

1 AN ACT concerning criminal law.

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 21 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 children with physical or mental
18 disabilities, children who are older, or other hard-to-place
19 children who (i) immediately prior to their adoption were legal
20 wards of the Department or (ii) were determined eligible for
21 financial assistance with respect to a prior adoption and who
22 become available for adoption because the prior adoption has
23 been dissolved and the parental rights of the adoptive parents
24 have been terminated or because the child's adoptive parents
25 have 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) The Department shall offer family preservation
7 services, as defined in Section 8.2 of the Abused and Neglected
8 Child Reporting Act, to help families, including adoptive and
9 extended families. Family preservation services shall be
10 offered (i) to prevent the placement of children in substitute
11 care when the children can be cared for at home or in the
12 custody of the person responsible for the children's welfare,
13 (ii) to reunite children with their families, or (iii) to
14 maintain an adoptive placement. Family preservation services
15 shall only be offered when doing so will not endanger the
16 children's health or safety. With respect to children who are
17 in substitute care pursuant to the Juvenile Court Act of 1987,
18 family preservation services shall not be offered if a goal
19 other than those of subdivisions (A), (B), or (B-1) of
20 subsection (2) of Section 2-28 of that Act has been set.
21 Nothing in this paragraph shall be construed to create a
22 private right of action or claim on the part of any individual
23 or child welfare agency, except that when a child is the
24 subject of an action under Article II of the Juvenile Court Act
25 of 1987 and the child's service plan calls for services to
26 facilitate achievement of the permanency goal, the court

1 hearing the action under Article II of the Juvenile Court Act
2 of 1987 may order the Department to provide the services set
3 out in the plan, if those services are not provided with
4 reasonable promptness and if those services are available.

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

1 subsection (a-5) of Section 7.4 of the Abused and Neglected
2 Child Reporting Act.

3 The Department may, at its discretion except for those
4 children also adjudicated neglected or dependent, accept for
5 care and training any child who has been adjudicated addicted,
6 as a truant minor in need of supervision or as a minor
7 requiring authoritative intervention, under the Juvenile Court
8 Act or the Juvenile Court Act of 1987, but no such child shall
9 be committed to the Department by any court without the
10 approval of the Department. On and after the effective date of
11 this amendatory Act of the 98th General Assembly and before
12 January 1, 2017, a minor charged with a criminal offense under
13 the Criminal Code of 1961 or the Criminal Code of 2012 or
14 adjudicated delinquent shall not be placed in the custody of or
15 committed to the Department by any court, except (i) a minor
16 less than 16 years of age committed to the Department under
17 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
18 for whom an independent basis of abuse, neglect, or dependency
19 exists, which must be defined by departmental rule, or (iii) a
20 minor for whom the court has granted a supplemental petition to
21 reinstate wardship pursuant to subsection (2) of Section 2-33
22 of the Juvenile Court Act of 1987. On and after January 1,
23 2017, a minor charged with a criminal offense under the
24 Criminal Code of 1961 or the Criminal Code of 2012 or
25 adjudicated delinquent shall not be placed in the custody of or
26 committed to the Department by any court, except (i) a minor

1 less than 15 years of age committed to the Department under
2 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor
3 for whom an independent basis of abuse, neglect, or dependency
4 exists, which must be defined by departmental rule, or (iii) a
5 minor for whom the court has granted a supplemental petition to
6 reinstate wardship pursuant to subsection (2) of Section 2-33
7 of the Juvenile Court Act of 1987. An independent basis exists
8 when the allegations or adjudication of abuse, neglect, or
9 dependency do not arise from the same facts, incident, or
10 circumstances which give rise to a charge or adjudication of
11 delinquency. The Department shall assign a caseworker to attend
12 any hearing involving a youth in the care and custody of the
13 Department who is placed on aftercare release, including
14 hearings involving sanctions for violation of aftercare
15 release conditions and aftercare release revocation hearings.

16 As soon as is possible after August 7, 2009 (the effective
17 date of Public Act 96-134), the Department shall develop and
18 implement a special program of family preservation services to
19 support intact, foster, and adoptive families who are
20 experiencing extreme hardships due to the difficulty and stress
21 of caring for a child who has been diagnosed with a pervasive
22 developmental disorder if the Department determines that those
23 services are necessary to ensure the health and safety of the
24 child. The Department may offer services to any family whether
25 or not a report has been filed under the Abused and Neglected
26 Child Reporting Act. The Department may refer the child or

1 family to services available from other agencies in the
2 community if the conditions in the child's or family's home are
3 reasonably likely to subject the child or family to future
4 reports of suspected child abuse or neglect. Acceptance of
5 these services shall be voluntary. The Department shall develop
6 and implement a public information campaign to alert health and
7 social service providers and the general public about these
8 special family preservation services. The nature and scope of
9 the services offered and the number of families served under
10 the special program implemented under this paragraph shall be
11 determined by the level of funding that the Department annually
12 allocates for this purpose. The term "pervasive developmental
13 disorder" under this paragraph means a neurological condition,
14 including but not limited to, Asperger's Syndrome and autism,
15 as defined in the most recent edition of the Diagnostic and
16 Statistical Manual of Mental Disorders of the American
17 Psychiatric Association.

18 (1-1) The legislature recognizes that the best interests of
19 the child require that the child be placed in the most
20 permanent living arrangement as soon as is practically
21 possible. To achieve this goal, the legislature directs the
22 Department of Children and Family Services to conduct
23 concurrent planning so that permanency may occur at the
24 earliest opportunity. Permanent living arrangements may
25 include prevention of placement of a child outside the home of
26 the family when the child can be cared for at home without

1 endangering the child's health or safety; reunification with
2 the family, when safe and appropriate, if temporary placement
3 is necessary; or movement of the child toward the most
4 permanent living arrangement and permanent legal status.

5 When determining reasonable efforts to be made with respect
6 to a child, as described in this subsection, and in making such
7 reasonable efforts, the child's health and safety shall be the
8 paramount concern.

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

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

1 The Department shall adopt rules addressing concurrent
2 planning for reunification and permanency. The Department
3 shall consider the following factors when determining
4 appropriateness of concurrent planning:

5 (1) the likelihood of prompt reunification;

6 (2) the past history of the family;

7 (3) the barriers to reunification being addressed by
8 the family;

9 (4) the level of cooperation of the family;

10 (5) the foster parents' willingness to work with the
11 family to reunite;

12 (6) the willingness and ability of the foster family to
13 provide an adoptive home or long-term placement;

14 (7) the age of the child;

15 (8) placement of siblings.

16 (m) The Department may assume temporary custody of any
17 child if:

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

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

25 If the child is found in his or her residence without a parent,
26 guardian, custodian or responsible caretaker, the Department

1 may, instead of removing the child and assuming temporary
2 custody, place an authorized representative of the Department
3 in that residence until such time as a parent, guardian or
4 custodian enters the home and expresses a willingness and
5 apparent ability to ensure the child's health and safety and
6 resume permanent charge of the child, or until a relative
7 enters the home and is willing and able to ensure the child's
8 health and safety and assume charge of the child until a
9 parent, guardian or custodian enters the home and expresses
10 such willingness and ability to ensure the child's safety and
11 resume permanent charge. After a caretaker has remained in the
12 home for a period not to exceed 12 hours, the Department must
13 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
14 5-415 of the Juvenile Court Act of 1987.

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

1 subsection (9) of Section 1-3 of the Juvenile Court Act of
2 1987.

3 The Department shall ensure that any child taken into
4 custody is scheduled for an appointment for a medical
5 examination.

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

22 (m-1) The Department may place children under 18 years of
23 age in a secure child care facility licensed by the Department
24 that cares for children who are in need of secure living
25 arrangements for their health, safety, and well-being after a
26 determination is made by the facility director and the Director

1 or the Director's designate prior to admission to the facility
2 subject to Section 2-27.1 of the Juvenile Court Act of 1987.
3 This subsection (m-1) does not apply to a child who is subject
4 to placement in a correctional facility operated pursuant to
5 Section 3-15-2 of the Unified Code of Corrections, unless the
6 child is a ward who was placed under the care of the Department
7 before being subject to placement in a correctional facility
8 and a court of competent jurisdiction has ordered placement of
9 the child in a secure care facility.

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

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

8 (n-1) The Department shall provide or authorize child
9 welfare services, aimed at assisting minors to achieve
10 sustainable self-sufficiency as independent adults, for any
11 minor eligible for the reinstatement of wardship pursuant to
12 subsection (2) of Section 2-33 of the Juvenile Court Act of
13 1987, whether or not such reinstatement is sought or allowed,
14 provided that the minor consents to such services and has not
15 yet attained the age of 21. The Department shall have
16 responsibility for the development and delivery of services
17 under this Section. An eligible youth may access services under
18 this Section through the Department of Children and Family
19 Services or by referral from the Department of Human Services.
20 Youth participating in services under this Section shall
21 cooperate with the assigned case manager in developing an
22 agreement identifying the services to be provided and how the
23 youth will increase skills to achieve self-sufficiency. A
24 homeless shelter is not considered appropriate housing for any
25 youth receiving child welfare services under this Section. The
26 Department shall continue child welfare services under this

1 Section to any eligible minor until the minor becomes 21 years
2 of age, no longer consents to participate, or achieves
3 self-sufficiency as identified in the minor's service plan. The
4 Department of Children and Family Services shall create clear,
5 readable notice of the rights of former foster youth to child
6 welfare services under this Section and how such services may
7 be obtained. The Department of Children and Family Services and
8 the Department of Human Services shall disseminate this
9 information statewide. The Department shall adopt regulations
10 describing services intended to assist minors in achieving
11 sustainable self-sufficiency as independent adults.

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

1 prospective adoptive parent who alleges a violation of
2 subsection (j-5) of this Section. An appeal of a decision
3 concerning a change in the placement of a child shall be
4 conducted in an expedited manner. A court determination that a
5 current foster home placement is necessary and appropriate
6 under Section 2-28 of the Juvenile Court Act of 1987 does not
7 constitute a judicial determination on the merits of an
8 administrative appeal, filed by a former foster parent,
9 involving a change of placement decision.

10 (p) (Blank).

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

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

1 subsection.

2 In disbursing funds from children's accounts, the
3 Department shall:

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

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

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

26 (r) The Department shall promulgate regulations

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

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

1 purposes.

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

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

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

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

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

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

1 subsection.

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

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

1 denied or until September 30, 1995, whichever occurs first.

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

24 (v-1) Prior to final approval for placement of a child, the
25 Department shall conduct a criminal records background check of
26 the prospective foster or adoptive parent, including

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

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

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

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

13 (x) The Department shall conduct annual credit history
14 checks to determine the financial history of children placed
15 under its guardianship pursuant to the Juvenile Court Act of
16 1987. The Department shall conduct such credit checks starting
17 when a ward turns 12 years old and each year thereafter for the
18 duration of the guardianship as terminated pursuant to the
19 Juvenile Court Act of 1987. The Department shall determine if
20 financial exploitation of the child's personal information has
21 occurred. If financial exploitation appears to have taken place
22 or is presently ongoing, the Department shall notify the proper
23 law enforcement agency, the proper State's Attorney, or the
24 Attorney General.

25 (y) Beginning on the effective date of this amendatory Act
26 of the 96th General Assembly, a child with a disability who

1 receives residential and educational services from the
2 Department shall be eligible to receive transition services in
3 accordance with Article 14 of the School Code from the age of
4 14.5 through age 21, inclusive, notwithstanding the child's
5 residential services arrangement. For purposes of this
6 subsection, "child with a disability" means a child with a
7 disability as defined by the federal Individuals with
8 Disabilities Education Improvement Act of 2004.

9 (z) The Department shall access criminal history record
10 information as defined as "background information" in this
11 subsection and criminal history record information as defined
12 in the Illinois Uniform Conviction Information Act for each
13 Department employee or Department applicant. Each Department
14 employee or Department applicant shall submit his or her
15 fingerprints to the Department of State Police in the form and
16 manner prescribed by the Department of State Police. These
17 fingerprints shall be checked against the fingerprint records
18 now and hereafter filed in the Department of State Police and
19 the Federal Bureau of Investigation criminal history records
20 databases. The Department of State Police shall charge a fee
21 for conducting the criminal history record check, which shall
22 be deposited into the State Police Services Fund and shall not
23 exceed the actual cost of the record check. The Department of
24 State Police shall furnish, pursuant to positive
25 identification, all Illinois conviction information to the
26 Department of Children and Family Services.

1 For purposes of this subsection:

2 "Background information" means all of the following:

3 (i) Upon the request of the Department of Children and
4 Family Services, conviction information obtained from the
5 Department of State Police as a result of a
6 fingerprint-based criminal history records check of the
7 Illinois criminal history records database and the Federal
8 Bureau of Investigation criminal history records database
9 concerning a Department employee or Department applicant.

10 (ii) Information obtained by the Department of
11 Children and Family Services after performing a check of
12 the Department of State Police's Sex Offender Database, as
13 authorized by Section 120 of the Sex Offender Community
14 Notification Law, concerning a Department employee or
15 Department applicant.

16 (iii) Information obtained by the Department of
17 Children and Family Services after performing a check of
18 the Child Abuse and Neglect Tracking System (CANTS)
19 operated and maintained by the Department.

20 "Department employee" means a full-time or temporary
21 employee coded or certified within the State of Illinois
22 Personnel System.

23 "Department applicant" means an individual who has
24 conditional Department full-time or part-time work, a
25 contractor, an individual used to replace or supplement staff,
26 an academic intern, a volunteer in Department offices or on

1 Department contracts, a work-study student, an individual or
2 entity licensed by the Department, or an unlicensed service
3 provider who works as a condition of a contract or an agreement
4 and whose work may bring the unlicensed service provider into
5 contact with Department clients or client records.

6 (Source: P.A. 98-249, eff. 1-1-14; 98-570, eff. 8-27-13;
7 98-756, eff. 7-16-14; 98-803, eff. 1-1-15; 99-143, eff.
8 7-27-15; 99-933, eff. 1-27-17.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.