

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Children and Family Services Act is amended
5 by adding Section 5.26 as follows:

6 (20 ILCS 505/5.26 new)

7 Sec. 5.26. Foster children; exit interviews.

8 (a) Unless clinically contraindicated, the Department
9 shall ensure that an exit interview is conducted with every
10 child age 5 and over who leaves a foster home.

11 (1) The interview shall be conducted by a caseworker,
12 mental health provider, or clinician from the Department's
13 Division of Clinical Practice.

14 (2) The interview shall be conducted within 5 days of
15 the child's removal from the home.

16 (3) The interviewer shall comply with the provisions
17 of the Abused and Neglected Child Reporting Act if the
18 child discloses abuse or neglect as defined by that Act.

19 (4) The interviewer shall immediately inform the
20 licensing agency if the child discloses any information
21 that would constitute a potential licensing violation.

22 (5) Documentation of the interview shall be (i)
23 maintained in the foster parent's licensing file, (ii)

1 maintained in the child's case file, (iii) included in the
2 service plan for the child, and (iv) and provided to the
3 child's guardian ad litem and attorney appointed under
4 Section 2-17 of the Juvenile Court Act of 1987.

5 (6) The determination that an interview in compliance
6 with this Section is clinically contraindicated shall be
7 made by the caseworker, in consultation with the child's
8 mental health provider, if any, and the caseworker's
9 supervisor. If the child does not have a mental health
10 provider, the caseworker shall request a consultation with
11 the Department's Division of Clinical Practice regarding
12 whether an interview is clinically contraindicated. The
13 decision and the basis for the decision shall be
14 documented in writing and shall be (i) maintained in the
15 foster parent's licensing file, (ii) maintained in the
16 child's case file, and (iii) attached as part of the
17 service plan for the child.

18 (7) The information gathered during the interview
19 shall be dependent on the age and maturity of the child and
20 the circumstances of the child's removal. The
21 interviewer's observations and any information relevant to
22 understanding the child's responses shall be recorded on
23 the interview form. At a minimum, the interview shall
24 address the following areas:

25 (A) How the child's basic needs were met in the
26 home: who prepared food and was there sufficient food;

1 whether the child had appropriate clothing; sleeping
2 arrangements; supervision appropriate to the child's
3 age and special needs; was the child enrolled in
4 school; and did the child receive the support needed
5 to complete his or her school work.

6 (B) Access to caseworker, therapist, or guardian
7 ad litem: whether the child was able to contact these
8 professionals and how.

9 (C) Safety and comfort in the home: how did the
10 child feel in the home; was the foster parent
11 affirming of the child's identity; did anything happen
12 that made the child happy; did anything happen that
13 was scary or sad; what happened when the child did
14 something he or she should not have done; if relevant,
15 how does the child think the foster parent felt about
16 the child's family of origin, including parents and
17 siblings; and was the foster parent supportive of the
18 permanency goal.

19 (D) Normalcy: whether the child felt included in
20 the family; whether the child participated in
21 extracurricular activities; whether the foster parent
22 participated in planning for the child, including
23 child and family team meetings and school meetings.

24 (b) The Department shall develop procedures, including an
25 interview form, no later than January 1, 2023, to implement
26 this Section.

1 (c) Beginning July 1, 2023 and quarterly thereafter, the
2 Department shall post on its webpage a report summarizing the
3 details of the exit interviews.

4 Section 10. The Child Care Act of 1969 is amended by
5 changing Sections 2.22a and 4 as follows:

6 (225 ILCS 10/2.22a)

7 Sec. 2.22a. Quality of care concerns applicant. "Quality
8 of care concerns applicant" means an applicant for a foster
9 care license or renewal of a foster care license where the
10 applicant or any person living in the applicant's household:

11 (1) has had a license issued under this Act revoked;

12 (2) has surrendered a license issued under this Act
13 for cause;

14 (3) has had a license issued under this Act expire or
15 has surrendered a license, while either an abuse or
16 neglect investigation or licensing investigation was
17 pending or an involuntary placement hold was placed on the
18 home;

19 (4) has been the subject of allegations of abuse or
20 neglect;

21 (5) has an indicated report of abuse or neglect; ~~or~~

22 (6) has been the subject of certain types of
23 involuntary placement holds or has been involved in
24 certain types of substantiated licensing complaints, as

1 specified and defined by Department rule; or -
2 (7) has requested a youth in care's removal from the
3 home, either orally or in writing, on 5 or more occasions.
4 (Source: P.A. 99-779, eff. 1-1-17.)

5 (225 ILCS 10/4) (from Ch. 23, par. 2214)

6 Sec. 4. License requirement; application; notice.

7 (a) Any person, group of persons or corporation who or
8 which receives children or arranges for care or placement of
9 one or more children unrelated to the operator must apply for a
10 license to operate one of the types of facilities defined in
11 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any
12 relative, as defined in Section 2.17 of this Act, who receives
13 a child or children for placement by the Department on a
14 full-time basis may apply for a license to operate a foster
15 family home as defined in Section 2.17 of this Act.

16 (a-5) Any agency, person, group of persons, association,
17 organization, corporation, institution, center, or group
18 providing adoption services must be licensed by the Department
19 as a child welfare agency as defined in Section 2.08 of this
20 Act. "Providing adoption services" as used in this Act,
21 includes facilitating or engaging in adoption services.

22 (b) Application for a license to operate a child care
23 facility must be made to the Department in the manner and on
24 forms prescribed by it. An application to operate a foster
25 family home shall include, at a minimum: a completed written

1 form; written authorization by the applicant and all adult
2 members of the applicant's household to conduct a criminal
3 background investigation; medical evidence in the form of a
4 medical report, on forms prescribed by the Department, that
5 the applicant and all members of the household are free from
6 communicable diseases or physical and mental conditions that
7 affect their ability to provide care for the child or
8 children; the names and addresses of at least 3 persons not
9 related to the applicant who can attest to the applicant's
10 moral character; the name and address of at least one relative
11 who can attest to the applicant's capability to care for the
12 child or children; and fingerprints submitted by the applicant
13 and all adult members of the applicant's household.

14 (b-5) Prior to submitting an application for a foster
15 family home license, a quality of care concerns applicant as
16 defined in Section 2.22a of this Act must submit a preliminary
17 application to the Department in the manner and on forms
18 prescribed by it. The Department shall explain to the quality
19 of care concerns applicant the grounds for requiring a
20 preliminary application. The preliminary application shall
21 include a list of (i) all children placed in the home by the
22 Department who were removed by the Department for reasons
23 other than returning to a parent and the circumstances under
24 which they were removed and (ii) all children placed by the
25 Department who were subsequently adopted by or placed in the
26 private guardianship of the quality of care concerns applicant

1 who are currently under 18 and who no longer reside in the home
2 and the reasons why they no longer reside in the home. The
3 preliminary application shall also include, if the quality of
4 care concerns applicant chooses to submit, (1) a response to
5 the quality of care concerns, including any reason the
6 concerns are invalid, have been addressed or ameliorated, or
7 no longer apply and (2) affirmative documentation
8 demonstrating that the quality of care concerns applicant's
9 home does not pose a risk to children and that the family will
10 be able to meet the physical and emotional needs of children.
11 The Department shall verify the information in the preliminary
12 application and review (i) information regarding any prior
13 licensing complaints, (ii) information regarding any prior
14 child abuse or neglect investigations, ~~and~~ (iii) information
15 regarding any involuntary foster home holds placed on the home
16 by the Department, and (iv) information regarding all child
17 exit interviews, as provided in Section 5.26 of the Children
18 and Family Services Act, regarding the home. Foster home
19 applicants with quality of care concerns are presumed
20 unsuitable for future licensure.

21 Notwithstanding the provisions of this subsection (b-5),
22 the Department may make an exception and issue a foster family
23 license to a quality of care concerns applicant if the
24 Department is satisfied that the foster family home does not
25 pose a risk to children and that the foster family will be able
26 to meet the physical and emotional needs of children. In

1 making this determination, the Department must obtain and
2 carefully review all relevant documents and shall obtain
3 consultation from its Clinical Division as appropriate and as
4 prescribed by Department rule and procedure. The Department
5 has the authority to deny a preliminary application based on
6 the record of quality of care concerns of the foster family
7 home. In the alternative, the Department may (i) approve the
8 preliminary application, (ii) approve the preliminary
9 application subject to obtaining additional information or
10 assessments, or (iii) approve the preliminary application for
11 purposes of placing a particular child or children only in the
12 foster family home. If the Department approves a preliminary
13 application, the foster family shall submit an application for
14 licensure as described in subsection (b) of this Section. The
15 Department shall notify the quality of care concerns applicant
16 of its decision and the basis for its decision in writing.

17 (c) The Department shall notify the public when a child
18 care institution, maternity center, or group home licensed by
19 the Department undergoes a change in (i) the range of care or
20 services offered at the facility, (ii) the age or type of
21 children served, or (iii) the area within the facility used by
22 children. The Department shall notify the public of the change
23 in a newspaper of general circulation in the county or
24 municipality in which the applicant's facility is or is
25 proposed to be located.

26 (d) If, upon examination of the facility and investigation

1 of persons responsible for care of children and, in the case of
2 a foster home, taking into account information obtained for
3 purposes of evaluating a preliminary application, if
4 applicable, the Department is satisfied that the facility and
5 responsible persons reasonably meet standards prescribed for
6 the type of facility for which application is made, it shall
7 issue a license in proper form, designating on that license
8 the type of child care facility and, except for a child welfare
9 agency, the number of children to be served at any one time.

10 (e) The Department shall not issue or renew the license of
11 any child welfare agency providing adoption services, unless
12 the agency (i) is officially recognized by the United States
13 Internal Revenue Service as a tax-exempt organization
14 described in Section 501(c)(3) of the Internal Revenue Code of
15 1986 (or any successor provision of federal tax law) and (ii)
16 is in compliance with all of the standards necessary to
17 maintain its status as an organization described in Section
18 501(c)(3) of the Internal Revenue Code of 1986 (or any
19 successor provision of federal tax law). The Department shall
20 grant a grace period of 24 months from the effective date of
21 this amendatory Act of the 94th General Assembly for existing
22 child welfare agencies providing adoption services to obtain
23 501(c)(3) status. The Department shall permit an existing
24 child welfare agency that converts from its current structure
25 in order to be recognized as a 501(c)(3) organization as
26 required by this Section to either retain its current license

1 or transfer its current license to a newly formed entity, if
2 the creation of a new entity is required in order to comply
3 with this Section, provided that the child welfare agency
4 demonstrates that it continues to meet all other licensing
5 requirements and that the principal officers and directors and
6 programs of the converted child welfare agency or newly
7 organized child welfare agency are substantially the same as
8 the original. The Department shall have the sole discretion to
9 grant a one year extension to any agency unable to obtain
10 501(c)(3) status within the timeframe specified in this
11 subsection (e), provided that such agency has filed an
12 application for 501(c)(3) status with the Internal Revenue
13 Service within the 2-year timeframe specified in this
14 subsection (e).

15 (Source: P.A. 101-63, eff. 7-12-19.)