

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
5 amended 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 such child, as far as possible, in the care and
10 custody of some individual holding the same religious belief
11 as 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 (b) In placing a child under this Act, the Department
15 may place a child with a relative if the Department has
16 reason to believe that the relative will be able to
17 adequately provide for the child's safety and welfare. The
18 Department may not place a child with a relative, with the
19 exception of certain circumstances which may be waived as
20 defined by the Department in rules, if the results of a check
21 of the Law Enforcement Agency Data System (LEADS) identifies
22 a prior criminal conviction of the relative or any adult
23 member of the relative's household for any of the following
24 offenses under the Criminal Code of 1961:

- 25 (1) murder;
- 26 (1.1) solicitation of murder;
- 27 (1.2) solicitation of murder for hire;
- 28 (1.3) intentional homicide of an unborn child;
- 29 (1.4) voluntary manslaughter of an unborn child;
- 30 (1.5) involuntary manslaughter;
- 31 (1.6) reckless homicide;

- 1 (1.7) concealment of a homicidal death;
- 2 (1.8) involuntary manslaughter of an unborn child;
- 3 (1.9) reckless homicide of an unborn child;
- 4 (1.10) drug-induced homicide;
- 5 (2) a sex offense under Article 11, except offenses
- 6 described in Sections 11-7, 11-8, 11-12, and 11-13;
- 7 (3) kidnapping;
- 8 (3.1) aggravated unlawful restraint;
- 9 (3.2) forcible detention;
- 10 (3.3) aiding and abetting child abduction;
- 11 (4) aggravated kidnapping;
- 12 (5) child abduction;
- 13 (6) aggravated battery of a child;
- 14 (7) criminal sexual assault;
- 15 (8) aggravated criminal sexual assault;
- 16 (8.1) predatory criminal sexual assault of a child;
- 17 (9) criminal sexual abuse;
- 18 (10) aggravated sexual abuse;
- 19 (11) heinous battery;
- 20 (12) aggravated battery with a firearm;
- 21 (13) tampering with food, drugs, or cosmetics;
- 22 (14) drug-induced infliction of great bodily harm;
- 23 (15) aggravated stalking;
- 24 (16) home invasion;
- 25 (17) vehicular invasion;
- 26 (18) criminal transmission of HIV;
- 27 (19) criminal neglect of an elderly or disabled
- 28 person;
- 29 (20) child abandonment;
- 30 (21) endangering the life or health of a child;
- 31 (22) ritual mutilation;
- 32 (23) ritualized abuse of a child;
- 33 (24) an offense in any other state the elements of
- 34 which are similar and bear a substantial relationship to

1 any of the foregoing offenses.

2 For the purpose of this subsection, "relative" shall include
3 any person, 21 years of age or over, other than the parent,
4 who (i) is currently related to the child in any of the
5 following ways by blood or adoption: grandparent, sibling,
6 great-grandparent, uncle, aunt, nephew, niece, first cousin,
7 great-uncle, or great-aunt; or (ii) is the spouse of such a
8 relative; or (iii) is the child's step-father, step-mother,
9 or adult step-brother or step-sister; "relative" also
10 includes a person related in any of the foregoing ways to a
11 sibling of a child, even though the person is not related to
12 the child, when the child and its sibling are placed together
13 with that person. A relative with whom a child is placed
14 pursuant to this subsection may, but is not required to,
15 apply for licensure as a foster family home pursuant to the
16 Child Care Act of 1969; provided, however, that as of July 1,
17 1995, foster care payments shall be made only to licensed
18 foster family homes pursuant to the terms of Section 5 of
19 this Act.

20 (c) In placing a child under this Act, the Department
21 shall ensure that the child's health, safety, and best
22 interests are met in making a family foster care placement.
23 The Department shall consider the individual needs of the
24 child and the capacity of the prospective foster or adoptive
25 parents to meet the needs of the child. The Department shall
26 make special efforts for the diligent recruitment of
27 potential foster and adoptive families that reflect the
28 ethnic and racial diversity of the children for whom foster
29 and adoptive homes are needed. "Special efforts" shall
30 include contacting and working with community organizations
31 and religious organizations and may include contracting with
32 those organizations, utilizing local media and other local
33 resources, and conducting outreach activities.

34 (c-1) At the time of placement, the Department shall

1 consider concurrent planning, as described in subsection
2 (1-1) of Section 5, so that permanency may occur at the
3 earliest opportunity. Consideration should be given so that
4 if reunification fails or is delayed, the placement made is
5 the best available placement to provide permanency for the
6 child.

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

10 (e) The Department in placing children in adoptive or
11 foster care homes may not, in any policy or practice relating
12 to the placement of children for adoption or foster care,
13 discriminate against any child or prospective adoptive or
14 foster parent on the basis of race.

15 (f) In placing a child under this Act, not more than 3
16 children may be placed with any one individual or family
17 unless the children placed are all siblings.

18 (Source: P.A. 89-21, eff. 7-1-95; 89-422; 89-428, eff.
19 12-13-95; 89-462, eff. 5-29-96; 89-626, eff. 8-9-96; 90-27,
20 eff. 1-1-98; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98.)