, and any evidence  
5 of rehabilitation. In accordance with federal law, a home  
6 shall not be approved if the record of the prospective  
7 certified relative caregiver's background screening reveals:  
8 (i) a felony conviction for child abuse or neglect, for  
9 spousal abuse, for a crime against children ~~crimes against a~~  
10 ~~child~~, including child pornography, or for a crime involving  
11 violence, including human trafficking, sex trafficking, of  
12 rape, sexual assault, or homicide, but not including other  
13 physical assault or battery; or (ii) a felony conviction in  
14 the last 5 years for physical assault, battery, or a  
15 drug-related offense.

16 If the Department is contemplating denying approval of a  
17 certified relative caregiver home, the Department shall  
18 provide a written notice in the prospective certified relative  
19 caregiver's primary language to each prospective certified  
20 relative caregiver before the Department takes final action to  
21 deny approval of the home. This written notice shall include  
22 the specific reason or reasons the Department is considering  
23 denial, list actions prospective certified relative caregivers  
24 can take, if any, to remedy such conditions and the timeframes  
25 in which such actions would need to be completed, explain  
26 reasonable supports that the Department can provide to assist

1 the prospective certified relative caregivers in taking  
2 remedial actions and how the prospective certified relative  
3 caregivers can request such assistance, and provide the  
4 recourse prospective certified relative caregivers can seek to  
5 resolve disputes about the Department's findings. The  
6 Department shall provide prospective certified relative  
7 caregivers reasonable opportunity pursuant to rulemaking to  
8 cure any remediable deficiencies that the Department  
9 identified before taking final action to deny approval of a  
10 certified relative caregiver home.

11 If conditions have not been remedied after a reasonable  
12 opportunity and assistance to cure identified deficiencies has  
13 been provided, the Department shall provide a final written  
14 notice explaining the reasons for denying the certified  
15 relative caregiver home approval and the reconsideration  
16 process to review the decision to deny certification. The  
17 Department shall not prohibit a prospective certified relative  
18 caregiver from being reconsidered for approval if the  
19 prospective certified relative caregivers are able to  
20 demonstrate a change in circumstances that improves deficient  
21 conditions.

22 Documentation that a certified relative caregiver home  
23 meets the required standards may be filed on behalf of such  
24 homes by a licensed child welfare agency, by a State agency  
25 authorized to place children in foster care, or by  
26 out-of-state agencies approved by the Department to place

1 children in this State. For documentation on behalf of a home  
2 in which specific children are placed by and remain under  
3 supervision of the applicant agency, such agency shall  
4 document that the certified relative caregiver home,  
5 responsible for the care of related specific children therein,  
6 was found to be in reasonable compliance with standards  
7 prescribed by the Department for certified relative caregiver  
8 homes under this Section. Certification is applicable to one  
9 or more related children and documentation for certification  
10 shall indicate the specific child or children who would be  
11 eligible for placement in this certified relative caregiver  
12 home.

13 Information concerning criminal convictions of prospective  
14 certified relative caregivers and adult residents of a  
15 prospective certified relative caregiver home investigated  
16 under this Section, including the source of the information,  
17 State conviction information provided by the Illinois State  
18 Police, and any conclusions or recommendations derived from  
19 the information, shall be offered to the prospective certified  
20 relative caregivers and adult residents of a prospective  
21 certified relative caregiver home, and provided, upon request,  
22 to such persons prior to final action by the Department in the  
23 certified relative caregiver home approval process.

24 Any information concerning criminal charges or the  
25 disposition of such criminal charges obtained by the  
26 Department shall be confidential and may not be transmitted

1 outside the Department, except as required or permitted by  
2 State or federal law, and may not be transmitted to anyone  
3 within the Department except as needed for the purpose of  
4 evaluating standards for a certified relative caregiver home  
5 or for evaluating the placement of a specific child in the  
6 home. Information concerning a prospective certified relative  
7 caregiver or an adult resident of a prospective certified  
8 relative caregiver home obtained by the Department for the  
9 purposes of this Section shall be confidential and exempt from  
10 public inspection and copying as provided under Section 7 of  
11 the Freedom of Information Act, and such information shall not  
12 be transmitted outside the Department, except as required or  
13 authorized by State or federal law, including applicable  
14 provisions in the Abused and Neglected Child Reporting Act,  
15 and shall not be transmitted to anyone within the Department  
16 except as provided in the Abused and Neglected Child Reporting  
17 Act, and shall not be transmitted to anyone within the  
18 Department except as needed for the purposes of evaluating  
19 homes. Any employee of the Department, the Illinois State  
20 Police, or a licensed child welfare agency receiving  
21 confidential information under this Section who gives or  
22 causes to be given any confidential information concerning any  
23 criminal convictions or child abuse or neglect reports  
24 involving a prospective certified relative caregiver or an  
25 adult resident of a prospective certified relative caregiver  
26 home shall be guilty of a Class A misdemeanor unless release of

1 such information is authorized by this Section or Section 11.1  
2 of the Abused and Neglected Child Reporting Act.

3 The Department shall permit, but shall not require, a  
4 prospective certified relative caregiver who does not yet have  
5 eligible children placed by the Department in the relative's  
6 home to commence the process to become a certified relative  
7 caregiver home for a particular identified child under this  
8 Section before a child is placed by the Department if the  
9 prospective certified relative caregiver prefers to begin this  
10 process in advance of the identified child being placed. No  
11 later than July 1, 2025, the Department shall adopt rules  
12 delineating the process for re-assessing a certified relative  
13 caregiver home if the identified child is not placed in that  
14 home within 6 months of the home becoming certified.

15 (d) The Department shall ensure that prospective certified  
16 relative caregivers are provided with assistance in completing  
17 the steps required for approval as a certified relative  
18 caregiver home, including, but not limited to, the following  
19 types of assistance:

20 (1) completing forms together with the relative or for  
21 the relative, if possible;

22 (2) obtaining court records or dispositions related to  
23 background checks;

24 (3) accessing translation services;

25 (4) using mobile fingerprinting devices in the home,  
26 and if mobile devices are unavailable, providing

1 assistance scheduling appointments that are accessible and  
2 available at times that fit the household members'  
3 schedules, providing transportation and child care to  
4 allow the household members to complete fingerprinting  
5 appointments, and contracting with community-based  
6 fingerprinting locations that offer evening and weekend  
7 appointments;

8 (5) reimbursement or advance payment for the  
9 prospective certified relative caregiver to help with  
10 reasonable home maintenance to resolve critical safety  
11 issues in accordance with Department rulemaking; and

12 (6) purchasing required safety or comfort items such  
13 as a car seat or mattress.

14 (e) Orientation provided to certified relative caregivers  
15 shall include information regarding:

16 (1) caregivers' right to be heard in juvenile court  
17 proceedings;

18 (2) the availability of the advocacy hotline and  
19 Office of the Inspector General that caregivers may use to  
20 report incidents of misconduct or violation of rules by  
21 Department employees, service providers, or contractors;

22 (3) the Department's expectations for caregiving  
23 obligations including, but not limited to, specific  
24 requirements of court orders, critical incident  
25 notifications and timeframes, supervision for the child's  
26 age and needs, out-of-state travel, and consent

1 procedures;

2 (4) assistance available to the certified relative  
3 caregivers, including child care, respite care,  
4 transportation assistance, case management, training and  
5 support groups, kinship navigator services, financial  
6 assistance, and after hours and weekend 24 hours, 7 days a  
7 week emergency supports, and how to access such  
8 assistance;

9 (5) reasonable and prudent parenting standards; and

10 (6) permanency options.

11 Orientation shall be provided in a setting and modality  
12 convenient for the residents of the certified relative  
13 caregiver home, which shall include the option for one-on-one  
14 sessions at the residence, after business hours, and in the  
15 primary language of the caregivers. Training opportunities  
16 shall be offered to the residents of the certified relative  
17 caregiver home, but shall not be a requirement that delays the  
18 certified relative caregiver home approval process from being  
19 completed.

20 The Department or licensed child welfare agency may  
21 provide support groups and development opportunities for  
22 certified relative caregivers, and take other steps to support  
23 permanency, such as offering voluntary training, or concurrent  
24 assessments of multiple prospective certified relative  
25 caregivers to determine which may be best suited to provide  
26 long-term permanency for a particular child. However, these

1 support groups and development opportunities shall not be  
2 requirements for prospective certified relative caregiver  
3 homes or delay immediate placement and support to a relative  
4 who satisfies the standards set forth in this Section.

5 (f) All child welfare agencies serving relative and  
6 certified relative caregiver homes shall be required by the  
7 Department to have complaint policies and procedures that  
8 shall be provided in writing to prospective and current  
9 certified relative caregivers and residents of prospective and  
10 current certified relative caregiver homes, at the earliest  
11 time possible. The complaint procedure shall allow residents  
12 of prospective and current certified relative caregiver homes  
13 to submit complaints 7 days a week and complaints shall be  
14 reviewed by the Department within 30 days of receipt. These  
15 complaint procedures must be filed with the Department within  
16 6 months after the effective date of this amendatory of the  
17 103rd General Assembly.

18 No later than July 1, 2025, the Department shall revise  
19 any rules and procedures pertaining to eligibility of  
20 certified relative caregivers to qualify for State and federal  
21 subsidies and services under the guardianship and adoption  
22 assistance program and remove any requirements that exceed the  
23 federal requirements for participation in these programs or  
24 supports to ensure that certified relative caregiver homes are  
25 deemed eligible for permanency options, such as adoption or  
26 subsidized guardianship, if the child is unable to safely

1 return to the child's parents. The rules shall outline the  
2 essential elements of each form used in the implementation and  
3 enforcement of the provisions of this amendatory Act of the  
4 103rd General Assembly.

5 The Department shall submit any necessary State plan  
6 amendments necessary to comply with this Section and to ensure  
7 Title IV-E reimbursement eligibility under Section  
8 671(a)(20)(A-B) of the Social Security Act can be achieved  
9 expediently. The Department shall differentiate expenditures  
10 related to certified relative caregivers from licensed care  
11 placements to provide clarity in expenditures of State and  
12 federal monies for certified relative caregiver supports.

13 (Source: P.A. 103-1061, eff. 7-1-25.)

14 Section 95. No acceleration or delay. Where this Act makes  
15 changes in a statute that is represented in this Act by text  
16 that is not yet or no longer in effect (for example, a Section  
17 represented by multiple versions), the use of that text does  
18 not accelerate or delay the taking effect of (i) the changes  
19 made by this Act or (ii) provisions derived from any other  
20 Public Act.

21 Section 99. Effective date. This Act takes effect July 1,  
22 2025.