**Section 301.240 Grandparent and Great-Grandparent Visitation**

*Not later than* February 11, 2016*, and every 5 years thereafter, the Department shall revise the rules on granting visitation privileges to a non-custodial grandparent of a child who is in the care and custody of the Department.* [20 ILCS 505/35.8]

a) *The Department shall make reasonable efforts and accommodations to provide for visitation privileges of a child who is in the care and custody of the Department. Any visitation privileges provided under this Section shall be separate and apart from any visitation privileges provided to a parent of the child. The Department shall provide visitation privileges only if doing so is in the child's best interest, taking into consideration the factors set out in Section 1-3 (4.05) of the Juvenile Court Act of 1987 and the following additional factors:*

1) *The mental and physical health of the grandparent or great-grandparent;*

2) *The quantity or duration of the visitation time requested and the potential adverse impact the visitation would have on the child's customary activities;*

3) *Any other fact that establishes that the loss of the relationship between the child and the grandparent or great-grandparent is likely to unduly harm the child's mental, physical, or emotional health; and*

4) *Whether visitation can be structured in a way to minimize the child's exposure to conflicts between adult family members.*

b) The Department shall make reasonable and diligent efforts to provide a written response to the grandparent's/great-grandparent's initial request for visitation within 45 calendar days after the date the request is received. Exceptions to the Department's 45 calendar day response timeline include, but are not limited to:

1) Inability to obtain a completed Illinois or out-of-state LEADS check on all members of the grandparent's/great-grandparent's household, when visitation will take place in the grandparent's/great-grandparent's home;

2) Inability to sufficiently mitigate any positive LEADS hits;

3) Inability to obtain a completed home assessment of the grandparent's/great-grandparent's home; or

4) Inability to obtain Illinois or out-of-state child protection background checks on all members of the grandparent's/great-grandparent's household.

c) *Any visitation privileges provided under this Section shall automatically terminate upon the child leaving the care or custody of the Department.*

d) *The Department may deny a request for visitation after considering the criteria provided under subsection (a). If the Department determines that a grandparent or great-grandparent is inappropriate to serve as a visitation resource and denies visitation, the Department shall document the basis of its determination and maintain the documentation in the child's case file and shall inform the grandparent or great-grandparent,* in writing, *of his or her right to a clinical review.* [20 ILCS 505/35.9]

e) Upon receipt of a request for a clinical review, the DCFS and/or POS casework staff shall submit the request to the DCFS Regional Clinical Manager within 7 business days so that the review may be scheduled. The clinical review must be conducted within 21 business days after the case is assigned to Regional Clinical staff. The review convener shall notify the caseworker and supervisor to begin staffing within three business days after assignment, and shall provide the caseworker and supervisor the completed summary report, within 10 business days after the completion of the review. Once a recommendation is received by the caseworker and supervisor, it shall be added to the child's case file and a written notice of the recommendation and the basis for the recommendation shall be sent to the requesting grandparent/great-grandparent within 14 calendar days.

f) The requesting grandparent/great-grandparent may attend the review provided under this Section. Other attendees may include a support person of the grandparent's/grandparent's choosing, in addition to others requested or required by the DCFS Clinical Division.

g) The Department shall notify the parents of a youth-in-care whenever a grandparent/great-grandparent requests a clinical review and shall notify the parents of the recommendation of the review.

(Source: Amended at 43 Ill. Reg. 5680, effective May 3, 2019)