**Section 304.4 Eligibility for Child Welfare Services**

a) No Financial Eligibility

The family's income, assets or other financial resources do not affect whether a family is eligible for child welfare services. Instead, child welfare services are provided to the children and families who need them, who will benefit from them and who the Department is responsible for serving, regardless of the family's ability to pay for the services.

b) Children and Families the Department Must Serve

The Department must, by law, provide child welfare services to the following categories of children and families as determined by the Department in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect):

1) abused and neglected children and their families;

2) dependent children and their families;

3) children under the age of 13 who have been adjudicated delinquent and their families;

4) children for whom the Department already has court ordered legal responsibility who are subsequently adjudicated delinquent or minors requiring authoritative intervention and their families. The Department is mandated to continue serving these children even if they are over age 13 when they are adjudicated delinquent or minors requiring authoritative intervention. However, the Department may transfer custody of a minor 10 years of age or over to the Juvenile Division of the Department of Corrections in accordance with the provisions of the Unified Code of Corrections [730 ILCS 5/3-10-11], if the minor has been adjudicated delinquent and it is determined by an interagency review committee that the Department lacks adequate facilities to care for and rehabilitate the minor.

c) Children and Families the Department May Elect to Serve

In addition to the children and families the Department must serve, the Department may elect to provide child welfare services to other children and families who request the services, who the Department deems to be in need of the services, and who the Department deems will benefit from the services.

d) Children and Families Ineligible for Department Services

The Department shall not accept for care or services, or legal custody or guardianship, of a minor 13 years of age or older for whom allegations or adjudication of abuse, neglect or dependency arise from the same facts, incident or circumstances which give rise to a charge or adjudication of delinquency unless the minor is already in the legal custody or guardianship of the Department.

(Source: Amended at 22 Ill. Reg. 18843, effective October 1, 1998)