



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5585

Introduced 2/9/2024, by Rep. Hoan Huynh

#### SYNOPSIS AS INTRODUCED:

20 ILCS 505/5

Amends the Children and Family Services Act. Provides that, subject to appropriation, the Department of Children and Family Services shall develop a Universal Basic Income for Transition-Age Youth Program under which it may grant universal basic income of \$1,000 per month for a period of 3 years to individuals who resided in foster care on their 18th birthday regardless of when the individuals entered foster care and whose 18th birthday was on or after July 1, 2023. Provides that, subject to federal approval, payments issued under the Program may not be considered income or resources in determining eligibility to receive benefits or the amount of benefits notwithstanding any other State or federal law. Provides that, on or before January 1, 2026 and annually thereafter, the Department shall submit a report to the General Assembly that contains descriptive information and outcome measures of Program recipients during the previous year. Authorizes the Department to adopt rules to develop and administer the Program.

LRB103 38468 JRC 68604 b

1 AN ACT concerning children's welfare.

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 changing Section 5 as follows:

6 (20 ILCS 505/5)

7 Sec. 5. Direct child welfare services; Department of  
8 Children and Family Services. To provide direct child welfare  
9 services when not available through other public or private  
10 child care or program facilities.

11 (a) For purposes of this Section:

12 (1) "Children" means persons found within the State  
13 who are under the age of 18 years. The term also includes  
14 persons under age 21 who:

15 (A) were committed to the Department pursuant to  
16 the Juvenile Court Act or the Juvenile Court Act of  
17 1987 and who continue under the jurisdiction of the  
18 court; or

19 (B) were accepted for care, service and training  
20 by the Department prior to the age of 18 and whose best  
21 interest in the discretion of the Department would be  
22 served by continuing that care, service and training  
23 because of severe emotional disturbances, physical

1           disability, social adjustment or any combination  
2           thereof, or because of the need to complete an  
3           educational or vocational training program.

4           (2) "Homeless youth" means persons found within the  
5           State who are under the age of 19, are not in a safe and  
6           stable living situation and cannot be reunited with their  
7           families.

8           (3) "Child welfare services" means public social  
9           services which are directed toward the accomplishment of  
10          the following purposes:

11           (A) protecting and promoting the health, safety  
12           and welfare of children, including homeless,  
13           dependent, or neglected children;

14           (B) remedying, or assisting in the solution of  
15           problems which may result in, the neglect, abuse,  
16           exploitation, or delinquency of children;

17           (C) preventing the unnecessary separation of  
18           children from their families by identifying family  
19           problems, assisting families in resolving their  
20           problems, and preventing the breakup of the family  
21           where the prevention of child removal is desirable and  
22           possible when the child can be cared for at home  
23           without endangering the child's health and safety;

24           (D) restoring to their families children who have  
25           been removed, by the provision of services to the  
26           child and the families when the child can be cared for

1 at home without endangering the child's health and  
2 safety;

3 (E) placing children in suitable permanent family  
4 arrangements, through guardianship or adoption, in  
5 cases where restoration to the birth family is not  
6 safe, possible, or appropriate;

7 (F) at the time of placement, conducting  
8 concurrent planning, as described in subsection (1-1)  
9 of this Section, so that permanency may occur at the  
10 earliest opportunity. Consideration should be given so  
11 that if reunification fails or is delayed, the  
12 placement made is the best available placement to  
13 provide permanency for the child;

14 (G) (blank);

15 (H) (blank); and

16 (I) placing and maintaining children in facilities  
17 that provide separate living quarters for children  
18 under the age of 18 and for children 18 years of age  
19 and older, unless a child 18 years of age is in the  
20 last year of high school education or vocational  
21 training, in an approved individual or group treatment  
22 program, in a licensed shelter facility, or secure  
23 child care facility. The Department is not required to  
24 place or maintain children:

25 (i) who are in a foster home, or

26 (ii) who are persons with a developmental

1 disability, as defined in the Mental Health and  
2 Developmental Disabilities Code, or

3 (iii) who are female children who are  
4 pregnant, pregnant and parenting, or parenting, or

5 (iv) who are siblings, in facilities that  
6 provide separate living quarters for children 18  
7 years of age and older and for children under 18  
8 years of age.

9 (b) (Blank).

10 (b-5) The Department shall adopt rules to establish a  
11 process for all licensed residential providers in Illinois to  
12 submit data as required by the Department, if they contract or  
13 receive reimbursement for children's mental health, substance  
14 use, and developmental disability services from the Department  
15 of Human Services, the Department of Juvenile Justice, or the  
16 Department of Healthcare and Family Services. The requested  
17 data must include, but is not limited to, capacity, staffing,  
18 and occupancy data for the purpose of establishing State need  
19 and placement availability.

20 All information collected, shared, or stored pursuant to  
21 this subsection shall be handled in accordance with all State  
22 and federal privacy laws and accompanying regulations and  
23 rules, including without limitation the federal Health  
24 Insurance Portability and Accountability Act of 1996 (Public  
25 Law 104-191) and the Mental Health and Developmental  
26 Disabilities Confidentiality Act.

1           (c) The Department shall establish and maintain  
2 tax-supported child welfare services and extend and seek to  
3 improve voluntary services throughout the State, to the end  
4 that services and care shall be available on an equal basis  
5 throughout the State to children requiring such services.

6           (d) The Director may authorize advance disbursements for  
7 any new program initiative to any agency contracting with the  
8 Department. As a prerequisite for an advance disbursement, the  
9 contractor must post a surety bond in the amount of the advance  
10 disbursement and have a purchase of service contract approved  
11 by the Department. The Department may pay up to 2 months  
12 operational expenses in advance. The amount of the advance  
13 disbursement shall be prorated over the life of the contract  
14 or the remaining months of the fiscal year, whichever is less,  
15 and the installment amount shall then be deducted from future  
16 bills. Advance disbursement authorizations for new initiatives  
17 shall not be made to any agency after that agency has operated  
18 during 2 consecutive fiscal years. The requirements of this  
19 Section concerning advance disbursements shall not apply with  
20 respect to the following: payments to local public agencies  
21 for child day care services as authorized by Section 5a of this  
22 Act; and youth service programs receiving grant funds under  
23 Section 17a-4.

24           (e) (Blank).

25           (f) (Blank).

26           (g) The Department shall establish rules and regulations

1 concerning its operation of programs designed to meet the  
2 goals of child safety and protection, family preservation,  
3 family reunification, and adoption, including, but not limited  
4 to:

5 (1) adoption;

6 (2) foster care;

7 (3) family counseling;

8 (4) protective services;

9 (5) (blank);

10 (6) homemaker service;

11 (7) return of runaway children;

12 (8) (blank);

13 (9) placement under Section 5-7 of the Juvenile Court  
14 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile  
15 Court Act of 1987 in accordance with the federal Adoption  
16 Assistance and Child Welfare Act of 1980; and

17 (10) interstate services.

18 Rules and regulations established by the Department shall  
19 include provisions for training Department staff and the staff  
20 of Department grantees, through contracts with other agencies  
21 or resources, in screening techniques to identify substance  
22 use disorders, as defined in the Substance Use Disorder Act,  
23 approved by the Department of Human Services, as a successor  
24 to the Department of Alcoholism and Substance Abuse, for the  
25 purpose of identifying children and adults who should be  
26 referred for an assessment at an organization appropriately

1 licensed by the Department of Human Services for substance use  
2 disorder treatment.

3 (h) If the Department finds that there is no appropriate  
4 program or facility within or available to the Department for  
5 a youth in care and that no licensed private facility has an  
6 adequate and appropriate program or none agrees to accept the  
7 youth in care, the Department shall create an appropriate  
8 individualized, program-oriented plan for such youth in care.  
9 The plan may be developed within the Department or through  
10 purchase of services by the Department to the extent that it is  
11 within its statutory authority to do.

12 (i) Service programs shall be available throughout the  
13 State and shall include but not be limited to the following  
14 services:

- 15 (1) case management;
- 16 (2) homemakers;
- 17 (3) counseling;
- 18 (4) parent education;
- 19 (5) day care; and
- 20 (6) emergency assistance and advocacy.

21 In addition, the following services may be made available  
22 to assess and meet the needs of children and families:

- 23 (1) comprehensive family-based services;
- 24 (2) assessments;
- 25 (3) respite care; and
- 26 (4) in-home health services.



1           The Department shall provide transportation for any of the  
2 services it makes available to children or families or for  
3 which it refers children or families.

4           (j) The Department may provide categories of financial  
5 assistance and education assistance grants, and shall  
6 establish rules and regulations concerning the assistance and  
7 grants, to persons who adopt children with physical or mental  
8 disabilities, children who are older, or other hard-to-place  
9 children who (i) immediately prior to their adoption were  
10 youth in care or (ii) were determined eligible for financial  
11 assistance with respect to a prior adoption and who become  
12 available for adoption because the prior adoption has been  
13 dissolved and the parental rights of the adoptive parents have  
14 been terminated or because the child's adoptive parents have  
15 died. The Department may continue to provide financial  
16 assistance and education assistance grants for a child who was  
17 determined eligible for financial assistance under this  
18 subsection (j) in the interim period beginning when the  
19 child's adoptive parents died and ending with the finalization  
20 of the new adoption of the child by another adoptive parent or  
21 parents. The Department may also provide categories of  
22 financial assistance and education assistance grants, and  
23 shall establish rules and regulations for the assistance and  
24 grants, to persons appointed guardian of the person under  
25 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
26 4-25, or 5-740 of the Juvenile Court Act of 1987 for children

1 who were youth in care for 12 months immediately prior to the  
2 appointment of the guardian.

3 The amount of assistance may vary, depending upon the  
4 needs of the child and the adoptive parents, as set forth in  
5 the annual assistance agreement. Special purpose grants are  
6 allowed where the child requires special service but such  
7 costs may not exceed the amounts which similar services would  
8 cost the Department if it were to provide or secure them as  
9 guardian of the child.

10 Any financial assistance provided under this subsection is  
11 inalienable by assignment, sale, execution, attachment,  
12 garnishment, or any other remedy for recovery or collection of  
13 a judgment or debt.

14 (j-5) The Department shall not deny or delay the placement  
15 of a child for adoption if an approved family is available  
16 either outside of the Department region handling the case, or  
17 outside of the State of Illinois.

18 (k) The Department shall accept for care and training any  
19 child who has been adjudicated neglected or abused, or  
20 dependent committed to it pursuant to the Juvenile Court Act  
21 or the Juvenile Court Act of 1987.

22 (l) The Department shall offer family preservation  
23 services, as defined in Section 8.2 of the Abused and  
24 Neglected Child Reporting Act, to help families, including  
25 adoptive and extended families. Family preservation services  
26 shall be offered (i) to prevent the placement of children in

1 substitute care when the children can be cared for at home or  
2 in the custody of the person responsible for the children's  
3 welfare, (ii) to reunite children with their families, or  
4 (iii) to maintain an adoptive placement. Family preservation  
5 services shall only be offered when doing so will not endanger  
6 the children's health or safety. With respect to children who  
7 are in substitute care pursuant to the Juvenile Court Act of  
8 1987, family preservation services shall not be offered if a  
9 goal other than those of subdivisions (A), (B), or (B-1) of  
10 subsection (2) of Section 2-28 of that Act has been set, except  
11 that reunification services may be offered as provided in  
12 paragraph (F) of subsection (2) of Section 2-28 of that Act.  
13 Nothing in this paragraph shall be construed to create a  
14 private right of action or claim on the part of any individual  
15 or child welfare agency, except that when a child is the  
16 subject of an action under Article II of the Juvenile Court Act  
17 of 1987 and the child's service plan calls for services to  
18 facilitate achievement of the permanency goal, the court  
19 hearing the action under Article II of the Juvenile Court Act  
20 of 1987 may order the Department to provide the services set  
21 out in the plan, if those services are not provided with  
22 reasonable promptness and if those services are available.

23 The Department shall notify the child and the child's  
24 family of the Department's responsibility to offer and provide  
25 family preservation services as identified in the service  
26 plan. The child and the child's family shall be eligible for

1 services as soon as the report is determined to be  
2 "indicated". The Department may offer services to any child or  
3 family with respect to whom a report of suspected child abuse  
4 or neglect has been filed, prior to concluding its  
5 investigation under Section 7.12 of the Abused and Neglected  
6 Child Reporting Act. However, the child's or family's  
7 willingness to accept services shall not be considered in the  
8 investigation. The Department may also provide services to any  
9 child or family who is the subject of any report of suspected  
10 child abuse or neglect or may refer such child or family to  
11 services available from other agencies in the community, even  
12 if the report is determined to be unfounded, if the conditions  
13 in the child's or family's home are reasonably likely to  
14 subject the child or family to future reports of suspected  
15 child abuse or neglect. Acceptance of such services shall be  
16 voluntary. The Department may also provide services to any  
17 child or family after completion of a family assessment, as an  
18 alternative to an investigation, as provided under the  
19 "differential response program" provided for in subsection  
20 (a-5) of Section 7.4 of the Abused and Neglected Child  
21 Reporting Act.

22 The Department may, at its discretion except for those  
23 children also adjudicated neglected or dependent, accept for  
24 care and training any child who has been adjudicated addicted,  
25 as a truant minor in need of supervision or as a minor  
26 requiring authoritative intervention, under the Juvenile Court

1 Act or the Juvenile Court Act of 1987, but no such child shall  
2 be committed to the Department by any court without the  
3 approval of the Department. On and after January 1, 2015 (the  
4 effective date of Public Act 98-803) and before January 1,  
5 2017, a minor charged with a criminal offense under the  
6 Criminal Code of 1961 or the Criminal Code of 2012 or  
7 adjudicated delinquent shall not be placed in the custody of  
8 or committed to the Department by any court, except (i) a minor  
9 less than 16 years of age committed to the Department under  
10 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
11 for whom an independent basis of abuse, neglect, or dependency  
12 exists, which must be defined by departmental rule, or (iii) a  
13 minor for whom the court has granted a supplemental petition  
14 to reinstate wardship pursuant to subsection (2) of Section  
15 2-33 of the Juvenile Court Act of 1987. On and after January 1,  
16 2017, a minor charged with a criminal offense under the  
17 Criminal Code of 1961 or the Criminal Code of 2012 or  
18 adjudicated delinquent shall not be placed in the custody of  
19 or committed to the Department by any court, except (i) a minor  
20 less than 15 years of age committed to the Department under  
21 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
22 for whom an independent basis of abuse, neglect, or dependency  
23 exists, which must be defined by departmental rule, or (iii) a  
24 minor for whom the court has granted a supplemental petition  
25 to reinstate wardship pursuant to subsection (2) of Section  
26 2-33 of the Juvenile Court Act of 1987. An independent basis

1 exists when the allegations or adjudication of abuse, neglect,  
2 or dependency do not arise from the same facts, incident, or  
3 circumstances which give rise to a charge or adjudication of  
4 delinquency. The Department shall assign a caseworker to  
5 attend any hearing involving a youth in the care and custody of  
6 the Department who is placed on aftercare release, including  
7 hearings involving sanctions for violation of aftercare  
8 release conditions and aftercare release revocation hearings.

9 As soon as is possible after August 7, 2009 (the effective  
10 date of Public Act 96-134), the Department shall develop and  
11 implement a special program of family preservation services to  
12 support intact, foster, and adoptive families who are  
13 experiencing extreme hardships due to the difficulty and  
14 stress of caring for a child who has been diagnosed with a  
15 pervasive developmental disorder if the Department determines  
16 that those services are necessary to ensure the health and  
17 safety of the child. The Department may offer services to any  
18 family whether or not a report has been filed under the Abused  
19 and Neglected Child Reporting Act. The Department may refer  
20 the child or family to services available from other agencies  
21 in the community if the conditions in the child's or family's  
22 home are reasonably likely to subject the child or family to  
23 future reports of suspected child abuse or neglect. Acceptance  
24 of these services shall be voluntary. The Department shall  
25 develop and implement a public information campaign to alert  
26 health and social service providers and the general public

1 about these special family preservation services. The nature  
2 and scope of the services offered and the number of families  
3 served under the special program implemented under this  
4 paragraph shall be determined by the level of funding that the  
5 Department annually allocates for this purpose. The term  
6 "pervasive developmental disorder" under this paragraph means  
7 a neurological condition, including, but not limited to,  
8 Asperger's Syndrome and autism, as defined in the most recent  
9 edition of the Diagnostic and Statistical Manual of Mental  
10 Disorders of the American Psychiatric Association.

11 (1-1) The General Assembly recognizes that the best  
12 interests of the child require that the child be placed in the  
13 most permanent living arrangement as soon as is practically  
14 possible. To achieve this goal, the General Assembly directs  
15 the Department of Children and Family Services to conduct  
16 concurrent planning so that permanency may occur at the  
17 earliest opportunity. Permanent living arrangements may  
18 include prevention of placement of a child outside the home of  
19 the family when the child can be cared for at home without  
20 endangering the child's health or safety; reunification with  
21 the family, when safe and appropriate, if temporary placement  
22 is necessary; or movement of the child toward the most  
23 permanent living arrangement and permanent legal status.

24 When determining reasonable efforts to be made with  
25 respect to a child, as described in this subsection, and in  
26 making such reasonable efforts, the child's health and safety

1 shall be the paramount concern.

2 When a child is placed in foster care, the Department  
3 shall ensure and document that reasonable efforts were made to  
4 prevent or eliminate the need to remove the child from the  
5 child's home. The Department must make reasonable efforts to  
6 reunify the family when temporary placement of the child  
7 occurs unless otherwise required, pursuant to the Juvenile  
8 Court Act of 1987. At any time after the dispositional hearing  
9 where the Department believes that further reunification  
10 services would be ineffective, it may request a finding from  
11 the court that reasonable efforts are no longer appropriate.  
12 The Department is not required to provide further  
13 reunification services after such a finding.

14 A decision to place a child in substitute care shall be  
15 made with considerations of the child's health, safety, and  
16 best interests. At the time of placement, consideration should  
17 also be given so that if reunification fails or is delayed, the  
18 placement made is the best available placement to provide  
19 permanency for the child.

20 The Department shall adopt rules addressing concurrent  
21 planning for reunification and permanency. The Department  
22 shall consider the following factors when determining  
23 appropriateness of concurrent planning:

- 24 (1) the likelihood of prompt reunification;  
25 (2) the past history of the family;  
26 (3) the barriers to reunification being addressed by



1 the family;

2 (4) the level of cooperation of the family;

3 (5) the foster parents' willingness to work with the  
4 family to reunite;

5 (6) the willingness and ability of the foster family  
6 to provide an adoptive home or long-term placement;

7 (7) the age of the child;

8 (8) placement of siblings.

9 (m) The Department may assume temporary custody of any  
10 child if:

11 (1) it has received a written consent to such  
12 temporary custody signed by the parents of the child or by  
13 the parent having custody of the child if the parents are  
14 not living together or by the guardian or custodian of the  
15 child if the child is not in the custody of either parent,  
16 or

17 (2) the child is found in the State and neither a  
18 parent, guardian nor custodian of the child can be  
19 located.

20 If the child is found in the child's residence without a  
21 parent, guardian, custodian, or responsible caretaker, the  
22 Department may, instead of removing the child and assuming  
23 temporary custody, place an authorized representative of the  
24 Department in that residence until such time as a parent,  
25 guardian, or custodian enters the home and expresses a  
26 willingness and apparent ability to ensure the child's health

1 and safety and resume permanent charge of the child, or until a  
2 relative enters the home and is willing and able to ensure the  
3 child's health and safety and assume charge of the child until  
4 a parent, guardian, or custodian enters the home and expresses  
5 such willingness and ability to ensure the child's safety and  
6 resume permanent charge. After a caretaker has remained in the  
7 home for a period not to exceed 12 hours, the Department must  
8 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
9 5-415 of the Juvenile Court Act of 1987.

10 The Department shall have the authority, responsibilities  
11 and duties that a legal custodian of the child would have  
12 pursuant to subsection (9) of Section 1-3 of the Juvenile  
13 Court Act of 1987. Whenever a child is taken into temporary  
14 custody pursuant to an investigation under the Abused and  
15 Neglected Child Reporting Act, or pursuant to a referral and  
16 acceptance under the Juvenile Court Act of 1987 of a minor in  
17 limited custody, the Department, during the period of  
18 temporary custody and before the child is brought before a  
19 judicial officer as required by Section 2-9, 3-11, 4-8, or  
20 5-415 of the Juvenile Court Act of 1987, shall have the  
21 authority, responsibilities and duties that a legal custodian  
22 of the child would have under subsection (9) of Section 1-3 of  
23 the Juvenile Court Act of 1987.

24 The Department shall ensure that any child taken into  
25 custody is scheduled for an appointment for a medical  
26 examination.

1           A parent, guardian, or custodian of a child in the  
2 temporary custody of the Department who would have custody of  
3 the child if the child were not in the temporary custody of the  
4 Department may deliver to the Department a signed request that  
5 the Department surrender the temporary custody of the child.  
6 The Department may retain temporary custody of the child for  
7 10 days after the receipt of the request, during which period  
8 the Department may cause to be filed a petition pursuant to the  
9 Juvenile Court Act of 1987. If a petition is so filed, the  
10 Department shall retain temporary custody of the child until  
11 the court orders otherwise. If a petition is not filed within  
12 the 10-day period, the child shall be surrendered to the  
13 custody of the requesting parent, guardian, or custodian not  
14 later than the expiration of the 10-day period, at which time  
15 the authority and duties of the Department with respect to the  
16 temporary custody of the child shall terminate.

17           (m-1) The Department may place children under 18 years of  
18 age in a secure child care facility licensed by the Department  
19 that cares for children who are in need of secure living  
20 arrangements for their health, safety, and well-being after a  
21 determination is made by the facility director and the  
22 Director or the Director's designate prior to admission to the  
23 facility subject to Section 2-27.1 of the Juvenile Court Act  
24 of 1987. This subsection (m-1) does not apply to a child who is  
25 subject to placement in a correctional facility operated  
26 pursuant to Section 3-15-2 of the Unified Code of Corrections,

1 unless the child is a youth in care who was placed in the care  
2 of the Department before being subject to placement in a  
3 correctional facility and a court of competent jurisdiction  
4 has ordered placement of the child in a secure care facility.

5 (n) The Department may place children under 18 years of  
6 age in licensed child care facilities when in the opinion of  
7 the Department, appropriate services aimed at family  
8 preservation have been unsuccessful and cannot ensure the  
9 child's health and safety or are unavailable and such  
10 placement would be for their best interest. Payment for board,  
11 clothing, care, training and supervision of any child placed  
12 in a licensed child care facility may be made by the  
13 Department, by the parents or guardians of the estates of  
14 those children, or by both the Department and the parents or  
15 guardians, except that no payments shall be made by the  
16 Department for any child placed in a licensed child care  
17 facility for board, clothing, care, training, and supervision  
18 of such a child that exceed the average per capita cost of  
19 maintaining and of caring for a child in institutions for  
20 dependent or neglected children operated by the Department.  
21 However, such restriction on payments does not apply in cases  
22 where children require specialized care and treatment for  
23 problems of severe emotional disturbance, physical disability,  
24 social adjustment, or any combination thereof and suitable  
25 facilities for the placement of such children are not  
26 available at payment rates within the limitations set forth in

1 this Section. All reimbursements for services delivered shall  
2 be absolutely inalienable by assignment, sale, attachment, or  
3 garnishment or otherwise.

4 (n-1) The Department shall provide or authorize child  
5 welfare services, aimed at assisting minors to achieve  
6 sustainable self-sufficiency as independent adults, for any  
7 minor eligible for the reinstatement of wardship pursuant to  
8 subsection (2) of Section 2-33 of the Juvenile Court Act of  
9 1987, whether or not such reinstatement is sought or allowed,  
10 provided that the minor consents to such services and has not  
11 yet attained the age of 21. The Department shall have  
12 responsibility for the development and delivery of services  
13 under this Section. An eligible youth may access services  
14 under this Section through the Department of Children and  
15 Family Services or by referral from the Department of Human  
16 Services. Youth participating in services under this Section  
17 shall cooperate with the assigned case manager in developing  
18 an agreement identifying the services to be provided and how  
19 the youth will increase skills to achieve self-sufficiency. A  
20 homeless shelter is not considered appropriate housing for any  
21 youth receiving child welfare services under this Section. The  
22 Department shall continue child welfare services under this  
23 Section to any eligible minor until the minor becomes 21 years  
24 of age, no longer consents to participate, or achieves  
25 self-sufficiency as identified in the minor's service plan.  
26 The Department of Children and Family Services shall create

1 clear, readable notice of the rights of former foster youth to  
2 child welfare services under this Section and how such  
3 services may be obtained. The Department of Children and  
4 Family Services and the Department of Human Services shall  
5 disseminate this information statewide. The Department shall  
6 adopt regulations describing services intended to assist  
7 minors in achieving sustainable self-sufficiency as  
8 independent adults.

9 (n-2)(1) Purpose. The purpose of the Universal Basic  
10 Income for Transition-Age Youth Program is to provide for the  
11 economic security of individuals who have aged out of the  
12 foster care program under the Juvenile Court Act of 1987 as  
13 part of the child welfare services.

14 (2) Definitions. As used in this subsection:

15 "Eligible person" means an individual who resided in  
16 foster care on his or her 18th birthday regardless of when the  
17 individual entered foster care and whose 18th birthday was on  
18 or after July 1, 2023.

19 "Program" means the Universal Basic Income for  
20 Transition-Age Youth Program.

21 "Universal basic income" means unconditional cash payments  
22 distributed to eligible persons under this Program.

23 (3) Duty of Department. Subject to appropriation, the  
24 Department must develop and administer a program under which  
25 it may grant universal basic income of \$1,000 per month to an  
26 eligible person for a period of 3 years.

1       (4) Other governmental programs. Subject to federal  
2 approval, payments issued under this Program may not be  
3 considered income or resources in determining eligibility to  
4 receive benefits or the amount of benefits notwithstanding any  
5 other State or federal law. The Department shall seek any  
6 federal approval necessary to implement this paragraph (4).

7       (5) Reports. On or before January 1, 2026 and annually  
8 thereafter, the Department shall submit a report to the  
9 General Assembly that contains descriptive information and  
10 outcome measures of Program recipients during the previous  
11 year, including, at a minimum:

12           (A) the starting income of each recipient, exclusive  
13 of universal basic income payments;

14           (B) geographic information about each recipient,  
15 including city, county, and zip code of residence;

16           (C) the employment status of each recipient before  
17 receiving universal basic income payments; and

18           (D) the housing status of each recipient before  
19 receiving universal basic income payments.

20       (6) Rules. The Department may adopt rules to develop and  
21 administer this Program.

22       (o) The Department shall establish an administrative  
23 review and appeal process for children and families who  
24 request or receive child welfare services from the Department.  
25 Youth in care who are placed by private child welfare  
26 agencies, and foster families with whom those youth are

1 placed, shall be afforded the same procedural and appeal  
2 rights as children and families in the case of placement by the  
3 Department, including the right to an initial review of a  
4 private agency decision by that agency. The Department shall  
5 ensure that any private child welfare agency, which accepts  
6 youth in care for placement, affords those rights to children  
7 and foster families. The Department shall accept for  
8 administrative review and an appeal hearing a complaint made  
9 by (i) a child or foster family concerning a decision  
10 following an initial review by a private child welfare agency  
11 or (ii) a prospective adoptive parent who alleges a violation  
12 of subsection (j-5) of this Section. An appeal of a decision  
13 concerning a change in the placement of a child shall be  
14 conducted in an expedited manner. A court determination that a  
15 current foster home placement is necessary and appropriate  
16 under Section 2-28 of the Juvenile Court Act of 1987 does not  
17 constitute a judicial determination on the merits of an  
18 administrative appeal, filed by a former foster parent,  
19 involving a change of placement decision.

20 (p) (Blank).

21 (q) The Department may receive and use, in their entirety,  
22 for the benefit of children any gift, donation, or bequest of  
23 money or other property which is received on behalf of such  
24 children, or any financial benefits to which such children are  
25 or may become entitled while under the jurisdiction or care of  
26 the Department, except that the benefits described in Section



1 5.46 must be used and conserved consistent with the provisions  
2 under Section 5.46.

3 The Department shall set up and administer no-cost,  
4 interest-bearing accounts in appropriate financial  
5 institutions for children for whom the Department is legally  
6 responsible and who have been determined eligible for  
7 Veterans' Benefits, Social Security benefits, assistance  
8 allotments from the armed forces, court ordered payments,  
9 parental voluntary payments, Supplemental Security Income,  
10 Railroad Retirement payments, Black Lung benefits, or other  
11 miscellaneous payments. Interest earned by each account shall  
12 be credited to the account, unless disbursed in accordance  
13 with this subsection.

14 In disbursing funds from children's accounts, the  
15 Department shall:

16 (1) Establish standards in accordance with State and  
17 federal laws for disbursing money from children's  
18 accounts. In all circumstances, the Department's  
19 Guardianship Administrator or the Guardianship  
20 Administrator's designee must approve disbursements from  
21 children's accounts. The Department shall be responsible  
22 for keeping complete records of all disbursements for each  
23 account for any purpose.

24 (2) Calculate on a monthly basis the amounts paid from  
25 State funds for the child's board and care, medical care  
26 not covered under Medicaid, and social services; and

1           utilize funds from the child's account, as covered by  
2           regulation, to reimburse those costs. Monthly,  
3           disbursements from all children's accounts, up to 1/12 of  
4           \$13,000,000, shall be deposited by the Department into the  
5           General Revenue Fund and the balance over 1/12 of  
6           \$13,000,000 into the DCFS Children's Services Fund.

7           (3) Maintain any balance remaining after reimbursing  
8           for the child's costs of care, as specified in item (2).  
9           The balance shall accumulate in accordance with relevant  
10          State and federal laws and shall be disbursed to the child  
11          or the child's guardian, or to the issuing agency.

12          (r) The Department shall promulgate regulations  
13          encouraging all adoption agencies to voluntarily forward to  
14          the Department or its agent names and addresses of all persons  
15          who have applied for and have been approved for adoption of a  
16          hard-to-place child or child with a disability and the names  
17          of such children who have not been placed for adoption. A list  
18          of such names and addresses shall be maintained by the  
19          Department or its agent, and coded lists which maintain the  
20          confidentiality of the person seeking to adopt the child and  
21          of the child shall be made available, without charge, to every  
22          adoption agency in the State to assist the agencies in placing  
23          such children for adoption. The Department may delegate to an  
24          agent its duty to maintain and make available such lists. The  
25          Department shall ensure that such agent maintains the  
26          confidentiality of the person seeking to adopt the child and

1 of the child.

2 (s) The Department of Children and Family Services may  
3 establish and implement a program to reimburse Department and  
4 private child welfare agency foster parents licensed by the  
5 Department of Children and Family Services for damages  
6 sustained by the foster parents as a result of the malicious or  
7 negligent acts of foster children, as well as providing third  
8 party coverage for such foster parents with regard to actions  
9 of foster children to other individuals. Such coverage will be  
10 secondary to the foster parent liability insurance policy, if  
11 applicable. The program shall be funded through appropriations  
12 from the General Revenue Fund, specifically designated for  
13 such purposes.

14 (t) The Department shall perform home studies and  
15 investigations and shall exercise supervision over visitation  
16 as ordered by a court pursuant to the Illinois Marriage and  
17 Dissolution of Marriage Act or the Adoption Act only if:

18 (1) an order entered by an Illinois court specifically  
19 directs the Department to perform such services; and

20 (2) the court has ordered one or both of the parties to  
21 the proceeding to reimburse the Department for its  
22 reasonable costs for providing such services in accordance  
23 with Department rules, or has determined that neither  
24 party is financially able to pay.

25 The Department shall provide written notification to the  
26 court of the specific arrangements for supervised visitation

1 and projected monthly costs within 60 days of the court order.  
2 The Department shall send to the court information related to  
3 the costs incurred except in cases where the court has  
4 determined the parties are financially unable to pay. The  
5 court may order additional periodic reports as appropriate.

6 (u) In addition to other information that must be  
7 provided, whenever the Department places a child with a  
8 prospective adoptive parent or parents, in a licensed foster  
9 home, group home, or child care institution, or in a relative  
10 home, the Department shall provide to the prospective adoptive  
11 parent or parents or other caretaker:

12 (1) available detailed information concerning the  
13 child's educational and health history, copies of  
14 immunization records (including insurance and medical card  
15 information), a history of the child's previous  
16 placements, if any, and reasons for placement changes  
17 excluding any information that identifies or reveals the  
18 location of any previous caretaker;

19 (2) a copy of the child's portion of the client  
20 service plan, including any visitation arrangement, and  
21 all amendments or revisions to it as related to the child;  
22 and

23 (3) information containing details of the child's  
24 individualized educational plan when the child is  
25 receiving special education services.

26 The caretaker shall be informed of any known social or

1 behavioral information (including, but not limited to,  
2 criminal background, fire setting, perpetuation of sexual  
3 abuse, destructive behavior, and substance abuse) necessary to  
4 care for and safeguard the children to be placed or currently  
5 in the home. The Department may prepare a written summary of  
6 the information required by this paragraph, which may be  
7 provided to the foster or prospective adoptive parent in  
8 advance of a placement. The foster or prospective adoptive  
9 parent may review the supporting documents in the child's file  
10 in the presence of casework staff. In the case of an emergency  
11 placement, casework staff shall at least provide known  
12 information verbally, if necessary, and must subsequently  
13 provide the information in writing as required by this  
14 subsection.

15 The information described in this subsection shall be  
16 provided in writing. In the case of emergency placements when  
17 time does not allow prior review, preparation, and collection  
18 of written information, the Department shall provide such  
19 information as it becomes available. Within 10 business days  
20 after placement, the Department shall obtain from the  
21 prospective adoptive parent or parents or other caretaker a  
22 signed verification of receipt of the information provided.  
23 Within 10 business days after placement, the Department shall  
24 provide to the child's guardian ad litem a copy of the  
25 information provided to the prospective adoptive parent or  
26 parents or other caretaker. The information provided to the

1 prospective adoptive parent or parents or other caretaker  
2 shall be reviewed and approved regarding accuracy at the  
3 supervisory level.

4 (u-5) Effective July 1, 1995, only foster care placements  
5 licensed as foster family homes pursuant to the Child Care Act  
6 of 1969 shall be eligible to receive foster care payments from  
7 the Department. Relative caregivers who, as of July 1, 1995,  
8 were approved pursuant to approved relative placement rules  
9 previously promulgated by the Department at 89 Ill. Adm. Code  
10 335 and had submitted an application for licensure as a foster  
11 family home may continue to receive foster care payments only  
12 until the Department determines that they may be licensed as a  
13 foster family home or that their application for licensure is  
14 denied or until September 30, 1995, whichever occurs first.

15 (v) The Department shall access criminal history record  
16 information as defined in the Illinois Uniform Conviction  
17 Information Act and information maintained in the adjudicatory  
18 and dispositional record system as defined in Section 2605-355  
19 of the Illinois State Police Law if the Department determines  
20 the information is necessary to perform its duties under the  
21 Abused and Neglected Child Reporting Act, the Child Care Act  
22 of 1969, and the Children and Family Services Act. The  
23 Department shall provide for interactive computerized  
24 communication and processing equipment that permits direct  
25 on-line communication with the Illinois State Police's central  
26 criminal history data repository. The Department shall comply

1 with all certification requirements and provide certified  
2 operators who have been trained by personnel from the Illinois  
3 State Police. In addition, one Office of the Inspector General  
4 investigator shall have training in the use of the criminal  
5 history information access system and have access to the  
6 terminal. The Department of Children and Family Services and  
7 its employees shall abide by rules and regulations established  
8 by the Illinois State Police relating to the access and  
9 dissemination of this information.

10 (v-1) Prior to final approval for placement of a child,  
11 the Department shall conduct a criminal records background  
12 check of the prospective foster or adoptive parent, including  
13 fingerprint-based checks of national crime information  
14 databases. Final approval for placement shall not be granted  
15 if the record check reveals a felony conviction for child  
16 abuse or neglect, for spousal abuse, for a crime against  
17 children, or for a crime involving violence, including rape,  
18 sexual assault, or homicide, but not including other physical  
19 assault or battery, or if there is a felony conviction for  
20 physical assault, battery, or a drug-related offense committed  
21 within the past 5 years.

22 (v-2) Prior to final approval for placement of a child,  
23 the Department shall check its child abuse and neglect  
24 registry for information concerning prospective foster and  
25 adoptive parents, and any adult living in the home. If any  
26 prospective foster or adoptive parent or other adult living in

1 the home has resided in another state in the preceding 5 years,  
2 the Department shall request a check of that other state's  
3 child abuse and neglect registry.

4 (w) Within 120 days of August 20, 1995 (the effective date  
5 of Public Act 89-392), the Department shall prepare and submit  
6 to the Governor and the General Assembly, a written plan for  
7 the development of in-state licensed secure child care  
8 facilities that care for children who are in need of secure  
9 living arrangements for their health, safety, and well-being.  
10 For purposes of this subsection, secure care facility shall  
11 mean a facility that is designed and operated to ensure that  
12 all entrances and exits from the facility, a building or a  
13 distinct part of the building, are under the exclusive control  
14 of the staff of the facility, whether or not the child has the  
15 freedom of movement within the perimeter of the facility,  
16 building, or distinct part of the building. The plan shall  
17 include descriptions of the types of facilities that are  
18 needed in Illinois; the cost of developing these secure care  
19 facilities; the estimated number of placements; the potential  
20 cost savings resulting from the movement of children currently  
21 out-of-state who are projected to be returned to Illinois; the  
22 necessary geographic distribution of these facilities in  
23 Illinois; and a proposed timetable for development of such  
24 facilities.

25 (x) The Department shall conduct annual credit history  
26 checks to determine the financial history of children placed



1 under its guardianship pursuant to the Juvenile Court Act of  
2 1987. The Department shall conduct such credit checks starting  
3 when a youth in care turns 12 years old and each year  
4 thereafter for the duration of the guardianship as terminated  
5 pursuant to the Juvenile Court Act of 1987. The Department  
6 shall determine if financial exploitation of the child's  
7 personal information has occurred. If financial exploitation  
8 appears to have taken place or is presently ongoing, the  
9 Department shall notify the proper law enforcement agency, the  
10 proper State's Attorney, or the Attorney General.

11 (y) Beginning on July 22, 2010 (the effective date of  
12 Public Act 96-1189), a child with a disability who receives  
13 residential and educational services from the Department shall  
14 be eligible to receive transition services in accordance with  
15 Article 14 of the School Code from the age of 14.5 through age  
16 21, inclusive, notwithstanding the child's residential  
17 services arrangement. For purposes of this subsection, "child  
18 with a disability" means a child with a disability as defined  
19 by the federal Individuals with Disabilities Education  
20 Improvement Act of 2004.

21 (z) The Department shall access criminal history record  
22 information as defined as "background information" in this  
23 subsection and criminal history record information as defined  
24 in the Illinois Uniform Conviction Information Act for each  
25 Department employee or Department applicant. Each Department  
26 employee or Department applicant shall submit the employee's

1 or applicant's fingerprints to the Illinois State Police in  
2 the form and manner prescribed by the Illinois State Police.  
3 These fingerprints shall be checked against the fingerprint  
4 records now and hereafter filed in the Illinois State Police  
5 and the Federal Bureau of Investigation criminal history  
6 records databases. The Illinois State Police shall charge a  
7 fee for conducting the criminal history record check, which  
8 shall be deposited into the State Police Services Fund and  
9 shall not exceed the actual cost of the record check. The  
10 Illinois State Police shall furnish, pursuant to positive  
11 identification, all Illinois conviction information to the  
12 Department of Children and Family Services.

13 For purposes of this subsection:

14 "Background information" means all of the following:

15 (i) Upon the request of the Department of Children and  
16 Family Services, conviction information obtained from the  
17 Illinois State Police as a result of a fingerprint-based  
18 criminal history records check of the Illinois criminal  
19 history records database and the Federal Bureau of  
20 Investigation criminal history records database concerning  
21 a Department employee or Department applicant.

22 (ii) Information obtained by the Department of  
23 Children and Family Services after performing a check of  
24 the Illinois State Police's Sex Offender Database, as  
25 authorized by Section 120 of the Sex Offender Community  
26 Notification Law, concerning a Department employee or

1 Department applicant.

2 (iii) Information obtained by the Department of  
3 Children and Family Services after performing a check of  
4 the Child Abuse and Neglect Tracking System (CANTS)  
5 operated and maintained by the Department.

6 "Department employee" means a full-time or temporary  
7 employee coded or certified within the State of Illinois  
8 Personnel System.

9 "Department applicant" means an individual who has  
10 conditional Department full-time or part-time work, a  
11 contractor, an individual used to replace or supplement staff,  
12 an academic intern, a volunteer in Department offices or on  
13 Department contracts, a work-study student, an individual or  
14 entity licensed by the Department, or an unlicensed service  
15 provider who works as a condition of a contract or an agreement  
16 and whose work may bring the unlicensed service provider into  
17 contact with Department clients or client records.

18 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
19 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.  
20 1-1-24; 103-546, eff. 8-11-23; revised 9-25-23.)