

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 adding Section 5.25 as follows:

6 (20 ILCS 505/5.25 new)

7 Sec. 5.25. Mental health services.

8 (a) Every child placed under this Act with a diagnosis of
9 mental illness shall receive necessary mental health
10 services, including but not limited to medical management,
11 individual and group therapy, psychosocial rehabilitation,
12 vocational services, and hospitalization. Services shall be
13 appropriate to meet the needs of the individual child; may be
14 provided by a program, a facility, a home, or an outside
15 mental health services provider; and may be provided to the
16 child at the site of the program, facility, or home or at an
17 otherwise appropriate location. A program, facility, or home
18 shall assist in arranging for a child to receive mental
19 health services from an outside provider when those services
20 are necessary in meeting the child's needs and the child
21 wishes to receive them.

22 (b) As used in this Section, "mental illness" means a
23 mental or emotional disorder verified by a diagnosis
24 contained in the Diagnostic and Statistical Manual of Mental
25 Disorders, Third Edition-Revised (or any subsequent
26 edition), or International Classification of Diseases,
27 Ninth Revision, Clinical Modification (or any subsequent
28 revision) that substantially impairs the individual's
29 cognitive, emotional, or behavioral functioning; excluding
30 (i) V codes, (ii) organic disorders such as dementia and
31 those associated with known or unknown physical conditions

1 such as hallucinosis, amnestic disorder, and delirium, (iii)
2 psychoactive substance induced organic disorders, (iv) mental
3 retardation, and (v) psychoactive substance use disorder. Not
4 excluded, however, is a dual diagnosis of mental illness and
5 mental retardation or of mental illness and psychoactive
6 substance use disorder.

7 (c) No later than January 1, 2004, in cooperation with
8 the Illinois Department of Human Services, the Department of
9 Children and Family Services shall file a proposed rule or a
10 proposed amendment to an existing rule regarding the
11 provision of mental health services to children who have a
12 serious mental illness. The proposal shall address, but is
13 not limited to, the implementation of the following:
14 assessment, care planning, treatment, and discharge planning
15 for those who are under the supervision or admitted to a
16 child welfare agency, secure child care facility, foster
17 family home, group home, or child care institution licensed
18 or funded by the Department.

19 (d) The Department shall provide or arrange for the
20 training of staff responsible for the oversight of childcare
21 agencies or facilities in the following areas: (i)
22 assessment, (ii) care planning, and (iii) care of children
23 with mental illness. The training shall enable these staff
24 surveyors to determine whether an agency, program, facility,
25 or home is complying with State and federal requirements
26 concerning the assessment, care planning, and care of those
27 children.

28 (e) The program, facility, or home in which a child is
29 placed under this Act shall, to the extent that resources
30 permit, be located in or near the community in which the
31 child resided prior to the placement, or in the community in
32 which the child's family or nearest next of kin presently
33 reside. Placement of the child in programs, facilities, or
34 homes located outside of this State shall not be made by the

1 Department unless there are no appropriate programs,
2 facilities, or homes available within this State.
3 Out-of-state placements shall be subject to the return of the
4 children so placed upon the availability of programs,
5 facilities, or homes within this State, except when placement
6 in a contiguous state results in locating a child in a
7 program, facility, or home closer to the child's home or
8 family. If an appropriate program, facility, or home
9 equidistant or closer to the child's home or family becomes
10 available, the child shall be returned to and placed at the
11 appropriate program, facility, or home within this State.

12 (f) Prior to any placement by the Department under this
13 Act, a determination shall be made by personnel of the
14 Department as to the capability and suitability of the
15 program, facility, or home to adequately meet the needs of
16 the child being placed. When specialized programs are
17 necessary, the Department shall place the children so that
18 specialized care can be provided in accordance with
19 Department standards, which may include a restricted
20 admission policy, special staffing, and programming for
21 social and vocational rehabilitation, in addition to
22 licensing requirements. The Department shall not place any
23 children in a program, facility, or home the license of which
24 has been revoked or not renewed on the grounds of inadequate
25 programming, staffing, or medical or adjunctive services,
26 regardless of the pendency of an action for administrative
27 review regarding the revocation or failure to renew.

28 (g) Prior to placement of any child under this Act, the
29 Department shall ensure that an appropriate training plan for
30 staff is provided by the program, facility, or home in which
31 the child is to be placed. The training may include
32 instruction and demonstrations by Department personnel
33 qualified in the area of mental illness, as applicable to the
34 child being placed. The training shall be on a continual

1 basis as the needs of the program, facility, home, and
2 children change.

3 The Department shall not place any child into a program,
4 facility, or home that does not have appropriately trained
5 staff in numbers sufficient to accommodate the children in
6 the program, facility, or home. As a condition of further or
7 future placements of children, the Department may require the
8 employment of additional trained staff members at the
9 program, facility, or home where the children are to be
10 placed. The Director, or his or her designate, shall
11 establish written guidelines for placement of persons in
12 programs, facilities, and homes under this Section. The
13 Department shall keep written records detailing which
14 programs, facilities, or homes have been determined to have
15 appropriately trained staff or have been determined not to
16 have appropriately trained staff, and all training that the
17 Department has provided or required under this Section.

18 (h) The Department shall cause all children who are
19 placed under this Act to be visited at least once during the
20 first month following placement and once every month
21 thereafter. Visits shall be made by personnel qualified and
22 trained in the area of mental health or developmental
23 disabilities applicable to the child visited, and shall be
24 made on a more frequent basis when indicated. The Department
25 may not use any personnel connected with or responsible to
26 the representatives of any program, facility, or home in
27 which children have been placed under this Act. In the
28 course of the visits consideration shall be given to areas
29 including, but not limited to (i) the physical and mental
30 health of the person, (ii) the sufficiency of care required
31 by the person, (iii) the sufficiency of staff personnel, (iv)
32 the ability of staff personnel to provide care for the child,
33 (v) the availability of educational, social, recreational,
34 and programmatic activities, and (vi) other appropriate

1 aspects of the child's environment. A report containing
2 these observations shall be made to the Department and to any
3 other appropriate agency after each visitation. The report
4 shall contain a detailed assessment of whether the child is
5 receiving adequate and humane care and services in the least
6 restrictive environment. If the child is not receiving those
7 services, the Department shall require that the program,
8 facility, or home to either modify the treatment plan to
9 ensure that those services are provided or make arrangements
10 necessary to provide those services elsewhere.

11 (i) Upon the complaint of any child placed in accordance
12 with this Act or any responsible citizen, or upon discovery
13 that the child has been abused, neglected, or improperly
14 cared for or that the placement does not provide the type of
15 care required by the child's current condition, the
16 Department shall immediately investigate and determine if the
17 well-being, health, care, or safety of the child is affected.
18 If abuse, neglect, improper care, or inadequate care is
19 verified, the Department shall immediately remove the child
20 to another program, facility, or home if the child's needs
21 can be met at the new program, facility, or home.

22 (j) The Department shall arrange for the independent
23 expert evaluation of every child with a primary or secondary
24 diagnosis of mental illness residing in every program,
25 facility, or home licensed under the Child Care Act or
26 receiving State funds for services provided to children under
27 this Act. The evaluation shall describe, at a minimum, each
28 individual's current mental health status, rehabilitation
29 potential, treatment needs, and the extent that the current
30 placement is meeting those needs. The evaluation shall
31 include a recommendation about the most appropriate treatment
32 setting for the individual. The assessment of treatment needs
33 and rehabilitation potential shall be made without regard for
34 the current availability of the services an individual may

1 need. Evaluations shall be performed by qualified mental
2 health professionals. The Department may use existing
3 pre-admission screening agencies and pre-admission agents to
4 perform the evaluations.

5 (k) The Department shall also prepare an assessment of
6 each mental health community service network in the State.
7 This assessment shall evaluate the resources needed in each
8 network to provide appropriate mental health services for all
9 children within the network's service area who have mental
10 illness. The assessments shall include, at a minimum, an
11 analysis of the current availability and needs in each of the
12 following areas: (i) mental health treatment, (ii) qualified
13 mental health professionals, (iii) case managers, (iv)
14 programs for psychosocial rehabilitation, (v) housing and
15 supportive services, (vi) vocational assistance, and (vii)
16 programs for substance abuse.

17 By January 1, 2005, the Department shall complete all
18 required individual and network assessments and shall submit
19 a written report to the Governor and the General Assembly
20 that describes the results of the assessment and contains a
21 specific plan to address the identified needs for mental
22 health services.

23 (l) The Department shall adopt rules governing the
24 purchase of care for children who are wards of or who are
25 receiving services from the Department. The rules shall apply
26 to all moneys expended by any agency of the State for
27 services rendered by any person, corporate entity, agency,
28 governmental agency, or political subdivision, whether public
29 or private, outside of the Department, whether payment is
30 made through a contractual, per-diem, or other arrangement.
31 No funds shall be paid to any person, corporation, agency,
32 governmental entity, or political subdivision without
33 compliance with these rules. The rules governing the purchase
34 of care shall describe the categories and types of services

1 deemed appropriate for purchase by the Department and the
2 accounting standards that provide assurances that those
3 services have been provided.