



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

20 ILCS 505/5

from Ch. 23, par. 5005

Amends the Children and Family Services Act. Deletes a provision that states that 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 of Children and Family Services by any court, except a minor less than 13 years of age committed to the Department of Children and Family Services under the Juvenile Court Act of 1987.

LRB093 18585 RLC 44307 b

1 AN ACT concerning minors.

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) (from Ch. 23, par. 5005)

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 who
13 are under the age of 18 years. The term also includes
14 persons under age 19 who:

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

19 (B) were accepted for care, service and training by
20 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
24 disability, social adjustment or any combination
25 thereof, or because of the need to complete an
26 educational or vocational training program.

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

31 (3) "Child welfare services" means public social
32 services which are directed toward the accomplishment of

1 the following purposes:

2 (A) protecting and promoting the health, safety
3 and welfare of children, including homeless, dependent
4 or neglected children;

5 (B) remedying, or assisting in the solution of
6 problems which may result in, the neglect, abuse,
7 exploitation or delinquency of children;

8 (C) preventing the unnecessary separation of
9 children from their families by identifying family
10 problems, assisting families in resolving their
11 problems, and preventing the breakup of the family
12 where the prevention of child removal is desirable and
13 possible when the child can be cared for at home
14 without endangering the child's health and safety;

15 (D) restoring to their families children who have
16 been removed, by the provision of services to the child
17 and the families when the child can be cared for at
18 home without endangering the child's health and
19 safety;

20 (E) placing children in suitable adoptive homes,
21 in cases where restoration to the biological family is
22 not safe, possible or appropriate;

23 (F) assuring safe and adequate care of children
24 away from their homes, in cases where the child cannot
25 be returned home or cannot be placed for adoption. At
26 the time of placement, the Department shall consider
27 concurrent planning, as described in subsection (1-1)
28 of this Section so that permanency may occur at the
29 earliest opportunity. Consideration should be given so
30 that if reunification fails or is delayed, the
31 placement made is the best available placement to
32 provide permanency for the child;

33 (G) (blank);

34 (H) (blank); and

35 (I) placing and maintaining children in facilities
36 that provide separate living quarters for children

1 under the age of 18 and for children 18 years of age
2 and older, unless a child 18 years of age is in the
3 last year of high school education or vocational
4 training, in an approved individual or group treatment
5 program, in a licensed shelter facility, or secure
6 child care facility. The Department is not required to
7 place or maintain children:

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

9 (ii) who are persons with a developmental
10 disability, as defined in the Mental Health and
11 Developmental Disabilities Code, or

12 (iii) who are female children who are
13 pregnant, pregnant and parenting or parenting, or

14 (iv) who are siblings,

15 in facilities that provide separate living quarters
16 for children 18 years of age and older and for children
17 under 18 years of age.

18 (b) Nothing in this Section shall be construed to authorize
19 the expenditure of public funds for the purpose of performing
20 abortions.

21 (c) The Department shall establish and maintain
22 tax-supported child welfare services and extend and seek to
23 improve voluntary services throughout the State, to the end
24 that services and care shall be available on an equal basis
25 throughout the State to children requiring such services.

26 (d) The Director may authorize advance disbursements for
27 any new program initiative to any agency contracting with the
28 Department. As a prerequisite for an advance disbursement, the
29 contractor must post a surety bond in the amount of the advance
30 disbursement and have a purchase of service contract approved
31 by the Department. The Department may pay up to 2 months
32 operational expenses in advance. The amount of the advance
33 disbursement shall be prorated over the life of the contract or
34 the remaining months of the fiscal year, whichever is less, and
35 the installment amount shall then be deducted from future
36 bills. Advance disbursement authorizations for new initiatives

1 shall not be made to any agency after that agency has operated
2 during 2 consecutive fiscal years. The requirements of this
3 Section concerning advance disbursements shall not apply with
4 respect to the following: payments to local public agencies for
5 child day care services as authorized by Section 5a of this
6 Act; and youth service programs receiving grant funds under
7 Section 17a-4.

8 (e) (Blank).

9 (f) (Blank).

10 (g) The Department shall establish rules and regulations
11 concerning its operation of programs designed to meet the goals
12 of child safety and protection, family preservation, family
13 reunification, and adoption, including but not limited to:

14 (1) adoption;

15 (2) foster care;

16 (3) family counseling;

17 (4) protective services;

18 (5) (blank);

19 (6) homemaker service;

20 (7) return of runaway children;

21 (8) (blank);

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

26 (10) interstate services.

27 Rules and regulations established by the Department shall
28 include provisions for training Department staff and the staff
29 of Department grantees, through contracts with other agencies
30 or resources, in alcohol and drug abuse screening techniques
31 approved by the Department of Human Services, as a successor to
32 the Department of Alcoholism and Substance Abuse, for the
33 purpose of identifying children and adults who should be
34 referred to an alcohol and drug abuse treatment program for
35 professional evaluation.

36 (h) If the Department finds that there is no appropriate

1 program or facility within or available to the Department for a
2 ward and that no licensed private facility has an adequate and
3 appropriate program or none agrees to accept the ward, the
4 Department shall create an appropriate individualized,
5 program-oriented plan for such ward. The plan may be developed
6 within the Department or through purchase of services by the
7 Department to the extent that it is within its statutory
8 authority to do.

9 (i) Service programs shall be available throughout the
10 State and shall include but not be limited to the following
11 services:

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

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

- 20 (1) comprehensive family-based services;
- 21 (2) assessments;
- 22 (3) respite care; and
- 23 (4) in-home health services.

24 The Department shall provide transportation for any of the
25 services it makes available to children or families or for
26 which it refers children or families.

27 (j) The Department may provide categories of financial
28 assistance and education assistance grants, and shall
29 establish rules and regulations concerning the assistance and
30 grants, to persons who adopt physically or mentally
31 handicapped, older and other hard-to-place children who (i)
32 immediately prior to their adoption were legal wards of the
33 Department or (ii) were determined eligible for financial
34 assistance with respect to a prior adoption and who become
35 available for adoption because the prior adoption has been
36 dissolved and the parental rights of the adoptive parents have

1 been terminated or because the child's adoptive parents have
2 died. The Department may also provide categories of financial
3 assistance and education assistance grants, and shall
4 establish rules and regulations for the assistance and grants,
5 to persons appointed guardian of the person under Section 5-7
6 of the Juvenile Court Act or Section 2-27, 3-28, 4-25 or 5-740
7 of the Juvenile Court Act of 1987 for children who were wards
8 of the Department for 12 months immediately prior to the
9 appointment of the guardian.

10 The amount of assistance may vary, depending upon the needs
11 of the child and the adoptive parents, as set forth in the
12 annual assistance agreement. Special purpose grants are
13 allowed where the child requires special service but such costs
14 may not exceed the amounts which similar services would cost
15 the Department if it were to provide or secure them as guardian
16 of the child.

17 Any financial assistance provided under this subsection is
18 inalienable by assignment, sale, execution, attachment,
19 garnishment, or any other remedy for recovery or collection of
20 a judgment or debt.

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

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

29 (l) Before July 1, 2000, the Department may provide, and
30 beginning July 1, 2000, the Department shall offer family
31 preservation services, as defined in Section 8.2 of the Abused
32 and Neglected Child Reporting Act, to help families, including
33 adoptive and extended families. Family preservation services
34 shall be offered (i) to prevent the placement of children in
35 substitute care when the children can be cared for at home or
36 in the custody of the person responsible for the children's

1 welfare, (ii) to reunite children with their families, or (iii)
2 to maintain an adoptive placement. Family preservation
3 services shall only be offered when doing so will not endanger
4 the children's health or safety. With respect to children who
5 are in substitute care pursuant to the Juvenile Court Act of
6 1987, family preservation services shall not be offered if a
7 goal other than those of subdivisions (A), (B), or (B-1) of
8 subsection (2) of Section 2-28 of that Act has been set.
9 Nothing in this paragraph shall be construed to create a
10 private right of action or claim on the part of any individual
11 or child welfare agency.

12 The Department shall notify the child and his family of the
13 Department's responsibility to offer and provide family
14 preservation services as identified in the service plan. The
15 child and his family shall be eligible for services as soon as
16 the report is determined to be "indicated". The Department may
17 offer services to any child or family with respect to whom a
18 report of suspected child abuse or neglect has been filed,
19 prior to concluding its investigation under Section 7.12 of the
20 Abused and Neglected Child Reporting Act. However, the child's
21 or family's willingness to accept services shall not be
22 considered in the investigation. The Department may also
23 provide services to any child or family who is the subject of
24 any report of suspected child abuse or neglect or may refer
25 such child or family to services available from other agencies
26 in the community, even if the report is determined to be
27 unfounded, if the conditions in the child's or family's home
28 are reasonably likely to subject the child or family to future
29 reports of suspected child abuse or neglect. Acceptance of such
30 services shall be voluntary.

31 The Department may, at its discretion except for those
32 children also adjudicated neglected or dependent, accept for
33 care and training any child who has been adjudicated addicted,
34 as a truant minor in need of supervision or as a minor
35 requiring authoritative intervention, under the Juvenile Court
36 Act or the Juvenile Court Act of 1987, but no such child shall

1 be committed to the Department by any court without the
2 approval of the Department. ~~A minor charged with a criminal~~
3 ~~offense under the Criminal Code of 1961 or adjudicated~~
4 ~~delinquent shall not be placed in the custody of or committed~~
5 ~~to the Department by any court, except a minor less than 13~~
6 ~~years of age committed to the Department under Section 5-710 of~~
7 ~~the Juvenile Court Act of 1987.~~

8 (1-1) The legislature recognizes that the best interests of
9 the child require that the child be placed in the most
10 permanent living arrangement as soon as is practically
11 possible. To achieve this goal, the legislature directs the
12 Department of Children and Family Services to conduct
13 concurrent planning so that permanency may occur at the
14 earliest opportunity. Permanent living arrangements may
15 include prevention of placement of a child outside the home of
16 the family when the child can be cared for at home without
17 endangering the child's health or safety; reunification with
18 the family, when safe and appropriate, if temporary placement
19 is necessary; or movement of the child toward the most
20 permanent living arrangement and permanent legal status.

21 When determining reasonable efforts to be made with respect
22 to a child, as described in this subsection, and in making such
23 reasonable efforts, the child's health and safety shall be the
24 paramount concern.

25 When a child is placed in foster care, the Department shall
26 ensure and document that reasonable efforts were made to
27 prevent or eliminate the need to remove the child from the
28 child's home. The Department must make reasonable efforts to
29 reunify the family when temporary placement of the child occurs
30 unless otherwise required, pursuant to the Juvenile Court Act
31 of 1987. At any time after the dispositional hearing where the
32 Department believes that further reunification services would
33 be ineffective, it may request a finding from the court that
34 reasonable efforts are no longer appropriate. The Department is
35 not required to provide further reunification services after
36 such a finding.

1 A decision to place a child in substitute care shall be
2 made with considerations of the child's health, safety, and
3 best interests. At the time of placement, consideration should
4 also be given so that if reunification fails or is delayed, the
5 placement made is the best available placement to provide
6 permanency for the child.

7 The Department shall adopt rules addressing concurrent
8 planning for reunification and permanency. The Department
9 shall consider the following factors when determining
10 appropriateness of concurrent planning:

- 11 (1) the likelihood of prompt reunification;
- 12 (2) the past history of the family;
- 13 (3) the barriers to reunification being addressed by
14 the family;
- 15 (4) the level of cooperation of the family;
- 16 (5) the foster parents' willingness to work with the
17 family to reunite;
- 18 (6) the willingness and ability of the foster family to
19 provide an adoptive home or long-term placement;
- 20 (7) the age of the child;
- 21 (8) placement of siblings.

22 (m) The Department may assume temporary custody of any
23 child if:

- 24 (1) it has received a written consent to such temporary
25 custody signed by the parents of the child or by the parent
26 having custody of the child if the parents are not living
27 together or by the guardian or custodian of the child if
28 the child is not in the custody of either parent, or

- 29 (2) the child is found in the State and neither a
30 parent, guardian nor custodian of the child can be located.

31 If the child is found in his or her residence without a parent,
32 guardian, custodian or responsible caretaker, the Department
33 may, instead of removing the child and assuming temporary
34 custody, place an authorized representative of the Department
35 in that residence until such time as a parent, guardian or
36 custodian enters the home and expresses a willingness and

1 apparent ability to ensure the child's health and safety and
2 resume permanent charge of the child, or until a relative
3 enters the home and is willing and able to ensure the child's
4 health and safety and assume charge of the child until a
5 parent, guardian or custodian enters the home and expresses
6 such willingness and ability to ensure the child's safety and
7 resume permanent charge. After a caretaker has remained in the
8 home for a period not to exceed 12 hours, the Department must
9 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
10 5-415 of the Juvenile Court Act of 1987.

11 The Department shall have the authority, responsibilities
12 and duties that a legal custodian of the child would have
13 pursuant to subsection (9) of Section 1-3 of the Juvenile Court
14 Act of 1987. Whenever a child is taken into temporary custody
15 pursuant to an investigation under the Abused and Neglected
16 Child Reporting Act, or pursuant to a referral and acceptance
17 under the Juvenile Court Act of 1987 of a minor in limited
18 custody, the Department, during the period of temporary custody
19 and before the child is brought before a judicial officer as
20 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
21 Court Act of 1987, shall have the authority, responsibilities
22 and duties that a legal custodian of the child would have under
23 subsection (9) of Section 1-3 of the Juvenile Court Act of
24 1987.

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

28 A parent, guardian or custodian of a child in the temporary
29 custody of the Department who would have custody of the child
30 if he were not in the temporary custody of the Department may
31 deliver to the Department a signed request that the Department
32 surrender the temporary custody of the child. The Department
33 may retain temporary custody of the child for 10 days after the
34 receipt of the request, during which period the Department may
35 cause to be filed a petition pursuant to the Juvenile Court Act
36 of 1987. If a petition is so filed, the Department shall retain

1 temporary custody of the child until the court orders
2 otherwise. If a petition is not filed within the 10 day period,
3 the child shall be surrendered to the custody of the requesting
4 parent, guardian or custodian not later than the expiration of
5 the 10 day period, at which time the authority and duties of
6 the Department with respect to the temporary custody of the
7 child shall terminate.

8 (m-1) The Department may place children under 18 years of
9 age in a secure child care facility licensed by the Department
10 that cares for children who are in need of secure living
11 arrangements for their health, safety, and well-being after a
12 determination is made by the facility director and the Director
13 or the Director's designate prior to admission to the facility
14 subject to Section 2-27.1 of the Juvenile Court Act of 1987.
15 This subsection (m-1) does not apply to a child who is subject
16 to placement in a correctional facility operated pursuant to
17 Section 3-15-2 of the Unified Code of Corrections, unless the
18 child is a ward who was placed under the care of the Department
19 before being subject to placement in a correctional facility
20 and a court of competent jurisdiction has ordered placement of
21 the child in a secure care facility.

22 (n) The Department may place children under 18 years of age
23 in licensed child care facilities when in the opinion of the
24 Department, appropriate services aimed at family preservation
25 have been unsuccessful and cannot ensure the child's health and
26 safety or are unavailable and such placement would be for their
27 best interest. Payment for board, clothing, care, training and
28 supervision of any child placed in a licensed child care
29 facility may be made by the Department, by the parents or
30 guardians of the estates of those children, or by both the
31 Department and the parents or guardians, except that no
32 payments shall be made by the Department for any child placed
33 in a licensed child care facility for board, clothing, care,
34 training and supervision of such a child that exceed the
35 average per capita cost of maintaining and of caring for a
36 child in institutions for dependent or neglected children

1 operated by the Department. However, such restriction on
2 payments does not apply in cases where children require
3 specialized care and treatment for problems of severe emotional
4 disturbance, physical disability, social adjustment, or any
5 combination thereof and suitable facilities for the placement
6 of such children are not available at payment rates within the
7 limitations set forth in this Section. All reimbursements for
8 services delivered shall be absolutely inalienable by
9 assignment, sale, attachment, garnishment or otherwise.

10 (o) The Department shall establish an administrative
11 review and appeal process for children and families who request
12 or receive child welfare services from the Department. Children
13 who are wards of the Department and are placed by private child
14 welfare agencies, and foster families with whom those children
15 are placed, shall be afforded the same procedural and appeal
16 rights as children and families in the case of placement by the
17 Department, including the right to an initial review of a
18 private agency decision by that agency. The Department shall
19 insure that any private child welfare agency, which accepts
20 wards of the Department for placement, affords those rights to
21 children and foster families. The Department shall accept for
22 administrative review and an appeal hearing a complaint made by
23 (i) a child or foster family concerning a decision following an
24 initial review by a private child welfare agency or (ii) a
25 prospective adoptive parent who alleges a violation of
26 subsection (j-5) of this Section. An appeal of a decision
27 concerning a change in the placement of a child shall be
28 conducted in an expedited manner.

29 (p) There is hereby created the Department of Children and
30 Family Services Emergency Assistance Fund from which the
31 Department may provide special financial assistance to
32 families which are in economic crisis when such assistance is
33 not available through other public or private sources and the
34 assistance is deemed necessary to prevent dissolution of the
35 family unit or to reunite families which have been separated
36 due to child abuse and neglect. The Department shall establish

1 administrative rules specifying the criteria for determining
2 eligibility for and the amount and nature of assistance to be
3 provided. The Department may also enter into written agreements
4 with private and public social service agencies to provide
5 emergency financial services to families referred by the
6 Department. Special financial assistance payments shall be
7 available to a family no more than once during each fiscal year
8 and the total payments to a family may not exceed \$500 during a
9 fiscal year.

10 (q) The Department may receive and use, in their entirety,
11 for the benefit of children any gift, donation or bequest of
12 money or other property which is received on behalf of such
13 children, or any financial benefits to which such children are
14 or may become entitled while under the jurisdiction or care of
15 the Department.

16 The Department shall set up and administer no-cost,
17 interest-bearing accounts in appropriate financial
18 institutions for children for whom the Department is legally
19 responsible and who have been determined eligible for Veterans'
20 Benefits, Social Security benefits, assistance allotments from
21 the armed forces, court ordered payments, parental voluntary
22 payments, Supplemental Security Income, Railroad Retirement
23 payments, Black Lung benefits, or other miscellaneous
24 payments. Interest earned by each account shall be credited to
25 the account, unless disbursed in accordance with this
26 subsection.

27 In disbursing funds from children's accounts, the
28 Department shall:

29 (1) Establish standards in accordance with State and
30 federal laws for disbursing money from children's
31 accounts. In all circumstances, the Department's
32 "Guardianship Administrator" or his or her designee must
33 approve disbursements from children's accounts. The
34 Department shall be responsible for keeping complete
35 records of all disbursements for each account for any
36 purpose.

1 (2) Calculate on a monthly basis the amounts paid from
2 State funds for the child's board and care, medical care
3 not covered under Medicaid, and social services; and
4 utilize funds from the child's account, as covered by
5 regulation, to reimburse those costs. Monthly,
6 disbursements from all children's accounts, up to 1/12 of
7 \$13,000,000, shall be deposited by the Department into the
8 General Revenue Fund and the balance over 1/12 of
9 \$13,000,000 into the DCFS Children's Services Fund.

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

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

30 (s) The Department of Children and Family Services may
31 establish and implement a program to reimburse Department and
32 private child welfare agency foster parents licensed by the
33 Department of Children and Family Services for damages
34 sustained by the foster parents as a result of the malicious or
35 negligent acts of foster children, as well as providing third
36 party coverage for such foster parents with regard to actions

1 of foster children to other individuals. Such coverage will be
2 secondary to the foster parent liability insurance policy, if
3 applicable. The program shall be funded through appropriations
4 from the General Revenue Fund, specifically designated for such
5 purposes.

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

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

12 (2) the court has ordered one or both of the parties to
13 the proceeding to reimburse the Department for its
14 reasonable costs for providing such services in accordance
15 with Department rules, or has determined that neither party
16 is financially able to pay.

17 The Department shall provide written notification to the
18 court of the specific arrangements for supervised visitation
19 and projected monthly costs within 60 days of the court order.
20 The Department shall send to the court information related to
21 the costs incurred except in cases where the court has
22 determined the parties are financially unable to pay. The court
23 may order additional periodic reports as appropriate.

24 (u) Whenever the Department places a child in a licensed
25 foster home, group home, child care institution, or in a
26 relative home, the Department shall provide to the caretaker:

27 (1) available detailed information concerning the
28 child's educational and health history, copies of
29 immunization records (including insurance and medical card
30 information), a history of the child's previous
31 placements, if any, and reasons for placement changes
32 excluding any information that identifies or reveals the
33 location of any previous caretaker;

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

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

4 The caretaker shall be informed of any known social or
5 behavioral information (including, but not limited to,
6 criminal background, fire setting, perpetuation of sexual
7 abuse, destructive behavior, and substance abuse) necessary to
8 care for and safeguard the child.

9 (u-5) Effective July 1, 1995, only foster care placements
10 licensed as foster family homes pursuant to the Child Care Act
11 of 1969 shall be eligible to receive foster care payments from
12 the Department. Relative caregivers who, as of July 1, 1995,
13 were approved pursuant to approved relative placement rules
14 previously promulgated by the Department at 89 Ill. Adm. Code
15 335 and had submitted an application for licensure as a foster
16 family home may continue to receive foster care payments only
17 until the Department determines that they may be licensed as a
18 foster family home or that their application for licensure is
19 denied or until September 30, 1995, whichever occurs first.

20 (v) The Department shall access criminal history record
21 information as defined in the Illinois Uniform Conviction
22 Information Act and information maintained in the adjudicatory
23 and dispositional record system as defined in Section 2605-355
24 of the Department of State Police Law (20 ILCS 2605/2605-355)
25 if the Department determines the information is necessary to
26 perform its duties under the Abused and Neglected Child
27 Reporting Act, the Child Care Act of 1969, and the Children and
28 Family Services Act. The Department shall provide for
29 interactive computerized communication and processing
30 equipment that permits direct on-line communication with the
31 Department of State Police's central criminal history data
32 repository. The Department shall comply with all certification
33 requirements and provide certified operators who have been
34 trained by personnel from the Department of State Police. In
35 addition, one Office of the Inspector General investigator
36 shall have training in the use of the criminal history

1 information access system and have access to the terminal. The
2 Department of Children and Family Services and its employees
3 shall abide by rules and regulations established by the
4 Department of State Police relating to the access and
5 dissemination of this information.

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

27 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99;
28 91-812, eff. 6-13-00; 92-154, eff. 1-1-02.)