

HB1798



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1798

Introduced 1/28/2025, by Rep. Tom Weber

SYNOPSIS AS INTRODUCED:

20 ILCS 505/5

Amends the Children and Family Services Act. Provides that final approval for placement of a child with a prospective foster or adoptive parent shall not be granted if a criminal records background check reveals the prospective foster or adoptive parent has a felony conviction for human trafficking or sex trafficking. Effective immediately.

LRB104 03973 KTG 13997 b

A BILL FOR

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

11 (a) For purposes of this Section:

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

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

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

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

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

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

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

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

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

24 (D) restoring to their families children who have
25 been removed, by the provision of services to the
26 child and the families when the child can be cared for

1 at home without endangering the child's health and
2 safety;

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

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

14 (G) (blank);

15 (H) (blank); and

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

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

26 (ii) who are persons with a developmental

1 disability, as defined in the Mental Health and
2 Developmental Disabilities Code, or

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

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

9 (b) (Blank).

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

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

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

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

24 (e) (Blank).

25 (f) (Blank).

26 (g) The Department shall establish rules and regulations

1 concerning its operation of programs designed to meet the
2 goals of child safety and protection, family preservation,
3 family reunification, and adoption, including, but not limited
4 to:

5 (1) adoption;

6 (2) 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; and
- 20 (6) emergency assistance and advocacy.

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

- 23 (1) comprehensive family-based services;
- 24 (2) assessments;
- 25 (3) respite care; and
- 26 (4) in-home health services.

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

4 (j) The Department may provide categories of financial
5 assistance and education assistance grants, and shall
6 establish rules and regulations concerning the assistance and
7 grants, to persons who adopt children with physical or mental
8 disabilities, children who are older, or other hard-to-place
9 children who (i) immediately prior to their adoption were
10 youth in care or (ii) were determined eligible for financial
11 assistance with respect to a prior adoption and who become
12 available for adoption because the prior adoption has been
13 dissolved and the parental rights of the adoptive parents have
14 been terminated or because the child's adoptive parents have
15 died. The Department may continue to provide financial
16 assistance and education assistance grants for a child who was
17 determined eligible for financial assistance under this
18 subsection (j) in the interim period beginning when the
19 child's adoptive parents died and ending with the finalization
20 of the new adoption of the child by another adoptive parent or
21 parents. The Department may also provide categories of
22 financial assistance and education assistance grants, and
23 shall establish rules and regulations for the assistance and
24 grants, to persons appointed guardian of the person under
25 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
26 4-25, or 5-740 of the Juvenile Court Act of 1987 for children

1 who were youth in care for 12 months immediately prior to the
2 appointment of the guardian.

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (1-1) The General Assembly recognizes that the best
12 interests of the child require that the child be placed in the
13 most permanent living arrangement as soon as is practically
14 possible. To achieve this goal, the General Assembly directs
15 the Department of Children and Family Services to conduct
16 concurrent planning so that permanency may occur at the
17 earliest opportunity. Permanent living arrangements may
18 include prevention of placement of a child outside the home of
19 the family when the child can be cared for at home without
20 endangering the child's health or safety; reunification with
21 the family, when safe and appropriate, if temporary placement
22 is necessary; or movement of the child toward the most
23 permanent living arrangement and permanent legal status.

24 When determining reasonable efforts to be made with
25 respect to a child, as described in this subsection, and in
26 making such reasonable efforts, the child's health and safety

1 shall be the paramount concern.

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

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

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

- 24 (1) the likelihood of prompt reunification;
25 (2) the past history of the family;
26 (3) the barriers to reunification being addressed by

1 the family;

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

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

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

7 (7) the age of the child;

8 (8) placement of siblings.

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

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

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

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

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

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

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

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

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

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

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

1 this Section. All reimbursements for services delivered shall
2 be absolutely inalienable by assignment, sale, attachment, or
3 garnishment or otherwise.

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

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

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

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

7 (p) (Blank).

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

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

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

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

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

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

25 (r) The Department shall promulgate regulations
26 encouraging all adoption agencies to voluntarily forward to

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

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

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

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

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

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

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

25 (1) available detailed information concerning the
26 child's educational and health history, copies of

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

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

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

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

1 subsection.

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

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

1 denied or until September 30, 1995, whichever occurs first.

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

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

1 databases. Final approval for placement shall not be granted
2 if the record check reveals a felony conviction for child
3 abuse or neglect, for spousal abuse, for a crime against
4 children, or for a crime involving violence, including human
5 trafficking, sex trafficking, rape, sexual assault, or
6 homicide, but not including other physical assault or battery,
7 or if there is a felony conviction for physical assault,
8 battery, or a drug-related offense committed within the past 5
9 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 Section 99. Effective date. This Act takes effect upon
10 becoming law.