



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5102

Introduced 2/10/2026, by Rep. Suzanne M. Ness

#### SYNOPSIS AS INTRODUCED:

20 ILCS 1705/2  
405 ILCS 30/2

from Ch. 91 1/2, par. 100-2  
from Ch. 91 1/2, par. 902

Amends the Community Services Act. Adds community day services to the list of service categories covered under the Act. Defines "community day services" to mean a Home and Community-Based Waiver day program that is certified by the Department of Human Services and provides assistance with gaining, maintaining, or improving skills and functioning to individuals with developmental disabilities. Makes conforming changes to the Mental Health and Developmental Disabilities Administrative Act.

LRB104 18139 KTG 31578 b

1 AN ACT concerning developmental disabilities.

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

4 Section 5. The Mental Health and Developmental  
5 Disabilities Administrative Act is amended by changing Section  
6 2 as follows:

7 (20 ILCS 1705/2) (from Ch. 91 1/2, par. 100-2)

8 Sec. 2. Definitions; administrative subdivisions.

9 (a) For the purposes of this Act, unless the context  
10 otherwise requires:

11 "Community day services" or "CDS" means a Home and  
12 Community-Based Waiver day program that is certified by the  
13 Department. Community day services provide assistance with  
14 gaining, maintaining, or improving skills and functioning to  
15 individuals with developmental disabilities. Services can  
16 reinforce skills or strategies taught in other settings and  
17 may include training and supports to help prevent or slow the  
18 loss of skills. Community day services take place in a  
19 non-residential setting, separate from the individual's  
20 residential setting, whether individually owned, controlled,  
21 or other. Community day services can be provided in a site  
22 certified by the Department (site-based CDS) or in community  
23 locations where members of the general community typically

1 congregate (non-site-based CDS). CDS activities shall promote  
2 greater independence and support full access to the general  
3 community to the same degree as persons not receiving Home and  
4 Community-Based Waiver services.

5 "Department" means the Department of Human Services,  
6 successor to the former Department of Mental Health and  
7 Developmental Disabilities.

8 "Developmental disability" means "developmental  
9 disability" as defined in Section 1-106 of the Mental Health  
10 and Developmental Disabilities Code.

11 "Intellectual disability" means the "intellectual  
12 disability" as defined in Section 1-116 of the Mental Health  
13 and Developmental Disabilities Code.

14 "Secretary" means the Secretary of Human Services.

15 (b) Unless the context otherwise requires:

16 (1) References in this Act to the programs or  
17 facilities of the Department shall be construed to refer  
18 only to those programs or facilities of the Department  
19 that pertain to mental health or developmental  
20 disabilities.

21 (2) References in this Act to the Department's service  
22 providers or service recipients shall be construed to  
23 refer only to providers or recipients of services that  
24 pertain to the Department's mental health and  
25 developmental disabilities functions.

26 (3) References in this Act to employees of the

1 Department shall be construed to refer only to employees  
2 whose duties pertain to the Department's mental health and  
3 developmental disabilities functions.

4 (c) The Secretary shall establish such subdivisions of the  
5 Department as shall be desirable and shall assign to the  
6 various subdivisions the responsibilities and duties placed  
7 upon the Department by the Laws of the State of Illinois.

8 (d) There is established a coordinator of services to deaf  
9 and hearing impaired persons with mental disabilities. In  
10 hiring this coordinator, every consideration shall be given to  
11 qualified deaf or hearing impaired individuals.

12 (e) Whenever the administrative director of the  
13 subdivision for mental health services is not a  
14 board-certified psychiatrist, the Secretary shall appoint a  
15 Chief for Clinical Services who shall be a board-certified  
16 psychiatrist with both clinical and administrative experience.  
17 The Chief for Clinical Services shall be responsible for all  
18 clinical and medical decisions for mental health services.

19 (Source: P.A. 102-972, eff. 1-1-23.)

20 Section 10. The Community Services Act is amended by  
21 changing Section 2 as follows:

22 (405 ILCS 30/2) (from Ch. 91 1/2, par. 902)

23 Sec. 2. Community services system. Services should be  
24 planned, developed, delivered and evaluated as part of a

1 comprehensive and coordinated system. The Department of Human  
2 Services shall encourage the establishment of services in each  
3 area of the State which cover the services categories  
4 described below. What specific services are provided under  
5 each service category shall be based on local needs; special  
6 attention shall be given to unserved and underserved  
7 populations, including children and youth, racial and ethnic  
8 minorities, and the elderly. The service categories shall  
9 include:

10 (a) Prevention: services designed primarily to reduce  
11 the incidence and ameliorate the severity of developmental  
12 disabilities, mental illness, and substance use disorders  
13 as defined in the Substance Use Disorder Act;

14 (b) Client Assessment and Diagnosis: services designed  
15 to identify persons with developmental disabilities,  
16 mental illness, and substance use disorders; to determine  
17 the extent of the disability and the level of functioning;  
18 to ensure that the individual's need for treatment of  
19 mental disorders or substance use disorders or  
20 co-occurring substance use and mental health disorders is  
21 determined using a uniform screening, assessment, and  
22 evaluation process inclusive of criteria; for purposes of  
23 this subsection (b), a uniform screening, assessment, and  
24 evaluation process refers to a process that includes an  
25 appropriate evaluation and, as warranted, a referral;  
26 "uniform" does not mean the use of a singular instrument,

1 tool, or process that all must utilize; information  
2 obtained through client evaluation can be used in  
3 individual treatment and habilitation plans; to assure  
4 appropriate placement and to assist in program evaluation;

5 (c) Case Coordination: services to provide information  
6 and assistance to persons with disabilities to ensure that  
7 they obtain needed services provided by the private and  
8 public sectors; case coordination services should be  
9 available to individuals whose functioning level or  
10 history of institutional recidivism or long-term care  
11 indicate that such assistance is required for successful  
12 community living;

13 (d) Crisis and Emergency: services to assist  
14 individuals and their families through crisis periods, to  
15 stabilize individuals under stress and to prevent  
16 unnecessary institutionalization;

17 (e) Treatment, Habilitation and Support: services  
18 designed to help individuals develop skills which promote  
19 independence and improved levels of social and vocational  
20 functioning and personal growth; and to provide  
21 non-treatment support services which are necessary for  
22 successful community living;

23 (f) Community Residential Alternatives to  
24 Institutional Settings: services to provide living  
25 arrangements for persons unable to live independently; the  
26 level of supervision, services provided and length of stay

1 at community residential alternatives will vary by the  
2 type of program and the needs and functioning level of the  
3 residents; other services may be provided in a community  
4 residential alternative which promote the acquisition of  
5 independent living skills and integration with the  
6 community.

7 (g) Community Day Services or CDS: a Home and  
8 Community-Based Waiver day program that is certified by  
9 the Department. Community day services provide assistance  
10 with gaining, maintaining, or improving skills and  
11 functioning to individuals with developmental  
12 disabilities. Services can reinforce skills or strategies  
13 taught in other settings and may include training and  
14 supports to help prevent or slow the loss of skills.  
15 Community day services take place in a non-residential  
16 setting, separate from the individual's residential  
17 setting, whether individually owned, controlled, or other.  
18 Community day services can be provided in a site certified  
19 by the Department (site-based CDS) or in community  
20 locations where members of the general community typically  
21 congregate (non-site-based CDS). CDS activities shall  
22 promote greater independence and support full access to  
23 the general community to the same degree as persons not  
24 receiving Home and Community-Based Waiver services.

25 (Source: P.A. 99-143, eff. 7-27-15; 100-759, eff. 1-1-19.)