



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4186

Introduced 11/3/2005, by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

20 ILCS 505/5	from Ch. 23, par. 5005
20 ILCS 505/35.1	from Ch. 23, par. 5035.1
20 ILCS 520/1-15	
225 ILCS 10/7.4	
225 ILCS 10/8	from Ch. 23, par. 2218
225 ILCS 10/15	from Ch. 23, par. 2225
325 ILCS 5/11.1	from Ch. 23, par. 2061.1
740 ILCS 110/11	from Ch. 91 1/2, par. 811

Amends the Children and Family Services Act, the Foster Parent Law, the Child Care Act of 1969, the Abused and Neglected Child Reporting Act, and the Mental Health and Developmental Disabilities Confidentiality Act. Provides that DCFS must provide certain information concerning a child, including known social and behavioral information, to prospective adoptive parents (in addition to caretakers of children in foster homes, group homes, child care institutions, or relative homes). Provides that whenever a licensed child welfare agency places a child in a licensed foster family home, the agency shall provide that same information to the child's caretaker. Provides that a foster parent's rights include the right to be given such information. Provides that "juvenile authorities" to whom DCFS may disclose information include individuals and agencies having custody of a child pursuant to placement of the child by the Department; and provides that nothing in the Child Care Act of 1969 prevents the disclosure of information or records by a licensed child welfare agency as required by this amendatory Act. Provides that DCFS may revoke or refuse to renew a child welfare agency's license for failure to comply with the disclosure requirements of this amendatory Act. Permits a prospective adoptive parent or foster parent to have access to records concerning reports of child abuse and neglect. Authorizes the disclosure of records under the Mental Health and Developmental Disabilities Confidentiality Act. Effective immediately.

LRB094 14135 DRJ 49309 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning children.

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 Sections 5 and 35.1 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, in facilities that
15 provide separate living quarters for children 18
16 years of age and older and for children under 18
17 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, subject to federal financial
3 participation in the cost, continue to provide financial
4 assistance and education assistance grants for a child who was
5 determined eligible for financial assistance under this
6 subsection (j) in the interim period beginning when the child's
7 adoptive parents died and ending with the finalization of the
8 new adoption of the child by another adoptive parent or
9 parents. The Department may also provide categories of
10 financial assistance and education assistance grants, and
11 shall establish rules and regulations for the assistance and
12 grants, to persons appointed guardian of the person under
13 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
14 4-25 or 5-740 of the Juvenile Court Act of 1987 for children
15 who were wards of the Department for 12 months immediately
16 prior to the appointment of the guardian.

17 The amount of assistance may vary, depending upon the needs
18 of the child and the adoptive parents, as set forth in the
19 annual assistance agreement. Special purpose grants are
20 allowed where the child requires special service but such costs
21 may not exceed the amounts which similar services would cost
22 the Department if it were to provide or secure them as guardian
23 of the child.

24 Any financial assistance provided under this subsection is
25 inalienable by assignment, sale, execution, attachment,
26 garnishment, or any other remedy for recovery or collection of
27 a judgment or debt.

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

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

36 (l) Before July 1, 2000, the Department may provide, and

1 beginning July 1, 2000, the Department shall offer family
2 preservation services, as defined in Section 8.2 of the Abused
3 and Neglected Child Reporting Act, to help families, including
4 adoptive and extended families. Family preservation services
5 shall be offered (i) to prevent the placement of children in
6 substitute care when the children can be cared for at home or
7 in the custody of the person responsible for the children's
8 welfare, (ii) to reunite children with their families, or (iii)
9 to maintain an adoptive placement. Family preservation
10 services shall only be offered when doing so will not endanger
11 the children's health or safety. With respect to children who
12 are in substitute care pursuant to the Juvenile Court Act of
13 1987, family preservation services shall not be offered if a
14 goal other than those of subdivisions (A), (B), or (B-1) of
15 subsection (2) of Section 2-28 of that Act has been set.
16 Nothing in this paragraph shall be construed to create a
17 private right of action or claim on the part of any individual
18 or child welfare agency.

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

1 services shall be voluntary.

2 The Department may, at its discretion except for those
3 children also adjudicated neglected or dependent, accept for
4 care and training any child who has been adjudicated addicted,
5 as a truant minor in need of supervision or as a minor
6 requiring authoritative intervention, under the Juvenile Court
7 Act or the Juvenile Court Act of 1987, but no such child shall
8 be committed to the Department by any court without the
9 approval of the Department. A minor charged with a criminal
10 offense under the Criminal Code of 1961 or adjudicated
11 delinquent shall not be placed in the custody of or committed
12 to the Department by any court, except a minor less than 13
13 years of age committed to the Department under Section 5-710 of
14 the Juvenile Court Act of 1987.

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

28 When determining reasonable efforts to be made with respect
29 to a child, as described in this subsection, and in making such
30 reasonable efforts, the child's health and safety shall be the
31 paramount concern.

32 When a child is placed in foster care, the Department shall
33 ensure and document that reasonable efforts were made to
34 prevent or eliminate the need to remove the child from the
35 child's home. The Department must make reasonable efforts to
36 reunify the family when temporary placement of the child occurs

1 unless otherwise required, pursuant to the Juvenile Court Act
2 of 1987. At any time after the dispositional hearing where the
3 Department believes that further reunification services would
4 be ineffective, it may request a finding from the court that
5 reasonable efforts are no longer appropriate. The Department is
6 not required to provide further reunification services after
7 such a finding.

8 A decision to place a child in substitute care shall be
9 made with considerations of the child's health, safety, and
10 best interests. At the time of placement, consideration should
11 also be given so that if reunification fails or is delayed, the
12 placement made is the best available placement to provide
13 permanency for the child.

14 The Department shall adopt rules addressing concurrent
15 planning for reunification and permanency. The Department
16 shall consider the following factors when determining
17 appropriateness of concurrent planning:

- 18 (1) the likelihood of prompt reunification;
- 19 (2) the past history of the family;
- 20 (3) the barriers to reunification being addressed by
21 the family;
- 22 (4) the level of cooperation of the family;
- 23 (5) the foster parents' willingness to work with the
24 family to reunite;
- 25 (6) the willingness and ability of the foster family to
26 provide an adoptive home or long-term placement;
- 27 (7) the age of the child;
- 28 (8) placement of siblings.

29 (m) The Department may assume temporary custody of any
30 child if:

- 31 (1) it has received a written consent to such temporary
32 custody signed by the parents of the child or by the parent
33 having custody of the child if the parents are not living
34 together or by the guardian or custodian of the child if
35 the child is not in the custody of either parent, or
36 (2) the child is found in the State and neither a

1 parent, guardian nor custodian of the child can be located.
2 If the child is found in his or her residence without a parent,
3 guardian, custodian or responsible caretaker, the Department
4 may, instead of removing the child and assuming temporary
5 custody, place an authorized representative of the Department
6 in that residence until such time as a parent, guardian or
7 custodian enters the home and expresses a willingness and
8 apparent ability to ensure the child's health and safety and
9 resume permanent charge of the child, or until a relative
10 enters the home and is willing and able to ensure the child's
11 health and safety and assume charge of the child until a
12 parent, guardian or custodian enters the home and expresses
13 such willingness and ability to ensure the child's safety and
14 resume permanent charge. After a caretaker has remained in the
15 home for a period not to exceed 12 hours, the Department must
16 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
17 5-415 of the Juvenile Court Act of 1987.

18 The Department shall have the authority, responsibilities
19 and duties that a legal custodian of the child would have
20 pursuant to subsection (9) of Section 1-3 of the Juvenile Court
21 Act of 1987. Whenever a child is taken into temporary custody
22 pursuant to an investigation under the Abused and Neglected
23 Child Reporting Act, or pursuant to a referral and acceptance
24 under the Juvenile Court Act of 1987 of a minor in limited
25 custody, the Department, during the period of temporary custody
26 and before the child is brought before a judicial officer as
27 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile
28 Court Act of 1987, shall have the authority, responsibilities
29 and duties that a legal custodian of the child would have under
30 subsection (9) of Section 1-3 of the Juvenile Court Act of
31 1987.

32 The Department shall ensure that any child taken into
33 custody is scheduled for an appointment for a medical
34 examination.

35 A parent, guardian or custodian of a child in the temporary
36 custody of the Department who would have custody of the child

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

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

29 (n) The Department may place children under 18 years of age
30 in licensed child care facilities when in the opinion of the
31 Department, appropriate services aimed at family preservation
32 have been unsuccessful and cannot ensure the child's health and
33 safety or are unavailable and such placement would be for their
34 best interest. Payment for board, clothing, care, training and
35 supervision of any child placed in a licensed child care
36 facility may be made by the Department, by the parents or

1 guardians of the estates of those children, or by both the
2 Department and the parents or guardians, except that no
3 payments shall be made by the Department for any child placed
4 in a licensed child care facility for board, clothing, care,
5 training and supervision of such a child that exceed the
6 average per capita cost of maintaining and of caring for a
7 child in institutions for dependent or neglected children
8 operated by the Department. However, such restriction on
9 payments does not apply in cases where children require
10 specialized care and treatment for problems of severe emotional
11 disturbance, physical disability, social adjustment, or any
12 combination thereof and suitable facilities for the placement
13 of such children are not available at payment rates within the
14 limitations set forth in this Section. All reimbursements for
15 services delivered shall be absolutely inalienable by
16 assignment, sale, attachment, garnishment or otherwise.

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

36 (p) There is hereby created the Department of Children and

1 Family Services Emergency Assistance Fund from which the
2 Department may provide special financial assistance to
3 families which are in economic crisis when such assistance is
4 not available through other public or private sources and the
5 assistance is deemed necessary to prevent dissolution of the
6 family unit or to reunite families which have been separated
7 due to child abuse and neglect. The Department shall establish
8 administrative rules specifying the criteria for determining
9 eligibility for and the amount and nature of assistance to be
10 provided. The Department may also enter into written agreements
11 with private and public social service agencies to provide
12 emergency financial services to families referred by the
13 Department. Special financial assistance payments shall be
14 available to a family no more than once during each fiscal year
15 and the total payments to a family may not exceed \$500 during a
16 fiscal year.

17 (q) The Department may receive and use, in their entirety,
18 for the benefit of children any gift, donation or bequest of
19 money or other property which is received on behalf of such
20 children, or any financial benefits to which such children are
21 or may become entitled while under the jurisdiction or care of
22 the Department.

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

34 In disbursing funds from children's accounts, the
35 Department shall:

36 (1) Establish standards in accordance with State and

1 federal laws for disbursing money from children's
2 accounts. In all circumstances, the Department's
3 "Guardianship Administrator" or his or her designee must
4 approve disbursements from children's accounts. The
5 Department shall be responsible for keeping complete
6 records of all disbursements for each account for any
7 purpose.

8 (2) Calculate on a monthly basis the amounts paid from
9 State funds for the child's board and care, medical care
10 not covered under Medicaid, and social services; and
11 utilize funds from the child's account, as covered by
12 regulation, to reimburse those costs. Monthly,
13 disbursements from all children's accounts, up to 1/12 of
14 \$13,000,000, shall be deposited by the Department into the
15 General Revenue Fund and the balance over 1/12 of
16 \$13,000,000 into the DCFS Children's Services Fund.

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

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

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

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

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

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

24 The Department shall provide written notification to the
25 court of the specific arrangements for supervised visitation
26 and projected monthly costs within 60 days of the court order.
27 The Department shall send to the court information related to
28 the costs incurred except in cases where the court has
29 determined the parties are financially unable to pay. The court
30 may order additional periodic reports as appropriate.

31 (u) Whenever the Department places a child with a
32 prospective adoptive parent or parents or in a licensed foster
33 home, group home, child care institution, or in a relative
34 home, the Department shall provide to the prospective adoptive
35 parent or parents or other caretaker:

36 (1) available detailed information concerning the

1 child's educational and health history, copies of
2 immunization records (including insurance and medical card
3 information), a history of the child's previous
4 placements, if any, and reasons for placement changes
5 excluding any information that identifies or reveals the
6 location of any previous caretaker;

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

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

13 The prospective adoptive parent or parents or other
14 caretaker shall be informed of any known social or behavioral
15 information (including, but not limited to, criminal
16 background, fire setting, perpetuation of sexual abuse,
17 destructive behavior, and substance abuse) necessary to care
18 for and safeguard the child.

19 (u-5) Effective July 1, 1995, only foster care placements
20 licensed as foster family homes pursuant to the Child Care Act
21 of 1969 shall be eligible to receive foster care payments from
22 the Department. Relative caregivers who, as of July 1, 1995,
23 were approved pursuant to approved relative placement rules
24 previously promulgated by the Department at 89 Ill. Adm. Code
25 335 and had submitted an application for licensure as a foster
26 family home may continue to receive foster care payments only
27 until the Department determines that they may be licensed as a
28 foster family home or that their application for licensure is
29 denied or until September 30, 1995, whichever occurs first.

30 (v) The Department shall access criminal history record
31 information as defined in the Illinois Uniform Conviction
32 Information Act and information maintained in the adjudicatory
33 and dispositional record system as defined in Section 2605-355
34 of the Department of State Police Law (20 ILCS 2605/2605-355)
35 if the Department determines the information is necessary to
36 perform its duties under the Abused and Neglected Child

1 Reporting Act, the Child Care Act of 1969, and the Children and
2 Family Services Act. The Department shall provide for
3 interactive computerized communication and processing
4 equipment that permits direct on-line communication with the
5 Department of State Police's central criminal history data
6 repository. The Department shall comply with all certification
7 requirements and provide certified operators who have been
8 trained by personnel from the Department of State Police. In
9 addition, one Office of the Inspector General investigator
10 shall have training in the use of the criminal history
11 information access system and have access to the terminal. The
12 Department of Children and Family Services and its employees
13 shall abide by rules and regulations established by the
14 Department of State Police relating to the access and
15 dissemination of this information.

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

1 (Source: P.A. 94-215, eff. 1-1-06.)

2 (20 ILCS 505/35.1) (from Ch. 23, par. 5035.1)

3 Sec. 35.1. The case and clinical records of patients in
4 Department supervised facilities, wards of the Department,
5 children receiving or applying for child welfare services,
6 persons receiving or applying for other services of the
7 Department, and Department reports of injury or abuse to
8 children shall not be open to the general public. Such case and
9 clinical records and reports or the information contained
10 therein shall be disclosed by the Director of the Department to
11 juvenile authorities when necessary for the discharge of their
12 official duties who request information concerning the minor
13 and who certify in writing that the information will not be
14 disclosed to any other party except as provided under law or
15 order of court. For purposes of this Section, "juvenile
16 authorities" means: (i) a judge of the circuit court and
17 members of the staff of the court designated by the judge; (ii)
18 parties to the proceedings under the Juvenile Court Act of 1987
19 and their attorneys; (iii) probation officers and court
20 appointed advocates for the juvenile authorized by the judge
21 hearing the case; (iv) any individual, public or private agency
22 having custody of the child pursuant to court order or pursuant
23 to placement of the child by the Department; (v) any
24 individual, public or private agency providing education,
25 medical or mental health service to the child when the
26 requested information is needed to determine the appropriate
27 service or treatment for the minor; (vi) any potential
28 placement provider when such release is authorized by the court
29 for the limited purpose of determining the appropriateness of
30 the potential placement; (vii) law enforcement officers and
31 prosecutors; (viii) adult and juvenile prisoner review boards;
32 (ix) authorized military personnel; (x) individuals authorized
33 by court; (xi) the Illinois General Assembly or any committee
34 or commission thereof. This Section does not apply to the
35 Department's fiscal records, other records of a purely

1 administrative nature, or any forms, documents or other records
2 required of facilities subject to licensure by the Department
3 except as may otherwise be provided under the Child Care Act of
4 1969.

5 Nothing contained in this Act prevents the sharing or
6 disclosure of information or records relating or pertaining to
7 juveniles subject to the provisions of the Serious Habitual
8 Offender Comprehensive Action Program when that information is
9 used to assist in the early identification and treatment of
10 habitual juvenile offenders.

11 Nothing contained in this Act prevents the sharing or
12 disclosure of information or records relating or pertaining to
13 the death of a minor under the care of or receiving services
14 from the Department and under the jurisdiction of the juvenile
15 court with the juvenile court, the State's Attorney, and the
16 minor's attorney.

17 Nothing contained in this Section prohibits or prevents any
18 individual dealing with or providing services to a minor from
19 sharing information with another individual dealing with or
20 providing services to a minor for the purpose of coordinating
21 efforts on behalf of the minor. The sharing of such information
22 is only for the purpose stated herein and is to be consistent
23 with the intent and purpose of the confidentiality provisions
24 of the Juvenile Court Act of 1987. This provision does not
25 abrogate any recognized privilege. Sharing information does
26 not include copying of records, reports or case files unless
27 authorized herein.

28 Nothing in this Section prohibits or prevents the
29 re-disclosure of records, reports, or other information that
30 reveals malfeasance or nonfeasance on the part of the
31 Department, its employees, or its agents. Nothing in this
32 Section prohibits or prevents the Department or a party in a
33 proceeding under the Juvenile Court Act of 1987 from copying
34 records, reports, or case files for the purpose of sharing
35 those documents with other parties to the litigation.

36 (Source: P.A. 90-15, eff. 6-13-97; 90-590, eff. 1-1-00; 91-812,

1 eff. 6-13-00.)

2 Section 10. The Foster Parent Law is amended by changing
3 Section 1-15 as follows:

4 (20 ILCS 520/1-15)

5 Sec. 1-15. Foster parent rights. A foster parent's rights
6 include, but are not limited to, the following:

7 (1) The right to be treated with dignity, respect, and
8 consideration as a professional member of the child welfare
9 team.

10 (2) The right to be given standardized pre-service
11 training and appropriate ongoing training to meet mutually
12 assessed needs and improve the foster parent's skills.

13 (3) The right to be informed as to how to contact the
14 appropriate child placement agency in order to receive
15 information and assistance to access supportive services
16 for children in the foster parent's care.

17 (4) The right to receive timely financial
18 reimbursement commensurate with the care needs of the child
19 as specified in the service plan.

20 (5) The right to be provided a clear, written
21 understanding of a placement agency's plan concerning the
22 placement of a child in the foster parent's home. Inherent
23 in this right is the foster parent's responsibility to
24 support activities that will promote the child's right to
25 relationships with his or her own family and cultural
26 heritage.

27 (6) The right to be provided a fair, timely, and
28 impartial investigation of complaints concerning the
29 foster parent's licensure, to be provided the opportunity
30 to have a person of the foster parent's choosing present
31 during the investigation, and to be provided due process
32 during the investigation; the right to be provided the
33 opportunity to request and receive mediation or an
34 administrative review of decisions that affect licensing

1 parameters, or both mediation and an administrative
2 review; and the right to have decisions concerning a
3 licensing corrective action plan specifically explained
4 and tied to the licensing standards violated.

5 (7) The right, at any time during which a child is
6 placed with the foster parent, to receive additional or
7 necessary information that is relevant to the care of the
8 child.

9 (7.5) The right to be given information concerning a
10 child (i) from the Department as required under subsection
11 (u) of Section 5 of the Children and Family Services Act
12 and (ii) from a child welfare agency as required under
13 subsection (c-5) of Section 7.4 of the Child Care Act of
14 1969.

15 (8) The right to be notified of scheduled meetings and
16 staffings concerning the foster child in order to actively
17 participate in the case planning and decision-making
18 process regarding the child, including individual service
19 planning meetings, administrative case reviews,
20 interdisciplinary staffings, and individual educational
21 planning meetings; the right to be informed of decisions
22 made by the courts or the child welfare agency concerning
23 the child; the right to provide input concerning the plan
24 of services for the child and to have that input given full
25 consideration in the same manner as information presented
26 by any other professional on the team; and the right to
27 communicate with other professionals who work with the
28 foster child within the context of the team, including
29 therapists, physicians, and teachers.

30 (9) The right to be given, in a timely and consistent
31 manner, any information a case worker has regarding the
32 child and the child's family which is pertinent to the care
33 and needs of the child and to the making of a permanency
34 plan for the child. Disclosure of information concerning
35 the child's family shall be limited to that information
36 that is essential for understanding the needs of and

1 providing care to the child in order to protect the rights
2 of the child's family. When a positive relationship exists
3 between the foster parent and the child's family, the
4 child's family may consent to disclosure of additional
5 information.

6 (10) The right to be given reasonable written notice of
7 (i) any change in a child's case plan, (ii) plans to
8 terminate the placement of the child with the foster
9 parent, and (iii) the reasons for the change or termination
10 in placement. The notice shall be waived only in cases of a
11 court order or when the child is determined to be at
12 imminent risk of harm.

13 (11) The right to be notified in a timely and complete
14 manner of all court hearings, including notice of the date
15 and time of the court hearing, the name of the judge or
16 hearing officer hearing the case, the location of the
17 hearing, and the court docket number of the case; and the
18 right to intervene in court proceedings or to seek mandamus
19 under the Juvenile Court Act of 1987.

20 (12) The right to be considered as a placement option
21 when a foster child who was formerly placed with the foster
22 parent is to be re-entered into foster care, if that
23 placement is consistent with the best interest of the child
24 and other children in the foster parent's home.

25 (13) The right to have timely access to the child
26 placement agency's existing appeals process and the right
27 to be free from acts of harassment and retaliation by any
28 other party when exercising the right to appeal.

29 (14) The right to be informed of the Foster Parent
30 Hotline established under Section 35.6 of the Children and
31 Family Services Act and all of the rights accorded to
32 foster parents concerning reports of misconduct by
33 Department employees, service providers, or contractors,
34 confidential handling of those reports, and investigation
35 by the Inspector General appointed under Section 35.5 of
36 the Children and Family Services Act.

1 (Source: P.A. 89-19, eff. 6-3-95.)

2 Section 15. The Child Care Act of 1969 is amended by
3 changing Sections 7.4, 8, and 15 as follows:

4 (225 ILCS 10/7.4)

5 Sec. 7.4. Disclosures.

6 (a) Every child welfare agency providing adoption services
7 and licensed by the Department shall provide to all prospective
8 clients and to the public written disclosures with respect to
9 its adoption services, policies, and practices, including
10 general eligibility criteria, fees, and the mutual rights and
11 responsibilities of clients, including biological parents and
12 adoptive parents. The written disclosure shall be posted on any
13 website maintained by the child welfare agency that relates to
14 adoption services. The Department shall adopt rules relating to
15 the contents of the written disclosures. Eligible agencies may
16 be deemed compliant with this subsection (a).

17 (b) Every licensed child welfare agency providing adoption
18 services shall provide to all applicants, prior to application,
19 a written schedule of estimated fees, expenses, and refund
20 policies. Every child welfare agency providing adoption
21 services shall have a written policy that shall be part of its
22 standard adoption contract and state that it will not charge
23 additional fees and expenses beyond those disclosed in the
24 adoption contract unless additional fees are reasonably
25 required by the circumstances and are disclosed to the adoptive
26 parents or parent before they are incurred. The Department
27 shall adopt rules relating to the contents of the written
28 schedule and policy. Eligible agencies may be deemed compliant
29 with this subsection (b).

30 (c) Every licensed child welfare agency providing adoption
31 services must make full and fair disclosure to its clients,
32 including biological parents and adoptive parents, of all
33 circumstances material to the placement of a child for
34 adoption. The Department shall adopt rules necessary for the

1 implementation and regulation of the requirements of this
2 subsection (c).

3 (c-5) Whenever a licensed child welfare agency places a
4 child in a licensed foster family home, the agency shall
5 provide the following to the caretaker:

6 (1) Available detailed information concerning the
7 child's educational and health history, copies of
8 immunization records (including insurance and medical card
9 information), a history of the child's previous
10 placements, if any, and reasons for placement changes,
11 excluding any information that identifies or reveals the
12 location of any previous caretaker.

13 (2) A copy of the child's portion of the client service
14 plan, including any visitation arrangement, and all
15 amendments or revisions to it as related to the child.

16 (3) Information containing details of the child's
17 individualized educational plan when the child is
18 receiving special education services.

19 (4) Any known social or behavioral information
20 (including, but not limited to, criminal background, fire
21 setting, perpetration of sexual abuse, destructive
22 behavior, and substance abuse) necessary to care for and
23 safeguard the child.

24 The Department shall adopt rules necessary for the
25 implementation and regulation of the requirements of this
26 subsection (c-5).

27 (d) Every licensed child welfare agency providing adoption
28 services shall meet minimum standards set forth by the
29 Department concerning the taking or acknowledging of a consent
30 prior to taking or acknowledging a consent from a prospective
31 biological parent. The Department shall adopt rules concerning
32 the minimum standards required by agencies under this Section.

33 (Source: P.A. 94-586, eff. 8-15-05.)

34 (225 ILCS 10/8) (from Ch. 23, par. 2218)

35 Sec. 8. The Department may revoke or refuse to renew the

1 license of any child care facility or child welfare agency or
2 refuse to issue full license to the holder of a permit should
3 the licensee or holder of a permit:

4 (1) fail to maintain standards prescribed and
5 published by the Department;

6 (2) violate any of the provisions of the license
7 issued;

8 (3) furnish or make any misleading or any false
9 statement or report to the Department;

10 (4) refuse to submit to the Department any reports or
11 refuse to make available to the Department any records
12 required by the Department in making investigation of the
13 facility for licensing purposes;

14 (5) fail or refuse to submit to an investigation by the
15 Department;

16 (6) fail or refuse to admit authorized representatives
17 of the Department at any reasonable time for the purpose of
18 investigation;

19 (7) fail to provide, maintain, equip and keep in safe
20 and sanitary condition premises established or used for
21 child care as required under standards prescribed by the
22 Department, or as otherwise required by any law, regulation
23 or ordinance applicable to the location of such facility;

24 (8) refuse to display its license or permit;

25 (9) be the subject of an indicated report under Section
26 3 of the Abused and Neglected Child Reporting Act or fail
27 to discharge or sever affiliation with the child care
28 facility of an employee or volunteer at the facility with
29 direct contact with children who is the subject of an
30 indicated report under Section 3 of that Act;

31 (10) fail to comply with the provisions of Section 7.1;

32 (11) fail to exercise reasonable care in the hiring,
33 training and supervision of facility personnel;

34 (12) fail to report suspected abuse or neglect of
35 children within the facility, as required by the Abused and
36 Neglected Child Reporting Act;

1 (12.5) fail to comply with subsection (c-5) of Section
2 7.4;

3 (13) fail to comply with Section 5.1 or 5.2 of this
4 Act; or

5 (14) be identified in an investigation by the
6 Department as an addict or alcoholic, as defined in the
7 Alcoholism and Other Drug Abuse and Dependency Act, or be a
8 person whom the Department knows has abused alcohol or
9 drugs, and has not successfully participated in treatment,
10 self-help groups or other suitable activities, and the
11 Department determines that because of such abuse the
12 licensee, holder of the permit, or any other person
13 directly responsible for the care and welfare of the
14 children served, does not comply with standards relating to
15 character, suitability or other qualifications established
16 under Section 7 of this Act.

17 (Source: P.A. 94-586, eff. 8-15-05.)

18 (225 ILCS 10/15) (from Ch. 23, par. 2225)

19 Sec. 15. Every child care facility must keep and maintain
20 such records as the Department may prescribe pertaining to the
21 admission, progress, health and discharge of children under the
22 care of the facility and shall report relative thereto to the
23 Department whenever called for, upon forms prescribed by the
24 Department. All records regarding children and all facts
25 learned about children and their relatives must be kept
26 confidential both by the child care facility and by the
27 Department.

28 Nothing contained in this Act prevents the sharing or
29 disclosure of information or records relating or pertaining to
30 juveniles subject to the provisions of the Serious Habitual
31 Offender Comprehensive Action Program when that information is
32 used to assist in the early identification and treatment of
33 habitual juvenile offenders.

34 Nothing contained in this Act prevents the disclosure of
35 information or records by a licensed child welfare agency as

1 required under subsection (c-5) of Section 7.4.

2 (Source: P.A. 87-928.)

3 Section 20. The Abused and Neglected Child Reporting Act is
4 amended by changing Section 11.1 as follows:

5 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

6 Sec. 11.1. Access to records.

7 (a) A person shall have access to the records described in
8 Section 11 only in furtherance of purposes directly connected
9 with the administration of this Act or the Intergovernmental
10 Missing Child Recovery Act of 1984. Those persons and purposes
11 for access include:

12 (1) Department staff in the furtherance of their
13 responsibilities under this Act, or for the purpose of
14 completing background investigations on persons or
15 agencies licensed by the Department or with whom the
16 Department contracts for the provision of child welfare
17 services.

18 (2) A law enforcement agency investigating known or
19 suspected child abuse or neglect, known or suspected
20 involvement with child pornography, known or suspected
21 criminal sexual assault, known or suspected criminal
22 sexual abuse, or any other sexual offense when a child is
23 alleged to be involved.

24 (3) The Department of State Police when administering
25 the provisions of the Intergovernmental Missing Child
26 Recovery Act of 1984.

27 (4) A physician who has before him a child whom he
28 reasonably suspects may be abused or neglected.

29 (5) A person authorized under Section 5 of this Act to
30 place a child in temporary protective custody when such
31 person requires the information in the report or record to
32 determine whether to place the child in temporary
33 protective custody.

34 (6) A person having the legal responsibility or

1 authorization to care for, treat, or supervise a child, or
2 a parent, prospective adoptive parent, foster parent,
3 guardian, or other person responsible for the child's
4 welfare, who is the subject of a report.

5 (7) Except in regard to harmful or detrimental
6 information as provided in Section 7.19, any subject of the
7 report, and if the subject of the report is a minor, his
8 guardian or guardian ad litem.

9 (8) A court, upon its finding that access to such
10 records may be necessary for the determination of an issue
11 before such court; however, such access shall be limited to
12 in camera inspection, unless the court determines that
13 public disclosure of the information contained therein is
14 necessary for the resolution of an issue then pending
15 before it.

16 (8.1) A probation officer or other authorized
17 representative of a probation or court services department
18 conducting an investigation ordered by a court under the
19 Juvenile Court Act of 1987.

20 (9) A grand jury, upon its determination that access to
21 such records is necessary in the conduct of its official
22 business.

23 (10) Any person authorized by the Director, in writing,
24 for audit or bona fide research purposes.

25 (11) Law enforcement agencies, coroners or medical
26 examiners, physicians, courts, school superintendents and
27 child welfare agencies in other states who are responsible
28 for child abuse or neglect investigations or background
29 investigations.

30 (12) The Department of Professional Regulation, the
31 State Board of Education and school superintendents in
32 Illinois, who may use or disclose information from the
33 records as they deem necessary to conduct investigations or
34 take disciplinary action, as provided by law.

35 (13) A coroner or medical examiner who has reason to
36 believe that a child has died as the result of abuse or

1 neglect.

2 (14) The Director of a State-operated facility when an
3 employee of that facility is the perpetrator in an
4 indicated report.

5 (15) The operator of a licensed child care facility or
6 a facility licensed by the Department of Human Services (as
7 successor to the Department of Alcoholism and Substance
8 Abuse) in which children reside when a current or
9 prospective employee of that facility is the perpetrator in
10 an indicated child abuse or neglect report, pursuant to
11 Section 4.3 of the Child Care Act of 1969.

12 (16) Members of a multidisciplinary team in the
13 furtherance of its responsibilities under subsection (b)
14 of Section 7.1. All reports concerning child abuse and
15 neglect made available to members of such
16 multidisciplinary teams and all records generated as a
17 result of such reports shall be confidential and shall not
18 be disclosed, except as specifically authorized by this Act
19 or other applicable law. It is a Class A misdemeanor to
20 permit, assist or encourage the unauthorized release of any
21 information contained in such reports or records. Nothing
22 contained in this Section prevents the sharing of reports
23 or records relating or pertaining to the death of a minor
24 under the care of or receiving services from the Department
25 of Children and Family Services and under the jurisdiction
26 of the juvenile court with the juvenile court, the State's
27 Attorney, and the minor's attorney.

28 (17) The Department of Human Services, as provided in
29 Section 17 of the Disabled Persons Rehabilitation Act.

30 (18) Any other agency or investigative body, including
31 the Department of Public Health and a local board of
32 health, authorized by State law to conduct an investigation
33 into the quality of care provided to children in hospitals
34 and other State regulated care facilities. The access to
35 and release of information from such records shall be
36 subject to the approval of the Director of the Department

1 or his designee.

2 (19) The person appointed, under Section 2-17 of the
3 Juvenile Court Act of 1987, as the guardian ad litem of a
4 minor who is the subject of a report or records under this
5 Act.

6 (20) The Department of Human Services, as provided in
7 Section 10 of the Early Intervention Services System Act,
8 and the operator of a facility providing early intervention
9 services pursuant to that Act, for the purpose of
10 determining whether a current or prospective employee who
11 provides or may provide direct services under that Act is
12 the perpetrator in an indicated report of child abuse or
13 neglect filed under this Act.

14 (b) Nothing contained in this Act prevents the sharing or
15 disclosure of information or records relating or pertaining to
16 juveniles subject to the provisions of the Serious Habitual
17 Offender Comprehensive Action Program when that information is
18 used to assist in the early identification and treatment of
19 habitual juvenile offenders.

20 (c) To the extent that persons or agencies are given access
21 to information pursuant to this Section, those persons or
22 agencies may give this information to and receive this
23 information from each other in order to facilitate an
24 investigation conducted by those persons or agencies.

25 (Source: P.A. 93-147, eff. 1-1-04.)

26 Section 25. The Mental Health and Developmental
27 Disabilities Confidentiality Act is amended by changing
28 Section 11 as follows:

29 (740 ILCS 110/11) (from Ch. 91 1/2, par. 811)

30 Sec. 11. Disclosure of records and communications. Records
31 and communications may be disclosed:

32 (i) in accordance with the provisions of the Abused and
33 Neglected Child Reporting Act, subsection (u) of Section 5
34 of the Children and Family Services Act, or Section 7.4 of

1 the Child Care Act of 1969;

2 (ii) when, and to the extent, a therapist, in his or
3 her sole discretion, determines that disclosure is
4 necessary to initiate or continue civil commitment
5 proceedings under the laws of this State or to otherwise
6 protect the recipient or other person against a clear,
7 imminent risk of serious physical or mental injury or
8 disease or death being inflicted upon the recipient or by
9 the recipient on himself or another;

10 (iii) when, and to the extent disclosure is, in the
11 sole discretion of the therapist, necessary to the
12 provision of emergency medical care to a recipient who is
13 unable to assert or waive his or her rights hereunder;

14 (iv) when disclosure is necessary to collect sums or
15 receive third party payment representing charges for
16 mental health or developmental disabilities services
17 provided by a therapist or agency to a recipient under
18 Chapter V of the Mental Health and Developmental
19 Disabilities Code or to transfer debts under the
20 Uncollected State Claims Act; however, disclosure shall be
21 limited to information needed to pursue collection, and the
22 information so disclosed shall not be used for any other
23 purposes nor shall it be redisclosed except in connection
24 with collection activities;

25 (v) when requested by a family member, the Department
26 of Human Services may assist in the location of the
27 interment site of a deceased recipient who is interred in a
28 cemetery established under Section 100-26 of the Mental
29 Health and Developmental Disabilities Administrative Act;

30 (vi) in judicial proceedings under Article VIII of
31 Chapter III and Article V of Chapter IV of the Mental
32 Health and Developmental Disabilities Code and proceedings
33 and investigations preliminary thereto, to the State's
34 Attorney for the county or residence of a person who is the
35 subject of such proceedings, or in which the person is
36 found, or in which the facility is located, to the attorney

1 representing the recipient in the judicial proceedings, to
2 any person or agency providing mental health services that
3 are the subject of the proceedings and to that person's or
4 agency's attorney, to any court personnel, including but
5 not limited to judges and circuit court clerks, and to a
6 guardian ad litem if one has been appointed by the court,
7 provided that the information so disclosed shall not be
8 utilized for any other purpose nor be redisclosed except in
9 connection with the proceedings or investigations;

10 (vii) when, and to the extent disclosure is necessary
11 to comply with the requirements of the Census Bureau in
12 taking the federal Decennial Census;

13 (viii) when, and to the extent, in the therapist's sole
14 discretion, disclosure is necessary to warn or protect a
15 specific individual against whom a recipient has made a
16 specific threat of violence where there exists a
17 therapist-recipient relationship or a special
18 recipient-individual relationship;

19 (ix) in accordance with the Sex Offender Registration
20 Act; and

21 (x) in accordance with the Rights of Crime Victims and
22 Witnesses Act.

23 Any person, institution, or agency, under this Act,
24 participating in good faith in the making of a report under the
25 Abused and Neglected Child Reporting Act or in the disclosure
26 of records and communications under this Section, shall have
27 immunity from any liability, civil, criminal or otherwise, that
28 might result by reason of such action. For the purpose of any
29 proceeding, civil or criminal, arising out of a report or
30 disclosure under this Section, the good faith of any person,
31 institution, or agency so reporting or disclosing shall be
32 presumed.

33 (Source: P.A. 90-423, eff. 8-15-97; 90-538, eff. 12-1-97;
34 90-655, eff. 7-30-98; 91-357, eff. 7-29-99.)

35 Section 99. Effective date. This Act takes effect upon

1 becoming law.