

1 AN ACT concerning State government.

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

4 Section 5. The Children and Family Services Act is amended  
5 by 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

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

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

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

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

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

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

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

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

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

6 (F) assuring safe and adequate care of children  
7 away from their homes, in cases where the child cannot  
8 be returned home or cannot be placed for adoption. At  
9 the time of placement, the Department shall consider  
10 concurrent planning, as described in subsection (1-1)  
11 of this Section so that permanency may occur at the  
12 earliest opportunity. Consideration should be given so  
13 that if reunification fails or is delayed, the  
14 placement made is the best available placement to  
15 provide permanency for the child;

16 (G) (blank);

17 (H) (blank); and

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

- 1 (i) who are in a foster home, or  
2 (ii) who are persons with a developmental  
3 disability, as defined in the Mental Health and  
4 Developmental Disabilities Code, or  
5 (iii) who are female children who are  
6 pregnant, pregnant and parenting or parenting, or  
7 (iv) who are siblings, in facilities that  
8 provide separate living quarters for children 18  
9 years of age and older and for children under 18  
10 years of age.

11 (b) Nothing in this Section shall be construed to authorize  
12 the expenditure of public funds for the purpose of performing  
13 abortions.

14 (c) The Department shall establish and maintain  
15 tax-supported child welfare services and extend and seek to  
16 improve voluntary services throughout the State, to the end  
17 that services and care shall be available on an equal basis  
18 throughout the State to children requiring such services.

19 (d) The Director may authorize advance disbursements for  
20 any new program initiative to any agency contracting with the  
21 Department. As a prerequisite for an advance disbursement, the  
22 contractor must post a surety bond in the amount of the advance  
23 disbursement and have a purchase of service contract approved  
24 by the Department. The Department may pay up to 2 months  
25 operational expenses in advance. The amount of the advance  
26 disbursement shall be prorated over the life of the contract or

1 the remaining months of the fiscal year, whichever is less, and  
2 the installment amount shall then be deducted from future  
3 bills. Advance disbursement authorizations for new initiatives  
4 shall not be made to any agency after that agency has operated  
5 during 2 consecutive fiscal years. The requirements of this  
6 Section concerning advance disbursements shall not apply with  
7 respect to the following: payments to local public agencies for  
8 child day care services as authorized by Section 5a of this  
9 Act; and youth service programs receiving grant funds under  
10 Section 17a-4.

11 (e) (Blank).

12 (f) (Blank).

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

17 (1) adoption;

18 (2) foster care;

19 (3) family counseling;

20 (4) protective services;

21 (5) (blank);

22 (6) homemaker service;

23 (7) return of runaway children;

24 (8) (blank);

25 (9) placement under Section 5-7 of the Juvenile Court  
26 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile

1 Court Act of 1987 in accordance with the federal Adoption  
2 Assistance and Child Welfare Act of 1980; and

3 (10) interstate services.

4 Rules and regulations established by the Department shall  
5 include provisions for training Department staff and the staff  
6 of Department grantees, through contracts with other agencies  
7 or resources, in alcohol and drug abuse screening techniques  
8 approved by the Department of Human Services, as a successor to  
9 the Department of Alcoholism and Substance Abuse, for the  
10 purpose of identifying children and adults who should be  
11 referred to an alcohol and drug abuse treatment program for  
12 professional evaluation.

13 (h) If the Department finds that there is no appropriate  
14 program or facility within or available to the Department for a  
15 ward and that no licensed private facility has an adequate and  
16 appropriate program or none agrees to accept the ward, the  
17 Department shall create an appropriate individualized,  
18 program-oriented plan for such ward. The plan may be developed  
19 within the Department or through purchase of services by the  
20 Department to the extent that it is within its statutory  
21 authority to do.

22 (i) Service programs shall be available throughout the  
23 State and shall include but not be limited to the following  
24 services:

25 (1) case management;

26 (2) homemakers;

- 1 (3) counseling;
- 2 (4) parent education;
- 3 (5) day care; and
- 4 (6) emergency assistance and advocacy.

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

- 7 (1) comprehensive family-based services;
- 8 (2) assessments;
- 9 (3) respite care; and
- 10 (4) in-home health services.

11 The Department shall provide transportation for any of the  
12 services it makes available to children or families or for  
13 which it refers children or families.

14 (j) The Department may provide categories of financial  
15 assistance and education assistance grants, and shall  
16 establish rules and regulations concerning the assistance and  
17 grants, to persons who adopt physically or mentally  
18 handicapped, older and other hard-to-place children who (i)  
19 immediately prior to their adoption were legal wards of the  
20 Department or (ii) were determined eligible for financial  
21 assistance with respect to a prior adoption and who become  
22 available for adoption because the prior adoption has been  
23 dissolved and the parental rights of the adoptive parents have  
24 been terminated or because the child's adoptive parents have  
25 died. The Department may continue to provide financial  
26 assistance and education assistance grants for a child who was

1 determined eligible for financial assistance under this  
2 subsection (j) in the interim period beginning when the child's  
3 adoptive parents died and ending with the finalization of the  
4 new adoption of the child by another adoptive parent or  
5 parents. The Department may also provide categories of  
6 financial assistance and education assistance grants, and  
7 shall establish rules and regulations for the assistance and  
8 grants, to persons appointed guardian of the person under  
9 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
10 4-25 or 5-740 of the Juvenile Court Act of 1987 for children  
11 who were wards of the Department for 12 months immediately  
12 prior to the appointment of the guardian.

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

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

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



1 outside of the State of Illinois.

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

6 (l) Before July 1, 2000, the Department may provide, and  
7 beginning July 1, 2000, the Department shall offer family  
8 preservation services, as defined in Section 8.2 of the Abused  
9 and Neglected Child Reporting Act, to help families, including  
10 adoptive and extended families. Family preservation services  
11 shall be offered (i) to prevent the placement of children in  
12 substitute care when the children can be cared for at home or  
13 in the custody of the person responsible for the children's  
14 welfare, (ii) to reunite children with their families, or (iii)  
15 to maintain an adoptive placement. Family preservation  
16 services shall only be offered when doing so will not endanger  
17 the children's health or safety. With respect to children who  
18 are in substitute care pursuant to the Juvenile Court Act of  
19 1987, family preservation services shall not be offered if a  
20 goal other than those of subdivisions (A), (B), or (B-1) of  
21 subsection (2) of Section 2-28 of that Act has been set.  
22 Nothing in this paragraph shall be construed to create a  
23 private right of action or claim on the part of any individual  
24 or child welfare agency.

25 The Department shall notify the child and his family of the  
26 Department's responsibility to offer and provide family

1 preservation services as identified in the service plan. The  
2 child and his family shall be eligible for services as soon as  
3 the report is determined to be "indicated". The Department may  
4 offer services to any child or family with respect to whom a  
5 report of suspected child abuse or neglect has been filed,  
6 prior to concluding its investigation under Section 7.12 of the  
7 Abused and Neglected Child Reporting Act. However, the child's  
8 or family's willingness to accept services shall not be  
9 considered in the investigation. The Department may also  
10 provide services to any child or family who is the subject of  
11 any report of suspected child abuse or neglect or may refer  
12 such child or family to services available from other agencies  
13 in the community, even if the report is determined to be  
14 unfounded, if the conditions in the child's or family's home  
15 are reasonably likely to subject the child or family to future  
16 reports of suspected child abuse or neglect. Acceptance of such  
17 services shall be voluntary.

18 The Department may, at its discretion except for those  
19 children also adjudicated neglected or dependent, accept for  
20 care and training any child who has been adjudicated addicted,  
21 as a truant minor in need of supervision or as a minor  
22 requiring authoritative intervention, under the Juvenile Court  
23 Act or the Juvenile Court Act of 1987, but no such child shall  
24 be committed to the Department by any court without the  
25 approval of the Department. A minor charged with a criminal  
26 offense under the Criminal Code of 1961 or adjudicated

1 delinquent shall not be placed in the custody of or committed  
2 to the Department by any court, except a minor less than 15  
3 years of age committed to the Department under Section 5-710 of  
4 the Juvenile Court Act of 1987 or a minor for whom an  
5 independent basis of abuse, neglect, or dependency exists,  
6 which must be defined by departmental rule. An independent  
7 basis exists when the allegations or adjudication of abuse,  
8 neglect, or dependency do not arise from the same facts,  
9 incident, or circumstances which give rise to a charge or  
10 adjudication of delinquency.

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

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

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

1           When determining reasonable efforts to be made with respect  
2 to a child, as described in this subsection, and in making such  
3 reasonable efforts, the child's health and safety shall be the  
4 paramount concern.

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

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

23           The Department shall adopt rules addressing concurrent  
24 planning for reunification and permanency. The Department  
25 shall consider the following factors when determining  
26 appropriateness of concurrent planning:

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

12 (m) The Department may assume temporary custody of any  
13 child if:

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

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

21 If the child is found in his or her residence without a parent,  
22 guardian, custodian or responsible caretaker, the Department  
23 may, instead of removing the child and assuming temporary  
24 custody, place an authorized representative of the Department  
25 in that residence until such time as a parent, guardian or  
26 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

1 examination.

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

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



1 Section 3-15-2 of the Unified Code of Corrections, unless the  
2 child is a ward who was placed under the care of the Department  
3 before being subject to placement in a correctional facility  
4 and a court of competent jurisdiction has ordered placement of  
5 the child in a secure care facility.

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

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

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

23 (p) There is hereby created the Department of Children and  
24 Family Services Emergency Assistance Fund from which the  
25 Department may provide special financial assistance to  
26 families which are in economic crisis when such assistance is

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

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

20 The Department shall set up and administer no-cost,  
21 interest-bearing accounts in appropriate financial  
22 institutions for children for whom the Department is legally  
23 responsible and who have been determined eligible for Veterans'  
24 Benefits, Social Security benefits, assistance allotments from  
25 the armed forces, court ordered payments, parental voluntary  
26 payments, Supplemental Security Income, Railroad Retirement

1 payments, Black Lung benefits, or other miscellaneous  
2 payments. Interest earned by each account shall be credited to  
3 the account, unless disbursed in accordance with this  
4 subsection.

5 In disbursing funds from children's accounts, the  
6 Department shall:

7 (1) Establish standards in accordance with State and  
8 federal laws for disbursing money from children's  
9 accounts. In all circumstances, the Department's  
10 "Guardianship Administrator" or his or her designee must  
11 approve disbursements from children's accounts. The  
12 Department shall be responsible for keeping complete  
13 records of all disbursements for each account for any  
14 purpose.

15 (2) Calculate on a monthly basis the amounts paid from  
16 State funds for the child's board and care, medical care  
17 not covered under Medicaid, and social services; and  
18 utilize funds from the child's account, as covered by  
19 regulation, to reimburse those costs. Monthly,  
20 disbursements from all children's accounts, up to 1/12 of  
21 \$13,000,000, shall be deposited by the Department into the  
22 General Revenue Fund and the balance over 1/12 of  
23 \$13,000,000 into the DCFS Children's Services Fund.

24 (3) Maintain any balance remaining after reimbursing  
25 for the child's costs of care, as specified in item (2).  
26 The balance shall accumulate in accordance with relevant

1 State and federal laws and shall be disbursed to the child  
2 or his or her guardian, or to the issuing agency.

3 (r) The Department shall promulgate regulations  
4 encouraging all adoption agencies to voluntarily forward to the  
5 Department or its agent names and addresses of all persons who  
6 have applied for and have been approved for adoption of a  
7 hard-to-place or handicapped child and the names of such  
8 children who have not been placed for adoption. A list of such  
9 names and addresses shall be maintained by the Department or  
10 its agent, and coded lists which maintain the confidentiality  
11 of the person seeking to adopt the child and of the child shall  
12 be made available, without charge, to every adoption agency in  
13 the State to assist the agencies in placing such children for  
14 adoption. The Department may delegate to an agent its duty to  
15 maintain and make available such lists. The Department shall  
16 ensure that such agent maintains the confidentiality of the  
17 person seeking to adopt the child and of the child.

18 (s) The Department of Children and Family Services may  
19 establish and implement a program to reimburse Department and  
20 private child welfare agency foster parents licensed by the  
21 Department of Children and Family Services for damages  
22 sustained by the foster parents as a result of the malicious or  
23 negligent acts of foster children, as well as providing third  
24 party coverage for such foster parents with regard to actions  
25 of foster children to other individuals. Such coverage will be  
26 secondary to the foster parent liability insurance policy, if

1 applicable. The program shall be funded through appropriations  
2 from the General Revenue Fund, specifically designated for such  
3 purposes.

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

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

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

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

22 (u) In addition to other information that must be provided,  
23 whenever the Department places a child with a prospective  
24 adoptive parent or parents or in a licensed foster home, group  
25 home, child care institution, or in a relative home, the  
26 Department shall provide to the prospective adoptive parent or

1 parents or other caretaker:

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

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

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

15 The caretaker shall be informed of any known social or  
16 behavioral information (including, but not limited to,  
17 criminal background, fire setting, perpetuation of sexual  
18 abuse, destructive behavior, and substance abuse) necessary to  
19 care for and safeguard the children to be placed or currently  
20 in the home. The Department may prepare a written summary of  
21 the information required by this paragraph, which may be  
22 provided to the foster or prospective adoptive parent in  
23 advance of a placement. The foster or prospective adoptive  
24 parent may review the supporting documents in the child's file  
25 in the presence of casework staff. In the case of an emergency  
26 placement, casework staff shall at least provide known

1 information verbally, if necessary, and must subsequently  
2 provide the information in writing as required by this  
3 subsection.

4 The information described in this subsection shall be  
5 provided in writing. In the case of emergency placements when  
6 time does not allow prior review, preparation, and collection  
7 of written information, the Department shall provide such  
8 information as it becomes available. Within 10 business days  
9 after placement, the Department shall obtain from the  
10 prospective adoptive parent or parents or other caretaker a  
11 signed verification of receipt of the information provided.  
12 Within 10 business days after placement, the Department shall  
13 provide to the child's guardian ad litem a copy of the  
14 information provided to the prospective adoptive parent or  
15 parents or other caretaker. The information provided to the  
16 prospective adoptive parent or parents or other caretaker shall  
17 be reviewed and approved regarding accuracy at the supervisory  
18 level.

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



1 until the Department determines that they may be licensed as a  
2 foster family home or that their application for licensure is  
3 denied or until September 30, 1995, whichever occurs first.

4 (v) The Department shall access criminal history record  
5 information as defined in the Illinois Uniform Conviction  
6 Information Act and information maintained in the adjudicatory  
7 and dispositional record system as defined in Section 2605-355  
8 of the Department of State Police Law (20 ILCS 2605/2605-355)  
9 if the Department determines the information is necessary to  
10 perform its duties under the Abused and Neglected Child  
11 Reporting Act, the Child Care Act of 1969, and the Children and  
12 Family Services Act. The Department shall provide for  
13 interactive computerized communication and processing  
14 equipment that permits direct on-line communication with the  
15 Department of State Police's central criminal history data  
16 repository. The Department shall comply with all certification  
17 requirements and provide certified operators who have been  
18 trained by personnel from the Department of State Police. In  
19 addition, one Office of the Inspector General investigator  
20 shall have training in the use of the criminal history  
21 information access system and have access to the terminal. The  
22 Department of Children and Family Services and its employees  
23 shall abide by rules and regulations established by the  
24 Department of State Police relating to the access and  
25 dissemination of this information.

26 (v-1) Prior to final approval for placement of a child, the

1 Department shall conduct a criminal records background check of  
2 the prospective foster or adoptive parent, including  
3 fingerprint-based checks of national crime information  
4 databases. Final approval for placement shall not be granted if  
5 the record check reveals a felony conviction for child abuse or  
6 neglect, for spousal abuse, for a crime against children, or  
7 for a crime involving violence, including rape, sexual assault,  
8 or homicide, but not including other physical assault or  
9 battery, or if there is a felony conviction for physical  
10 assault, battery, or a drug-related offense committed within  
11 the past 5 years.

12 (v-2) Prior to final approval for placement of a child, the  
13 Department shall check its child abuse and neglect registry for  
14 information concerning prospective foster and adoptive  
15 parents, and any adult living in the home. If any prospective  
16 foster or adoptive parent or other adult living in the home has  
17 resided in another state in the preceding 5 years, the  
18 Department shall request a check of that other state's child  
19 abuse and neglect registry.

20 (w) Within 120 days of August 20, 1995 (the effective date  
21 of Public Act 89-392), the Department shall prepare and submit  
22 to the Governor and the General Assembly, a written plan for  
23 the development of in-state licensed secure child care  
24 facilities that care for children who are in need of secure  
25 living arrangements for their health, safety, and well-being.  
26 For purposes of this subsection, secure care facility shall

1 mean a facility that is designed and operated to ensure that  
2 all entrances and exits from the facility, a building or a  
3 distinct part of the building, are under the exclusive control  
4 of the staff of the facility, whether or not the child has the  
5 freedom of movement within the perimeter of the facility,  
6 building, or distinct part of the building. The plan shall  
7 include descriptions of the types of facilities that are needed  
8 in Illinois; the cost of developing these secure care  
9 facilities; the estimated number of placements; the potential  
10 cost savings resulting from the movement of children currently  
11 out-of-state who are projected to be returned to Illinois; the  
12 necessary geographic distribution of these facilities in  
13 Illinois; and a proposed timetable for development of such  
14 facilities.

15 (Source: P.A. 94-215, eff. 1-1-06; 94-1010, eff. 10-1-06;  
16 95-10, eff. 6-30-07; 95-601, eff. 9-11-07; 95-642, eff. 6-1-08;  
17 95-876, eff. 8-21-08.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.