



Rep. Monique D. Davis

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LRB098 17838 KTG 58019 a

1 AMENDMENT TO HOUSE BILL 4736

2 AMENDMENT NO. _____. Amend House Bill 4736 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is amended
5 by changing Section 7 as follows:

6 (20 ILCS 505/7) (from Ch. 23, par. 5007)

7 Sec. 7. Placement of children; considerations.

8 (a) In placing any child under this Act, the Department
9 shall place the child, as far as possible, in the care and
10 custody of some individual holding the same religious belief as
11 the parents of the child, or with some child care facility
12 which is operated by persons of like religious faith as the
13 parents of such child.

14 (a-5) In placing a child under this Act, the Department
15 shall place the child with the child's sibling or siblings
16 under Section 7.4 of this Act unless the placement is not in

1 each child's best interest, or is otherwise not possible under
2 the Department's rules. If the child is not placed with a
3 sibling under the Department's rules, the Department shall
4 consider placements that are likely to develop, preserve,
5 nurture, and support sibling relationships, where doing so is
6 in each child's best interest.

7 (b) In placing a child under this Act, the Department may
8 place a child with a relative if the Department determines that
9 the relative will be able to adequately provide for the child's
10 safety and welfare based on the factors set forth in the
11 Department's rules governing relative placements, and that the
12 placement is consistent with the child's best interests, taking
13 into consideration the factors set out in subsection (4.05) of
14 Section 1-3 of the Juvenile Court Act of 1987.

15 When the Department first assumes custody of a child, in
16 placing that child under this Act, the Department shall make
17 reasonable efforts to identify, locate, and provide notice to
18 all adult grandparents and other adult relatives of the child
19 who are ~~and locate a relative who is~~ ready, willing, and able
20 to care for the child. At a minimum, these efforts shall be
21 renewed each time the child requires a placement change and it
22 is appropriate for the child to be cared for in a home
23 environment. The Department must document its efforts to
24 identify and locate such a relative placement and maintain the
25 documentation in the child's case file.

26 If the Department determines that a placement with any

1 identified relative is not in the child's best interests or
2 that the relative does not meet the requirements to be a
3 relative caregiver, as set forth in Department rules or by
4 statute, the Department must document the basis for that
5 decision and maintain the documentation in the child's case
6 file.

7 If, pursuant to the Department's rules, any person files an
8 administrative appeal of the Department's decision not to place
9 a child with a relative, it is the Department's burden to prove
10 that the decision is consistent with the child's best
11 interests.

12 When the Department determines that the child requires
13 placement in an environment, other than a home environment, the
14 Department shall continue to make reasonable efforts to
15 identify and locate relatives to serve as visitation resources
16 for the child and potential future placement resources, except
17 when the Department determines that those efforts would be
18 futile or inconsistent with the child's best interests.

19 If the Department determines that efforts to identify and
20 locate relatives would be futile or inconsistent with the
21 child's best interests, the Department shall document the basis
22 of its determination and maintain the documentation in the
23 child's case file.

24 If the Department determines that an individual or a group
25 of relatives are inappropriate to serve as visitation resources
26 or possible placement resources, the Department shall document

1 the basis of its determination and maintain the documentation
2 in the child's case file.

3 When the Department determines that an individual or a
4 group of relatives are appropriate to serve as visitation
5 resources or possible future placement resources, the
6 Department shall document the basis of its determination,
7 maintain the documentation in the child's case file, create a
8 visitation or transition plan, or both, and incorporate the
9 visitation or transition plan, or both, into the child's case
10 plan. For the purpose of this subsection, any determination as
11 to the child's best interests shall include consideration of
12 the factors set out in subsection (4.05) of Section 1-3 of the
13 Juvenile Court Act of 1987.

14 The Department may not place a child with a relative, with
15 the exception of certain circumstances which may be waived as
16 defined by the Department in rules, if the results of a check
17 of the Law Enforcement Agencies Data System (LEADS) identifies
18 a prior criminal conviction of the relative or any adult member
19 of the relative's household for any of the following offenses
20 under the Criminal Code of 1961 or the Criminal Code of 2012:

21 (1) murder;

22 (1.1) solicitation of murder;

23 (1.2) solicitation of murder for hire;

24 (1.3) intentional homicide of an unborn child;

25 (1.4) voluntary manslaughter of an unborn child;

26 (1.5) involuntary manslaughter;

- 1 (1.6) reckless homicide;
- 2 (1.7) concealment of a homicidal death;
- 3 (1.8) involuntary manslaughter of an unborn child;
- 4 (1.9) reckless homicide of an unborn child;
- 5 (1.10) drug-induced homicide;
- 6 (2) a sex offense under Article 11, except offenses
- 7 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
- 8 11-40, and 11-45;
- 9 (3) kidnapping;
- 10 (3.1) aggravated unlawful restraint;
- 11 (3.2) forcible detention;
- 12 (3.3) aiding and abetting child abduction;
- 13 (4) aggravated kidnapping;
- 14 (5) child abduction;
- 15 (6) aggravated battery of a child as described in
- 16 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 17 (7) criminal sexual assault;
- 18 (8) aggravated criminal sexual assault;
- 19 (8.1) predatory criminal sexual assault of a child;
- 20 (9) criminal sexual abuse;
- 21 (10) aggravated sexual abuse;
- 22 (11) heinous battery as described in Section 12-4.1 or
- 23 subdivision (a) (2) of Section 12-3.05;
- 24 (12) aggravated battery with a firearm as described in
- 25 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 26 (e) (4) of Section 12-3.05;

- 1 (13) tampering with food, drugs, or cosmetics;
- 2 (14) drug-induced infliction of great bodily harm as
3 described in Section 12-4.7 or subdivision (g)(1) of
4 Section 12-3.05;
- 5 (15) aggravated stalking;
- 6 (16) home invasion;
- 7 (17) vehicular invasion;
- 8 (18) criminal transmission of HIV;
- 9 (19) criminal abuse or neglect of an elderly or
10 disabled person as described in Section 12-21 or subsection
11 (b) of Section 12-4.4a;
- 12 (20) child abandonment;
- 13 (21) endangering the life or health of a child;
- 14 (22) ritual mutilation;
- 15 (23) ritualized abuse of a child;
- 16 (24) an offense in any other state the elements of
17 which are similar and bear a substantial relationship to
18 any of the foregoing offenses.

19 For the purpose of this subsection, "relative" shall include
20 any person, 21 years of age or over, other than the parent, who
21 (i) is currently related to the child in any of the following
22 ways by blood or adoption: grandparent, sibling,
23 great-grandparent, uncle, aunt, nephew, niece, first cousin,
24 second cousin, godparent, great-uncle, or great-aunt; or (ii)
25 is the spouse of such a relative; or (iii) is the child's
26 step-father, step-mother, or adult step-brother or

1 step-sister; "relative" also includes a person related in any
2 of the foregoing ways to a sibling of a child, even though the
3 person is not related to the child, when the child and its
4 sibling are placed together with that person. For children who
5 have been in the guardianship of the Department, have been
6 adopted, and are subsequently returned to the temporary custody
7 or guardianship of the Department, a "relative" may also
8 include any person who would have qualified as a relative under
9 this paragraph prior to the adoption, but only if the
10 Department determines, and documents, that it would be in the
11 child's best interests to consider this person a relative,
12 based upon the factors for determining best interests set forth
13 in subsection (4.05) of Section 1-3 of the Juvenile Court Act
14 of 1987. A relative with whom a child is placed pursuant to
15 this subsection may, but is not required to, apply for
16 licensure as a foster family home pursuant to the Child Care
17 Act of 1969; provided, however, that as of July 1, 1995, foster
18 care payments shall be made only to licensed foster family
19 homes pursuant to the terms of Section 5 of this Act.

20 (c) In placing a child under this Act, the Department shall
21 ensure that the child's health, safety, and best interests are
22 met. In rejecting placement of a child with an identified
23 relative, the Department shall ensure that the child's health,
24 safety, and best interests are met. In evaluating the best
25 interests of the child, the Department shall take into
26 consideration the factors set forth in subsection (4.05) of

1 Section 1-3 of the Juvenile Court Act of 1987.

2 The Department shall consider the individual needs of the
3 child and the capacity of the prospective foster or adoptive
4 parents to meet the needs of the child. When a child must be
5 placed outside his or her home and cannot be immediately
6 returned to his or her parents or guardian, a comprehensive,
7 individualized assessment shall be performed of that child at
8 which time the needs of the child shall be determined. Only if
9 race, color, or national origin is identified as a legitimate
10 factor in advancing the child's best interests shall it be
11 considered. Race, color, or national origin shall not be
12 routinely considered in making a placement decision. The
13 Department shall make special efforts for the diligent
14 recruitment of potential foster and adoptive families that
15 reflect the ethnic and racial diversity of the children for
16 whom foster and adoptive homes are needed. "Special efforts"
17 shall include contacting and working with community
18 organizations and religious organizations and may include
19 contracting with those organizations, utilizing local media
20 and other local resources, and conducting outreach activities.

21 (c-1) At the time of placement, the Department shall
22 consider concurrent planning, as described in subsection (1-1)
23 of Section 5, so that permanency may occur at the earliest
24 opportunity. Consideration should be given so that if
25 reunification fails or is delayed, the placement made is the
26 best available placement to provide permanency for the child.

1 (d) The Department may accept gifts, grants, offers of
2 services, and other contributions to use in making special
3 recruitment efforts.

4 (e) The Department in placing children in adoptive or
5 foster care homes may not, in any policy or practice relating
6 to the placement of children for adoption or foster care,
7 discriminate against any child or prospective adoptive or
8 foster parent on the basis of race.

9 (Source: P.A. 96-1551, Article 1, Section 900, eff. 7-1-11;
10 96-1551, Article 2, Section 920, eff. 7-1-11; 97-1076, eff.
11 8-24-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)".