**Section 359.4 Payments for Substitute Care Services**

a)Foster care maintenance payments may be made under this Part only on behalf of a child who has been removed from the home of a relative into foster care, by voluntary placement agreement or judicial determination, and meets the AFDC eligibility requirements under 42 U.S.C. 602 and is in the foster family home of an individual, whether the payments therefor are made to such individual, or to a public or private child-placement or child-agency, or in a child-care institution, whether the payments therefor are made to such institution or to a public or private child-placement or child-care agency, which payments shall be limited so as to include in such payments only those items which are included in the term "foster care maintenance payments"as defined in Section 359.2 of this Part*.* (42 U.S.C. 672(b)(1)-(2))

b) Payments are made for children for whom the Department has legal responsibility and their children living with them in the following types of substitute care living arrangements if the placements meet the requirements established via the purchase of service contracts and the applicable licensing rules as specified in 89 Ill. Adm. Code 357, Purchase of Service, 89 Ill. Adm. Code 401, Licensing Standards for Child Welfare Agencies, 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, 89 Ill. Adm. Code 403, Licensing Standards for Group Homes, and 89 Ill. Adm. Code 404, Licensing Standards for Child Care Institutions and Maternity Centers:

1) Foster family care is provided in licensed foster family homes. The Department recognizes the following types of foster family care:

A) Specialized foster family homes and intensive service foster homes receive additional monthly compensation because they accept children with medical, behavioral and/or psychological problems or because they accept pregnant girls or young mothers who are in need of specialized training in parenting skills, child development, money management, and self sufficiency.

B) Emergency foster homes will be paid a flat rate for days of service provided or will receive retainer fees to assure that emergency beds are available 24 hours per day.

C) Department boarding homes are licensed foster family homes operated by foster parents supervised by the Department.

D) Private agency foster homes are licensed foster family homes supervised by licensed child welfare agencies.

E) Relatives who choose to be licensed as foster family homes under the provisions of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes.

2) Relative family care may be provided by a relative as defined in Section 359.2, living within the State of Illinois, as follows:

A) If a relative does not wish to apply for licensure as a foster family home, or has submitted an application for licensure and the application is pending, or has applied for licensure and been denied, the relative may provide care to children for whom the Department is legally responsible as long as the relative family home continues to meet the conditions in 89 Ill. Adm. Code 301.80, Placement and Visitation Services.

B) For children for whom the Department is legally responsible who are residing in a home described in subsection (b)(2)(A), the Department will pay for the related children placed with the relative caregiver at the child only standard of need established by the Illinois Department of Human Services.

3) Relative family care may also be provided to relatives living out of the State of Illinois. If a relative living in another state is providing care for a child for whom the Department is legally responsible, the relative will receive the full foster care rate if the relative submits documentation to the Department within 120 days after placement of the child that they are licensed, approved or certified in accordance with the other state's standard for licensing, approving or certifying foster homes. If documentation is not submitted, the Department will reduce the payment to the child only standard of need established for that number of children by the Illinois Department of Human Services. If, at a future date, the relative submits documentation to the Department that they are licensed, approved or certified in accordance with the other state's standard for foster homes, the payment will be increased to the full foster care rate.

4) Institution and group home care is provided in licensed institutions and group homes. Rates are established for these facilities via a purchase of service contract with the Department.

5) Subsidized adoptive homes are adoptive homes to which the Department provides financial assistance when a special needs child for whom the Department was legally responsible is adopted.

A) The types of adoption assistance that may be provided include:

i) one-time only payments of non-recurring expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a special needs child up to a maximum of $1500 for each adopted child;

ii) payment for physical, emotional and mental health needs not wholly payable through insurance or other public resources that are associated with or result from a condition(s) whose onset has been established as occurring prior to the completion of the adoption;

iii) ongoing monthly payments in an amount determined in each case by the Department in accordance with 89 Ill. Adm. Code 302, Services Delivered by the Department and Section 302.310, Adoption Assistance Agreements. The duration of adoption assistance may not extend beyond 18 years of age, although adoption assistance may be provided at the Department's option until the child's 21st birthday if the child has a physical disability, developmental disability, or mental illness that warrants the continuation of assistance.

B) The purpose, amount, and duration of the adoption assistance will be mutually agreed to by the Department and the adopting parents prior to completion of the adoption in the form of a written agreement. The amount of financial assistance shall be less than the cost of maintaining the child in an appropriate foster family home. Special service fees shall cost no more than such services would cost the Department.

C) The Department shall review with the adoptive parent or parents the continuing needs of the child for adoption assistance every two years or more frequently, based on changes in the circumstances of the adoptive parent or parents and the needs of the child being adopted. The adoptive parent or parents shall renew the adoption assistance agreement every two years prior to the anniversary date of the finalization of the adoption.

6) Related services are not substitute care services but are provided to enhance the care provided to children who require substitute care services.

A) In an effort to upgrade the quality of foster family care, the Department may pay for foster parent training and costs associated with training. These payments are provided as funding allows.

B) Permanent planning and adoption contracts may be negotiated with licensed child welfare agencies. These contracts are negotiated to develop plans for children in substitute care and to secure adoptive resources for special needs children.

(Source: Amended at 48 Ill. Reg. 8346, effective May 21, 2024)