**Section 304.5 Access to Child Welfare Services**

a) Child welfare services are available to Illinois families with children under age 18 and to children found within the state who are under age 18 who fall into one of the categories outlined in Section 304.4. Children and families come to the Department's attention in one of the following ways:

1) through a report to the Department that a child is alleged to be abused, neglected, or dependent,

2) through a referral from a purchase of service provider or another public or private agency,

3) through a direct request for child welfare services from a family

A) to keep the family together or to assist in alleviating problems which are likely to result in harm to the child,

B) to have a child temporarily removed from their care until a family crisis or short term problem is resolved. These requests, called "voluntary placement agreements," are limited to 60 days and require the prior written approval of the administrator in charge of the Department region or his designee. A voluntary placement agreement may be renewed for an additional 60 days only with the prior written approval of the administrator in charge of the Department region,

C) to voluntarily surrender their child for adoption. These requests can result in voluntary adoption surrenders and shall not be taken unless an adoptive placement resource for that child is expected to be available within 90 days. The Department will seek court ordered legal responsibility for the child when an adoptive placement resource is not readily available,

4) through certain dispositional court orders. However, *a minor charged with a criminal offense under the Criminal Code of 1961 or adjudicated delinquent shall not be placed in the custody of or committed to the Department by any court, except a minor less than 13 years of age committed to the Department under Section 5-23 of the Juvenile Court Act of 1987.* [20 ILCS 505/5]

b) When a purchase of service provider or other public or private agency refers a child or family to the Department for service provision or service funding, the Department shall:

1) determine the appropriateness of Department involvement in accordance with Sections 304.3(b) and 304.4; and

2) make a decision concerning case opening in accordance with Section 304.6.

(Source: Amended at 20 Ill. Reg. 1569, effective January 10, 1996)