**Section 301.40 Legal Authority to Place**

a) The Department shall not place children until it has the appropriate legal authority to do so. Such legal authority includes:

1) temporary protective custody in accordance with the Abused and Neglected Child Reporting Act [325 ILCS 5];

2) adoptive surrender or consent to adoption by a specified person in accordance with the Adoption Act [750 ILCS 50];

3) custody or guardianship in accordance with the Juvenile Court Act of 1987 [705 ILCS 405]; or

4) temporary custody with written consent of the parents or, if the child is not in the custody of either parent, written consent of the guardian or custodian of the child, in accordance with the Children and Family Services Act [20 ILCS 505]. A written consent from a parent, guardian or legal custodian requesting temporary placement services for his or her children is known as a voluntary placement agreement. A voluntary placement agreement may be entered into for a maximum of 60 days when it is in the best interests of the children. A voluntary placement agreement requires prior written approval of the administrator in charge of the Department region or designee. A voluntary placement agreement may be renewed for an additional 60 days only with the prior non-delegable written approval of the administrator in charge of the Department region.

b) When placing an Indian child, the Department shall comply with 89 Ill. Adm. Code 307 (Indian Child Welfare Services).

(Source: Amended at 34 Ill. Reg. 7898, effective May 31, 2010)