



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4592

by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

See Index

Creates the Health Care and Human Services Emergency Budget Implementation Act of 2009. States that the Act is to be liberally construed and interpreted in a manner that allows the State to address the fiscal crisis for the fiscal year ending June 30, 2010. Amends the Illinois Administrative Procedure Act by providing that during the period July 1, 2009 through June 30, 2010, a State agency shall not enforce rules that implement or are authorized by a statute to the extent that the duties under that statute have been suspended by law by the General Assembly or by Executive Order of the Governor during that same time period; authorizes emergency rules to implement any provision of the amendatory Act or any other budget initiative for fiscal year 2010 in accordance with specified provisions, except that the 24-month limitation on the adoption of emergency rules and certain provisions of the Act concerning JCAR oversight do not apply to rules adopted under the new provisions. Repeals the State Facilities Closure Act. Amends the Illinois Act on the Aging, the Children and Family Services Act, the Child Care Act of 1969, the Illinois Public Aid Code, the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, the Abused and Neglected Child Reporting Act, the Mental Health and Developmental Disabilities Code, and other Acts. Provides for the suspension, limitation, or discontinuance of specified services, programs, duties, and functions. Provides that specified services and programs are subject to appropriation. Provides for changes in eligibility for specified services and programs. Makes other changes. Contains a severability provision. Effective immediately.

LRB096 13381 DRJ 28099 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT in relation to budget implementation.

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

4 Section 1. Short title. This Act may be cited as the Health
5 Care and Human Services Emergency Budget Implementation Act of
6 2009.

7 Section 5. Legislative intent. The General Assembly hereby
8 finds and declares that the State is confronted with an
9 unprecedented fiscal crisis. This Act is to be liberally
10 construed and interpreted in a manner that allows the State to
11 address the fiscal crisis for the fiscal year ending June 30,
12 2010.

13 Section 10. The Illinois Administrative Procedure Act is
14 amended by changing Section 5-45 and by adding Section 1-100 as
15 follows:

16 (5 ILCS 100/1-100 new)

17 Sec. 1-100. Suspension of existing rules. During the period
18 July 1, 2009 through June 30, 2010, a State agency shall not
19 enforce rules that implement or are authorized by a statute to
20 the extent that the duties under that statute have been
21 suspended by law by the General Assembly or by Executive Order

1 of the Governor during that same time period. If the suspension
2 of the duties under a statute is terminated or revoked during
3 the period July 1, 2009 through June 30, 2010, the State agency
4 shall enforce the rules upon the termination or revocation of
5 the suspension.

6 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

7 Sec. 5-45. Emergency rulemaking.

8 (a) "Emergency" means the existence of any situation that
9 any agency finds reasonably constitutes a threat to the public
10 interest, safety, or welfare.

11 (b) If any agency finds that an emergency exists that
12 requires adoption of a rule upon fewer days than is required by
13 Section 5-40 and states in writing its reasons for that
14 finding, the agency may adopt an emergency rule without prior
15 notice or hearing upon filing a notice of emergency rulemaking
16 with the Secretary of State under Section 5-70. The notice
17 shall include the text of the emergency rule and shall be
18 published in the Illinois Register. Consent orders or other
19 court orders adopting settlements negotiated by an agency may
20 be adopted under this Section. Subject to applicable
21 constitutional or statutory provisions, an emergency rule
22 becomes effective immediately upon filing under Section 5-65 or
23 at a stated date less than 10 days thereafter. The agency's
24 finding and a statement of the specific reasons for the finding
25 shall be filed with the rule. The agency shall take reasonable

1 and appropriate measures to make emergency rules known to the
2 persons who may be affected by them.

3 (c) An emergency rule may be effective for a period of not
4 longer than 150 days, but the agency's authority to adopt an
5 identical rule under Section 5-40 is not precluded. No
6 emergency rule may be adopted more than once in any 24 month
7 period, except that this limitation on the number of emergency
8 rules that may be adopted in a 24 month period does not apply
9 to (i) emergency rules that make additions to and deletions
10 from the Drug Manual under Section 5-5.16 of the Illinois
11 Public Aid Code or the generic drug formulary under Section
12 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
13 emergency rules adopted by the Pollution Control Board before
14 July 1, 1997 to implement portions of the Livestock Management
15 Facilities Act, or (iii) emergency rules adopted by the
16 Illinois Department of Public Health under subsections (a)
17 through (i) of Section 2 of the Department of Public Health Act
18 when necessary to protect the public's health. Two or more
19 emergency rules having substantially the same purpose and
20 effect shall be deemed to be a single rule for purposes of this
21 Section.

22 (d) In order to provide for the expeditious and timely
23 implementation of the State's fiscal year 1999 budget,
24 emergency rules to implement any provision of Public Act 90-587
25 or 90-588 or any other budget initiative for fiscal year 1999
26 may be adopted in accordance with this Section by the agency

1 charged with administering that provision or initiative,
2 except that the 24-month limitation on the adoption of
3 emergency rules and the provisions of Sections 5-115 and 5-125
4 do not apply to rules adopted under this subsection (d). The
5 adoption of emergency rules authorized by this subsection (d)
6 shall be deemed to be necessary for the public interest,
7 safety, and welfare.

8 (e) In order to provide for the expeditious and timely
9 implementation of the State's fiscal year 2000 budget,
10 emergency rules to implement any provision of this amendatory
11 Act of the 91st General Assembly or any other budget initiative
12 for fiscal year 2000 may be adopted in accordance with this
13 Section by the agency charged with administering that provision
14 or initiative, except that the 24-month limitation on the
15 adoption of emergency rules and the provisions of Sections
16 5-115 and 5-125 do not apply to rules adopted under this
17 subsection (e). The adoption of emergency rules authorized by
18 this subsection (e) shall be deemed to be necessary for the
19 public interest, safety, and welfare.

20 (f) In order to provide for the expeditious and timely
21 implementation of the State's fiscal year 2001 budget,
22 emergency rules to implement any provision of this amendatory
23 Act of the 91st General Assembly or any other budget initiative
24 for fiscal year 2001 may be adopted in accordance with this
25 Section by the agency charged with administering that provision
26 or initiative, except that the 24-month limitation on the

1 adoption of emergency rules and the provisions of Sections
2 5-115 and 5-125 do not apply to rules adopted under this
3 subsection (f). The adoption of emergency rules authorized by
4 this subsection (f) shall be deemed to be necessary for the
5 public interest, safety, and welfare.

6 (g) In order to provide for the expeditious and timely
7 implementation of the State's fiscal year 2002 budget,
8 emergency rules to implement any provision of this amendatory
9 Act of the 92nd General Assembly or any other budget initiative
10 for fiscal year 2002 may be adopted in accordance with this
11 Section by the agency charged with administering that provision
12 or initiative, except that the 24-month limitation on the
13 adoption of emergency rules and the provisions of Sections
14 5-115 and 5-125 do not apply to rules adopted under this
15 subsection (g). The adoption of emergency rules authorized by
16 this subsection (g) shall be deemed to be necessary for the
17 public interest, safety, and welfare.

18 (h) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 2003 budget,
20 emergency rules to implement any provision of this amendatory
21 Act of the 92nd General Assembly or any other budget initiative
22 for fiscal year 2003 may be adopted in accordance with this
23 Section by the agency charged with administering that provision
24 or initiative, except that the 24-month limitation on the
25 adoption of emergency rules and the provisions of Sections
26 5-115 and 5-125 do not apply to rules adopted under this

1 subsection (h). The adoption of emergency rules authorized by
2 this subsection (h) shall be deemed to be necessary for the
3 public interest, safety, and welfare.

4 (i) In order to provide for the expeditious and timely
5 implementation of the State's fiscal year 2004 budget,
6 emergency rules to implement any provision of this amendatory
7 Act of the 93rd General Assembly or any other budget initiative
8 for fiscal year 2004 may be adopted in accordance with this
9 Section by the agency charged with administering that provision
10 or initiative, except that the 24-month limitation on the
11 adoption of emergency rules and the provisions of Sections
12 5-115 and 5-125 do not apply to rules adopted under this
13 subsection (i). The adoption of emergency rules authorized by
14 this subsection (i) shall be deemed to be necessary for the
15 public interest, safety, and welfare.

16 (j) In order to provide for the expeditious and timely
17 implementation of the provisions of the State's fiscal year
18 2005 budget as provided under the Fiscal Year 2005 Budget
19 Implementation (Human Services) Act, emergency rules to
20 implement any provision of the Fiscal Year 2005 Budget
21 Implementation (Human Services) Act may be adopted in
22 accordance with this Section by the agency charged with
23 administering that provision, except that the 24-month
24 limitation on the adoption of emergency rules and the
25 provisions of Sections 5-115 and 5-125 do not apply to rules
26 adopted under this subsection (j). The Department of Public Aid

1 may also adopt rules under this subsection (j) necessary to
2 administer the Illinois Public Aid Code and the Children's
3 Health Insurance Program Act. The adoption of emergency rules
4 authorized by this subsection (j) shall be deemed to be
5 necessary for the public interest, safety, and welfare.

6 (k) In order to provide for the expeditious and timely
7 implementation of the provisions of the State's fiscal year
8 2006 budget, emergency rules to implement any provision of this
9 amendatory Act of the 94th General Assembly or any other budget
10 initiative for fiscal year 2006 may be adopted in accordance
11 with this Section by the agency charged with administering that
12 provision or initiative, except that the 24-month limitation on
13 the adoption of emergency rules and the provisions of Sections
14 5-115 and 5-125 do not apply to rules adopted under this
15 subsection (k). The Department of Healthcare and Family
16 Services may also adopt rules under this subsection (k)
17 necessary to administer the Illinois Public Aid Code, the
18 Senior Citizens and Disabled Persons Property Tax Relief and
19 Pharmaceutical Assistance Act, the Senior Citizens and
20 Disabled Persons Prescription Drug Discount Program Act (now
21 the Illinois Prescription Drug Discount Program Act), and the
22 Children's Health Insurance Program Act. The adoption of
23 emergency rules authorized by this subsection (k) shall be
24 deemed to be necessary for the public interest, safety, and
25 welfare.

26 (l) In order to provide for the expeditious and timely

1 implementation of the provisions of the State's fiscal year
2 2007 budget, the Department of Healthcare and Family Services
3 may adopt emergency rules during fiscal year 2007, including
4 rules effective July 1, 2007, in accordance with this
5 subsection to the extent necessary to administer the
6 Department's responsibilities with respect to amendments to
7 the State plans and Illinois waivers approved by the federal
8 Centers for Medicare and Medicaid Services necessitated by the
9 requirements of Title XIX and Title XXI of the federal Social
10 Security Act. The adoption of emergency rules authorized by
11 this subsection (l) shall be deemed to be necessary for the
12 public interest, safety, and welfare.

13 (m) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2008 budget, the Department of Healthcare and Family Services
16 may adopt emergency rules during fiscal year 2008, including
17 rules effective July 1, 2008, in accordance with this
18 subsection to the extent necessary to administer the
19 Department's responsibilities with respect to amendments to
20 the State plans and Illinois waivers approved by the federal
21 Centers for Medicare and Medicaid Services necessitated by the
22 requirements of Title XIX and Title XXI of the federal Social
23 Security Act. The adoption of emergency rules authorized by
24 this subsection (m) shall be deemed to be necessary for the
25 public interest, safety, and welfare.

26 (n) In order to provide for the expeditious and timely

1 implementation of the State's fiscal year 2010 budget,
2 emergency rules to implement any provision of this amendatory
3 Act of the 96th General Assembly or any other budget initiative
4 for fiscal year 2010 may be adopted in accordance with this
5 Section by the agency charged with administering that provision
6 or initiative, except that the 24-month limitation on the
7 adoption of emergency rules and the provisions of Sections
8 5-115 and 5-125 do not apply to rules adopted under this
9 subsection (n). The adoption of emergency rules authorized by
10 this subsection (n) shall be deemed to be necessary for the
11 public interest, safety, and welfare.

12 (Source: P.A. 94-48, eff. 7-1-05; 94-838, eff. 6-6-06; 95-12,
13 eff. 7-2-07; 95-331, eff. 8-21-07.)

14 Section 15. The Illinois Act on the Aging is amended by
15 changing sections 4.01, 4.02, 4.02c, 4.11, and 8.06 as follows:

16 (20 ILCS 105/4.01) (from Ch. 23, par. 6104.01)

17 Sec. 4.01. Additional powers and duties of the Department.
18 In addition to powers and duties otherwise provided by law, the
19 Department shall have the following powers and duties:

20 (1) To evaluate all programs, services, and facilities for
21 the aged and for minority senior citizens within the State and
22 determine the extent to which present public or private
23 programs, services and facilities meet the needs of the aged.

24 (2) To coordinate and evaluate all programs, services, and

1 facilities for the Aging and for minority senior citizens
2 presently furnished by State agencies and make appropriate
3 recommendations regarding such services, programs and
4 facilities to the Governor and/or the General Assembly.

5 (3) To function as the sole State agency to develop a
6 comprehensive plan to meet the needs of the State's senior
7 citizens and the State's minority senior citizens.

8 (4) To receive and disburse State and federal funds made
9 available directly to the Department including those funds made
10 available under the Older Americans Act and the Senior
11 Community Service Employment Program for providing services
12 for senior citizens and minority senior citizens or for
13 purposes related thereto, and shall develop and administer any
14 State Plan for the Aging required by federal law.

15 (5) To solicit, accept, hold, and administer in behalf of
16 the State any grants or legacies of money, securities, or
17 property to the State of Illinois for services to senior
18 citizens and minority senior citizens or purposes related
19 thereto.

20 (6) To provide consultation and assistance to communities,
21 area agencies on aging, and groups developing local services
22 for senior citizens and minority senior citizens.

23 (7) To promote community education regarding the problems
24 of senior citizens and minority senior citizens through
25 institutes, publications, radio, television and the local
26 press.

1 (8) To cooperate with agencies of the federal government in
2 studies and conferences designed to examine the needs of senior
3 citizens and minority senior citizens and to prepare programs
4 and facilities to meet those needs.

5 (9) To establish and maintain information and referral
6 sources throughout the State when not provided by other
7 agencies.

8 (10) To provide the staff support as may reasonably be
9 required by the Council and the Coordinating Committee of State
10 Agencies Serving Older Persons.

11 (11) To make and enforce rules and regulations necessary
12 and proper to the performance of its duties.

13 (12) To establish and fund programs or projects or
14 experimental facilities that are specially designed as
15 alternatives to institutional care.

16 (13) To develop a training program to train the counselors
17 presently employed by the Department's aging network to provide
18 Medicare beneficiaries with counseling and advocacy in
19 Medicare, private health insurance, and related health care
20 coverage plans. The Department shall report to the General
21 Assembly on the implementation of the training program on or
22 before December 1, 1986.

23 (14) To make a grant to an institution of higher learning
24 to study the feasibility of establishing and implementing an
25 affirmative action employment plan for the recruitment,
26 hiring, training and retraining of persons 60 or more years old

1 for jobs for which their employment would not be precluded by
2 law.

3 (15) To present one award annually in each of the
4 categories of community service, education, the performance
5 and graphic arts, and the labor force to outstanding Illinois
6 senior citizens and minority senior citizens in recognition of
7 their individual contributions to either community service,
8 education, the performance and graphic arts, or the labor
9 force. The awards shall be presented to four senior citizens
10 and minority senior citizens selected from a list of 44
11 nominees compiled annually by the Department. Nominations
12 shall be solicited from senior citizens' service providers,
13 area agencies on aging, senior citizens' centers, and senior
14 citizens' organizations. The Department shall consult with the
15 Coordinating Committee of State Agencies Serving Older Persons
16 to determine which of the nominees shall be the recipient in
17 each category of community service. The Department shall
18 establish a central location within the State to be designated
19 as the Senior Illinoisans Hall of Fame for the public display
20 of all the annual awards, or replicas thereof.

21 (16) To establish multipurpose senior centers through area
22 agencies on aging and to fund those new and existing
23 multipurpose senior centers through area agencies on aging, the
24 establishment and funding to begin in such areas of the State
25 as the Department shall designate by rule and as specifically
26 appropriated funds become available.

1 (17) To develop the content and format of the
2 acknowledgment regarding non-recourse reverse mortgage loans
3 under Section 6.1 of the Illinois Banking Act; to provide
4 independent consumer information on reverse mortgages and
5 alternatives; and to refer consumers to independent counseling
6 services with expertise in reverse mortgages.

7 (18) To develop a pamphlet in English and Spanish which may
8 be used by physicians licensed to practice medicine in all of
9 its branches pursuant to the Medical Practice Act of 1987,
10 pharmacists licensed pursuant to the Pharmacy Practice Act, and
11 Illinois residents 65 years of age or older for the purpose of
12 assisting physicians, pharmacists, and patients in monitoring
13 prescriptions provided by various physicians and to aid persons
14 65 years of age or older in complying with directions for
15 proper use of pharmaceutical prescriptions. The pamphlet may
16 provide space for recording information including but not
17 limited to the following:

18 (a) name and telephone number of the patient;

19 (b) name and telephone number of the prescribing
20 physician;

21 (c) date of prescription;

22 (d) name of drug prescribed;

23 (e) directions for patient compliance; and

24 (f) name and telephone number of dispensing pharmacy.

25 In developing the pamphlet, the Department shall consult
26 with the Illinois State Medical Society, the Center for

1 Minority Health Services, the Illinois Pharmacists Association
2 and senior citizens organizations. The Department shall
3 distribute the pamphlets to physicians, pharmacists and
4 persons 65 years of age or older or various senior citizen
5 organizations throughout the State.

6 (19) (Blank). ~~To conduct a study by April 1, 1994 of the~~
7 ~~feasibility of implementing the Senior Companion Program~~
8 ~~throughout the State for the fiscal year beginning July 1,~~
9 ~~1994.~~

10 (20) The ~~With respect to contracts in effect on July 1,~~
11 ~~1994,~~ the Department shall increase the grant amounts so that
12 the reimbursement rates paid through the community care program
13 for chore housekeeping services and home care aides are at the
14 same rate, which shall be the higher of the 2 rates currently
15 paid. With respect to all contracts entered into, renewed, or
16 extended on or after July 1, 1994, the reimbursement rates paid
17 through the community care program for chore housekeeping
18 services and home care aides shall be the same.

19 (21) From funds appropriated to the Department from the
20 Meals on Wheels Fund, a special fund in the State treasury that
21 is hereby created, and in accordance with State and federal
22 guidelines and the intrastate funding formula, to make grants
23 to area agencies on aging, designated by the Department, for
24 the sole purpose of delivering meals to homebound persons 60
25 years of age and older.

26 (22) To distribute, through its area agencies on aging,

1 information alerting seniors on safety issues regarding
2 emergency weather conditions, including extreme heat and cold,
3 flooding, tornadoes, electrical storms, and other severe storm
4 weather. The information shall include all necessary
5 instructions for safety and all emergency telephone numbers of
6 organizations that will provide additional information and
7 assistance.

8 (23) To develop guidelines for the organization and
9 implementation of Volunteer Services Credit Programs to be
10 administered by Area Agencies on Aging or community based
11 senior service organizations. The Department shall hold public
12 hearings on the proposed guidelines for public comment,
13 suggestion, and determination of public interest. The
14 guidelines shall be based on the findings of other states and
15 of community organizations in Illinois that are currently
16 operating volunteer services credit programs or demonstration
17 volunteer services credit programs. The Department shall offer
18 guidelines for all aspects of the programs including, but not
19 limited to, the following:

20 (a) types of services to be offered by volunteers;

21 (b) types of services to be received upon the
22 redemption of service credits;

23 (c) issues of liability for the volunteers and the
24 administering organizations;

25 (d) methods of tracking service credits earned and
26 service credits redeemed;

1 (e) issues of time limits for redemption of service
2 credits;

3 (f) methods of recruitment of volunteers;

4 (g) utilization of community volunteers, community
5 service groups, and other resources for delivering
6 services to be received by service credit program clients;

7 (h) accountability and assurance that services will be
8 available to individuals who have earned service credits;
9 and

10 (i) volunteer screening and qualifications.

11 The Department shall submit a written copy of the guidelines to
12 the General Assembly by July 1, 1998.

13 (Source: P.A. 95-298, eff. 8-20-07; 95-689, eff. 10-29-07;
14 95-876, eff. 8-21-08.)

15 (20 ILCS 105/4.02) (from Ch. 23, par. 6104.02)

16 Sec. 4.02. Community Care Program. The Department shall
17 establish a program of services to prevent unnecessary
18 institutionalization of persons age 60 and older who are
19 enrolled in medical assistance under Article V of the Illinois
20 Public Aid Code and in need of long term care or who are
21 established as persons who suffer from Alzheimer's disease or a
22 related disorder under the Alzheimer's Disease Assistance Act,
23 thereby enabling them to remain in their own homes or in other
24 living arrangements. Such preventive services, which may be
25 coordinated with other programs for the aged and monitored by

1 area agencies on aging in cooperation with the Department, may
2 include, but are not limited to, any or all of the following:

3 (a) (blank);

4 (b) (blank);

5 (c) home care aide services;

6 (d) personal assistant services;

7 (e) adult day services;

8 (f) home-delivered meals;

9 (g) education in self-care;

10 (h) personal care services;

11 (i) adult day health services;

12 (j) habilitation services;

13 (k) respite care;

14 (k-5) community reintegration services;

15 (k-6) flexible senior services;

16 (k-7) medication management;

17 (k-8) emergency home response;

18 (l) other nonmedical social services that may enable
19 the person to become self-supporting; or

20 (m) clearinghouse for information provided by senior
21 citizen home owners who want to rent rooms to or share
22 living space with other senior citizens.

23 The Department shall establish eligibility standards for
24 such services. ~~In taking into consideration the unique economic
25 and social needs of the target population for whom they are to
26 be provided. Such eligibility standards shall be based on the~~

1 ~~recipient's ability to pay for services; provided, however,~~
2 ~~that in~~ determining the amount and nature of services for which
3 a person may qualify, consideration shall not be given to the
4 value of cash, property or other assets held in the name of the
5 person's spouse pursuant to a written agreement dividing
6 marital property into equal but separate shares or pursuant to
7 a transfer of the person's interest in a home to his spouse,
8 provided that the spouse's share of the marital property is not
9 made available to the person seeking such services.

10 ~~Beginning July 1, 2002, the Department shall require as a~~
11 ~~condition of eligibility that all financially eligible~~
12 ~~applicants apply for medical assistance under Article V of the~~
13 ~~Illinois Public Aid Code in accordance with rules promulgated~~
14 ~~by the Department.~~

15 ~~Beginning January 1, 2008, the Department shall require as~~
16 ~~a condition of eligibility that all new financially eligible~~
17 ~~applicants apply for and enroll in medical assistance under~~
18 ~~Article V of the Illinois Public Aid Code in accordance with~~
19 ~~rules promulgated by the Department.~~

20 The Department shall, in conjunction with the Department of
21 Public Aid (now Department of Healthcare and Family Services),
22 seek appropriate amendments under Sections 1915 and 1924 of the
23 Social Security Act. The purpose of the amendments shall be to
24 extend eligibility for home and community based services under
25 Sections 1915 and 1924 of the Social Security Act to persons
26 who transfer to or for the benefit of a spouse those amounts of

1 income and resources allowed under Section 1924 of the Social
2 Security Act. Subject to the approval of such amendments, the
3 Department shall extend the provisions of Section 5-4 of the
4 Illinois Public Aid Code to persons who, but for the provision
5 of home or community-based services, would require the level of
6 care provided in an institution, as is provided for in federal
7 law. Those persons no longer found to be eligible for receiving
8 noninstitutional services due to changes in the eligibility
9 criteria shall be given 30 ~~60~~ days notice prior to actual
10 termination. Those persons receiving notice of termination may
11 contact the Department and request the determination be
12 appealed at any time during the 30 ~~60~~ day notice period. ~~With~~
13 ~~the exception of the lengthened notice and time frame for the~~
14 ~~appeal request, the appeal process shall follow the normal~~
15 ~~procedure. In addition, each person affected regardless of the~~
16 ~~circumstances for discontinued eligibility shall be given~~
17 ~~notice and the opportunity to purchase the necessary services~~
18 ~~through the Community Care Program. If the individual does not~~
19 ~~elect to purchase services, the Department shall advise the~~
20 ~~individual of alternative services.~~ The target population
21 identified for the purposes of this Section are persons age 60
22 and older with an identified service need. Priority shall be
23 given to those who are at imminent risk of
24 institutionalization. The services shall be provided to
25 eligible persons age 60 and older to the extent that the cost
26 of the services together with the other personal maintenance

1 expenses of the persons are reasonably related to the standards
2 established for care in a group facility appropriate to the
3 person's condition. These non-institutional services, pilot
4 projects or experimental facilities may be provided as part of
5 or in addition to those authorized by federal law or those
6 funded and administered by the Department of Human Services.
7 The Departments of Human Services, Healthcare and Family
8 Services, Public Health, Veterans' Affairs, and Commerce and
9 Economic Opportunity and other appropriate agencies of State,
10 federal and local governments shall cooperate with the
11 Department on Aging in the establishment and development of the
12 non-institutional services. The Department shall require an
13 annual audit from all personal assistant and home care aide
14 vendors contracting with the Department under this Section. The
15 annual audit shall assure that each audited vendor's procedures
16 are in compliance with Department's financial reporting
17 guidelines requiring an administrative and employee wage and
18 benefits cost split as defined in administrative rules. The
19 audit is a public record under the Freedom of Information Act.
20 The Department shall execute, relative to the nursing home
21 prescreening project, written inter-agency agreements with the
22 Department of Human Services and the Department of Healthcare
23 and Family Services, to effect the following: (1) intake
24 procedures and common eligibility criteria for those persons
25 who are receiving non-institutional services; and (2) the
26 establishment and development of non-institutional services in

1 areas of the State where they are not currently available or
2 are undeveloped. On and after July 1, 1996, all nursing home
3 prescreenings for individuals 60 years of age or older shall be
4 conducted by the Department.

5 As part of the Department on Aging's routine training of
6 case managers and case manager supervisors, the Department may
7 include information on family futures planning for persons who
8 are age 60 or older and who are caregivers of their adult
9 children with developmental disabilities. The content of the
10 training shall be at the Department's discretion.

11 The Department is authorized to establish a system of
12 recipient copayment for services provided under this Section,
13 such copayment to be based upon the recipient's ability to pay
14 but in no case to exceed the actual cost of the services
15 provided. Additionally, any portion of a person's income which
16 is equal to or less than the federal poverty standard shall not
17 be considered by the Department in determining the copayment.
18 The level of such copayment shall be adjusted whenever
19 necessary to reflect any change in the officially designated
20 federal poverty standard.

21 The Department, or the Department's authorized
22 representative, may ~~shall~~ recover the amount of moneys expended
23 for services provided to or in behalf of a person under this
24 Section by a claim against the person's estate or against the
25 estate of the person's surviving spouse, but no recovery may be
26 had until after the death of the surviving spouse, if any, and

1 then only at such time when there is no surviving child who is
2 under age 21, blind, or permanently and totally disabled. This
3 paragraph, however, shall not bar recovery, at the death of the
4 person, of moneys for services provided to the person or in
5 behalf of the person under this Section to which the person was
6 not entitled; provided that such recovery shall not be enforced
7 against any real estate while it is occupied as a homestead by
8 the surviving spouse or other dependent, if no claims by other
9 creditors have been filed against the estate, or, if such
10 claims have been filed, they remain dormant for failure of
11 prosecution or failure of the claimant to compel administration
12 of the estate for the purpose of payment. This paragraph shall
13 not bar recovery from the estate of a spouse, under Sections
14 1915 and 1924 of the Social Security Act and Section 5-4 of the
15 Illinois Public Aid Code, who precedes a person receiving
16 services under this Section in death. All moneys for services
17 paid to or in behalf of the person under this Section shall be
18 claimed for recovery from the deceased spouse's estate.
19 "Homestead", as used in this paragraph, means the dwelling
20 house and contiguous real estate occupied by a surviving spouse
21 or relative, as defined by the rules and regulations of the
22 Department of Healthcare and Family Services, regardless of the
23 value of the property.

24 The Department shall increase the effectiveness of the
25 existing Community Care Program by:

26 (1) ensuring that in-home services included in the care

1 plan are available on evenings and weekends;

2 (2) ensuring that care plans contain the services that
3 eligible participants need based on the number of days in a
4 month, not limited to specific blocks of time, as
5 identified by the comprehensive assessment tool selected
6 by the Department for use statewide, not to exceed the
7 total monthly service cost maximum allowed for each
8 service; the Department shall develop administrative rules
9 to implement this item (2);

10 (3) ensuring that the participants have the right to
11 choose the services contained in their care plan and to
12 direct how those services are provided, based on
13 administrative rules established by the Department;

14 (4) ensuring that the determination of need tool is
15 accurate in determining the participants' level of need; to
16 achieve this, the Department, in conjunction with the Older
17 Adult Services Advisory Committee, shall institute a study
18 of the relationship between the Determination of Need
19 scores, level of need, service cost maximums, and the
20 development and utilization of service plans no later than
21 May 1, 2008; findings and recommendations shall be
22 presented to the Governor and the General Assembly no later
23 than January 1, 2009; recommendations shall include all
24 needed changes to the service cost maximums schedule and
25 additional covered services;

26 (5) ensuring that homemakers can provide personal care

1 services that may or may not involve contact with clients,
2 including but not limited to:

3 (A) bathing;

4 (B) grooming;

5 (C) toileting;

6 (D) nail care;

7 (E) transferring;

8 (F) respiratory services;

9 (G) exercise; or

10 (H) positioning;

11 (6) ensuring that homemaker program vendors are not
12 restricted from hiring homemakers who are family members of
13 clients or recommended by clients; the Department may not,
14 by rule or policy, require homemakers who are family
15 members of clients or recommended by clients to accept
16 assignments in homes other than the client; and

17 (7) ensuring that the State may access maximum federal
18 matching funds by seeking approval for the Centers for
19 Medicare and Medicaid Services for modifications to the
20 State's home and community based services waiver and
21 additional waiver opportunities in order to maximize
22 federal matching funds; this shall include, but not be
23 limited to, modification that reflects all changes in the
24 Community Care Program services and all increases in the
25 services cost maximum.

26 Beginning July 1, 2009, operation of the Cash and

1 Counseling Demonstration Project by the Department is subject
2 to appropriations. By July 1, 2010, or as soon thereafter as is
3 practicable, assuming continuation of the Cash and Counseling
4 Demonstration Project, the Department may, based on its
5 evaluation of the demonstration project, promulgate rules
6 concerning personal assistant services, to include, but need
7 not be limited to, qualifications, employment screening,
8 rights under fair labor standards, training, fiduciary agent,
9 and supervision requirements. All applicants shall be subject
10 to the provisions of the Health Care Worker Background Check
11 Act.

12 By January 1, 2009 or as soon after the end of the Cash and
13 Counseling Demonstration Project as is practicable, the
14 Department may, based on its evaluation of the demonstration
15 project, promulgate rules concerning personal assistant
16 services, to include, but need not be limited to,
17 qualifications, employment screening, rights under fair labor
18 standards, training, fiduciary agent, and supervision
19 requirements. All applicants shall be subject to the provisions
20 of the Health Care Worker Background Check Act.

21 The Department shall develop procedures to enhance
22 availability of services on evenings, weekends, and on an
23 emergency basis to meet the respite needs of caregivers.
24 Procedures shall be developed to permit the utilization of
25 services in successive blocks of 24 hours up to the monthly
26 maximum established by the Department. Workers providing these

1 services shall be appropriately trained.

2 Beginning on the effective date of this Amendatory Act of
3 1991, no person may perform chore/housekeeping and home care
4 aide services under a program authorized by this Section unless
5 that person has been issued a certificate of pre-service to do
6 so by his or her employing agency. Information gathered to
7 effect such certification shall include (i) the person's name,
8 (ii) the date the person was hired by his or her current
9 employer, and (iii) the training, including dates and levels.
10 Persons engaged in the program authorized by this Section
11 before the effective date of this amendatory Act of 1991 shall
12 be issued a certificate of all pre- and in-service training
13 from his or her employer upon submitting the necessary
14 information. The employing agency shall be required to retain
15 records of all staff pre- and in-service training, and shall
16 provide such records to the Department upon request and upon
17 termination of the employer's contract with the Department. In
18 addition, the employing agency is responsible for the issuance
19 of certifications of in-service training completed to their
20 employees.

21 The Department is required to develop a system to ensure
22 that persons working as home care aides and personal assistants
23 receive increases in their wages when the federal minimum wage
24 is increased by requiring vendors to certify that they are
25 meeting the federal minimum wage statute for home care aides
26 and personal assistants . An employer that cannot ensure that

1 the minimum wage increase is being given to home care aides and
2 personal assistants shall be denied any increase in
3 reimbursement costs.

4 The Community Care Program Advisory Committee is created in
5 the Department on Aging. The Director shall appoint individuals
6 to serve in the Committee, who shall serve at their own
7 expense. Members of the Committee must abide by all applicable
8 ethics laws. The Committee shall advise the Department on
9 issues related to the Department's program of services to
10 prevent unnecessary institutionalization. The Committee shall
11 meet on a bi-monthly basis and shall serve to identify and
12 advise the Department on present and potential issues affecting
13 the service delivery network, the program's clients, and the
14 Department and to recommend solution strategies. Persons
15 appointed to the Committee shall be appointed on, but not
16 limited to, their own and their agency's experience with the
17 program, geographic representation, and willingness to serve.
18 The Director shall appoint members to the Committee to
19 represent provider, advocacy, policy research, and other
20 constituencies committed to the delivery of high quality home
21 and community-based services to older adults. Representatives
22 shall be appointed to ensure representation from community care
23 providers including, but not limited to, adult day service
24 providers, homemaker providers, case coordination and case
25 management units, emergency home response providers, statewide
26 trade or labor unions that represent home care aides and direct

1 care staff, area agencies on aging, adults over age 60,
2 membership organizations representing older adults, and other
3 organizational entities, providers of care, or individuals
4 with demonstrated interest and expertise in the field of home
5 and community care as determined by the Director.

6 Nominations may be presented from any agency or State
7 association with interest in the program. The Director, or his
8 or her designee, shall serve as the permanent co-chair of the
9 advisory committee. One other co-chair shall be nominated and
10 approved by the members of the committee on an annual basis.
11 Committee members' terms of appointment shall be for 4 years
12 with one-quarter of the appointees' terms expiring each year. A
13 member shall continue to serve until his or her replacement is
14 named. The Department shall fill vacancies that have a
15 remaining term of over one year, and this replacement shall
16 occur through the annual replacement of expiring terms. The
17 Director shall designate Department staff to provide technical
18 assistance and staff support to the committee. Department
19 representation shall not constitute membership of the
20 committee. All Committee papers, issues, recommendations,
21 reports, and meeting memoranda are advisory only. The Director,
22 or his or her designee, shall make a written report, as
23 requested by the Committee, regarding issues before the
24 Committee.

25 The Department on Aging and the Department of Human
26 Services shall cooperate in the development and submission of

1 an annual report on programs and services provided under this
2 Section. Such joint report shall be filed with the Governor and
3 the General Assembly on or before September 30 each year.

4 The requirement for reporting to the General Assembly shall
5 be satisfied by filing copies of the report with the Speaker,
6 the Minority Leader and the Clerk of the House of
7 Representatives and the President, the Minority Leader and the
8 Secretary of the Senate and the Legislative Research Unit, as
9 required by Section 3.1 of the General Assembly Organization
10 Act and filing such additional copies with the State Government
11 Report Distribution Center for the General Assembly as is
12 required under paragraph (t) of Section 7 of the State Library
13 Act.

14 Those persons previously found eligible for receiving
15 non-institutional services whose services were discontinued
16 under the Emergency Budget Act of Fiscal Year 1992, and who do
17 not meet the eligibility standards in effect on or after July
18 1, 1992, shall remain ineligible on and after July 1, 1992.
19 Those persons previously not required to cost-share and who
20 were required to cost-share effective March 1, 1992, shall
21 continue to meet cost-share requirements on and after July 1,
22 1992. Beginning July 1, 1992, all clients will be required to
23 meet eligibility, cost-share, and other requirements and will
24 have services discontinued or altered when they fail to meet
25 these requirements.

26 For the purposes of this Section, "flexible senior

1 services" refers to services that require one-time or periodic
2 expenditures including, but not limited to, respite care, home
3 modification, assistive technology, housing assistance, and
4 transportation.

5 (Source: P.A. 94-48, eff. 7-1-05; 94-269, eff. 7-19-05; 94-336,
6 eff. 7-26-05; 94-954, eff. 6-27-06; 95-298, eff. 8-20-07;
7 95-473, eff. 8-27-07; 95-565, eff. 6-1-08; 95-876, eff.
8 8-21-08.)

9 (20 ILCS 105/4.02c)

10 Sec. 4.02c. Comprehensive Care in Residential Settings
11 Demonstration Project.

12 (a) The Department may establish and fund a demonstration
13 program of bundled services designed to support the specialized
14 needs of clients currently residing in projects that were
15 formerly designated as Community Based Residential Facilities.
16 Participating projects must hold a valid license, which remains
17 unsuspended, unrevoked, and unexpired, under the provisions of
18 the Assisted Living and Shared Housing Act.

19 (b) The demonstration program must include, at a minimum:

- 20 (1) 3 meals per day;
21 (2) routine housekeeping services;
22 (3) 24-hour-a-day security;
23 (4) an emergency response system;
24 (5) personal laundry and linen service;
25 (6) assistance with activities of daily living;

1 (7) medication management; and

2 (8) money management.

3 Optional services, such as transportation and social
4 activities, may be provided.

5 (c) Reimbursement for the program shall be based on the
6 client's level of need and functional impairment, as determined
7 by the Department. Clients must meet all eligibility
8 requirements established by rule. The Department may establish
9 a capitated reimbursement mechanism based on the client's level
10 of need and functional impairment. Reimbursement for program
11 must be made to the Department-contracted provider delivering
12 the services.

13 (d) The Department shall adopt rules and provide oversight
14 for the project, with assistance and advice provided by the
15 Assisted Living and Shared Housing Advisory Board and Assisted
16 Living and Shared Housing Quality of Life Committee.

17 The project may be funded through the Department
18 appropriations that may include Medicaid waiver funds.

19 (e) ~~(Blank.) Before January 1, 2008, the Department, in~~
20 ~~consultation with the Assisted Living and Shared Housing~~
21 ~~Advisory Board, must report to the General Assembly on the~~
22 ~~results of the demonstration project. The report must include,~~
23 ~~without limitation, any recommendations for changes or~~
24 ~~improvements, including changes or improvements in the~~
25 ~~administration of the program and an evaluation.~~

26 (Source: P.A. 93-775, eff. 1-1-05.)

1 (20 ILCS 105/4.11)

2 Sec. 4.11. AIDS awareness. The Department may ~~must~~ develop
3 ~~health programs and~~ materials targeted to persons 50 years of
4 age and more concerning the dangers of HIV and AIDS and
5 sexually transmitted diseases.

6 (Source: P.A. 91-106, eff. 1-1-00.)

7 (20 ILCS 105/8.06) (from Ch. 23, par. 6108.06)

8 Sec. 8.06. The Department may ~~shall~~ develop and implement a
9 plan for the increased incorporation of local and community
10 senior citizen centers into the functions and responsibilities
11 of area agencies on aging and for the increased input of local
12 and community senior citizen centers into the Department's
13 policy making process.

14 (Source: P.A. 86-730.)

15 (20 ILCS 105/4.02d rep.)

16 (20 ILCS 105/4.10 rep.)

17 (20 ILCS 105/8.05 rep.)

18 Section 20. The Illinois Act on the Aging is amended by
19 repealing Sections 4.02d, 4.10, and 8.05.

20 Section 25. The Children and Family Services Act is amended
21 by changing Sections 2.1, 4a, 5, 5a, 5e, 5.25, 5.30, 8, 8a, 8b,
22 9.8a, 12, 17a-7, 17a-8, 21, 21.5, 22.2, 29, 30, 34.3, 34.4,

1 34.5, 34.9, 34.11, 35.5, 35.6 and 35.7 as follows:

2 (20 ILCS 505/2.1)

3 Sec. 2.1. Subject to appropriation, the ~~The~~ Department
4 shall ensure a sufficient number of placement and other
5 resources of sufficient quality and variety to meet the needs
6 of children and families as specified in the individual case
7 plan in Sec. 6a of this Act. Nothing in this Sec. shall be
8 construed to create a private right of action or a judicially
9 enforceable claim on the part of any individual or agency.

10 (Source: P.A. 88-614, eff. 9-7-94.)

11 (20 ILCS 505/4a) (from Ch. 23, par. 5004a)

12 Sec. 4a. (a) To administer child abuse prevention shelters
13 and service programs for abused and neglected children, or
14 provide for their administration by not-for-profit
15 corporations, community-based organizations or units of local
16 government.

17 Subject to appropriation, the ~~The~~ Department is hereby
18 designated the single State agency for planning and
19 coordination of child abuse and neglect prevention programs and
20 services. On or before the first Friday in April of each year,
21 the Department shall submit to the Governor and the General
22 Assembly a State comprehensive child abuse and neglect
23 prevention plan. The plan shall: identify priorities, goals and
24 objectives; identify the resources necessary to implement the

1 plan, including estimates of resources needed to investigate or
2 otherwise process reports of suspected child abuse or neglect
3 and to provide necessary follow-up services for child
4 protection, family preservation and family reunification in
5 "indicated" cases as determined under the Abused and Neglected
6 Child Reporting Act; make proposals for the most effective use
7 of existing resources to implement the plan, including
8 recommendations for the optimum use of private, local public,
9 State and federal resources; and propose strategies for the
10 development of additional resources to meet the goal of
11 reducing the incidence of child abuse and neglect and reducing
12 the number of reports of suspected child abuse and neglect made
13 to the Department.

14 (b) The administration of child abuse prevention, shelters
15 and service programs under subsection (a) may ~~shall~~ be funded
16 in part by appropriations made from the Child Abuse Prevention
17 Fund, which is hereby created in the State Treasury, and in
18 part by appropriations from the General Revenue Fund. All
19 interest earned on monies in the Child Abuse Prevention Fund
20 shall remain in such fund. The Department and the State
21 Treasurer may accept funds as provided by Sections 507 and 508
22 of the Illinois Income Tax Act and unsolicited private
23 donations for deposit into the Child Abuse Prevention Fund.
24 Annual requests for appropriations for the purpose of providing
25 child abuse and neglect prevention programs and services under
26 this Section shall be made in separate and distinct line-items.

1 In setting priorities for the direction and scope of such
2 programs, the Director shall be advised by the State-wide
3 Citizen's Committee on Child Abuse and Neglect.

4 (c) Where the Department contracts with outside agencies to
5 operate the shelters or programs, such outside agencies may
6 receive funding from the Department, except that the shelters
7 must certify a 20% financial match for operating expenses of
8 their programs. In selecting the outside agencies to administer
9 child shelters and service programs, and in allocating funds
10 for such agencies, the Department shall give priority to new
11 and existing shelters or programs offering the broadest range
12 of services to the community served.

13 (d) Subject to appropriation, the ~~The~~ Department shall have
14 the power to make grants of monies to fund comprehensive
15 community-based services to reduce the incidence of family
16 dysfunction typified by child abuse and neglect; to diminish
17 those factors found to increase family dysfunction; and to
18 measure the effectiveness and costs of such services.

19 (e) Subject to appropriation, for ~~For~~ implementing such
20 intergovernmental cooperation and involvement, units of local
21 government and public and private agencies may apply for and
22 receive federal or State funds from the Department under this
23 Act or seek and receive gifts from local philanthropic or other
24 private local sources in order to augment any State funds
25 appropriated for the purposes of this Act.

26 (f) For the purposes of this Section:

1 (1) The terms "abused child" and "neglected child" have
2 meanings ascribed to them in Section 3 of the Abused and
3 Neglected Child Reporting Act.

4 (2) "Shelter" has the meaning ascribed to it in Section 1-3
5 of the Juvenile Court Act of 1987.

6 (Source: P.A. 85-1209.)

7 (20 ILCS 505/5) (from Ch. 23, par. 5005)

8 Sec. 5. Direct child welfare services; Department of
9 Children and Family Services. Subject to appropriation, to ~~to~~
10 provide direct child welfare services when not available
11 through other public or private child care or program
12 facilities.

13 (a) For purposes of this Section:

14 (1) "Children" means persons found within the State who
15 are under the age of 18 years. The term also includes
16 persons under age 19 who:

17 (A) were committed to the Department pursuant to
18 the Juvenile Court Act or the Juvenile Court Act of
19 1987, as amended, prior to the age of 18 and who
20 continue under the jurisdiction of the court; or

21 (B) were accepted for care, service and training by
22 the Department prior to the age of 18 and whose best
23 interest in the discretion of the Department would be
24 served by continuing that care, service and training
25 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 may ~~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) Subject to appropriation, the ~~The~~ Department shall
25 not deny or delay the placement of a child for adoption if an
26 approved family is available either outside of the Department

1 region handling the case, or outside of the State of Illinois.

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

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

26 The Department shall notify the child and his family of the

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

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

1 offense under the Criminal Code of 1961 or adjudicated
2 delinquent shall not be placed in the custody of or committed
3 to the Department by any court, except a minor less than 15
4 years of age committed to the Department under Section 5-710 of
5 the Juvenile Court Act of 1987 or a minor for whom an
6 independent basis of abuse, neglect, or dependency exists,
7 which must be defined by departmental rule. An independent
8 basis exists when the allegations or adjudication of abuse,
9 neglect, or dependency do not arise from the same facts,
10 incident, or circumstances which give rise to a charge or
11 adjudication of delinquency.

12 (1-1) The legislature recognizes that the best interests of
13 the child require that the child be placed in the most
14 permanent living arrangement as soon as is practically
15 possible. To achieve this goal, if the legislature appropriates
16 funds, the legislature may direct ~~directs~~ the Department of
17 Children and Family Services to conduct concurrent planning so
18 that permanency may occur at the earliest opportunity.
19 Permanent living arrangements may include prevention of
20 placement of a child outside the home of the family when the
21 child can be cared for at home without endangering the child's
22 health or safety; reunification with the family, when safe and
23 appropriate, if temporary placement is necessary; or movement
24 of the child toward the most permanent living arrangement and
25 permanent legal status.

26 When determining reasonable efforts to be made with respect

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

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

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

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

26 (1) the likelihood of prompt reunification;

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

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

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

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

20 If the child is found in his or her residence without a parent,
21 guardian, custodian or responsible caretaker, the Department
22 may, instead of removing the child and assuming temporary
23 custody, place an authorized representative of the Department
24 in that residence until such time as a parent, guardian or
25 custodian enters the home and expresses a willingness and
26 apparent ability to ensure the child's health and safety and

1 resume permanent charge of the child, or until a relative
2 enters the home and is willing and able to ensure the child's
3 health and safety and assume charge of the child until a
4 parent, guardian or custodian enters the home and expresses
5 such willingness and ability to ensure the child's safety and
6 resume permanent charge. After a caretaker has remained in the
7 home for a period not to exceed 12 hours, the Department must
8 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
9 5-415 of the Juvenile Court Act of 1987.

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

24 The Department shall ensure that any child taken into
25 custody is scheduled for an appointment for a medical
26 examination.

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

17 (m-1) The Department may place children under 18 years of
18 age in a secure child care facility licensed by the Department
19 that cares for children who are in need of secure living
20 arrangements for their health, safety, and well-being after a
21 determination is made by the facility director and the Director
22 or the Director's designate prior to admission to the facility
23 subject to Section 2-27.1 of the Juvenile Court Act of 1987.
24 This subsection (m-1) does not apply to a child who is subject
25 to placement in a correctional facility operated pursuant to
26 Section 3-15-2 of the Unified Code of Corrections, unless the

1 child is a ward who was placed under the care of the Department
2 before being subject to placement in a correctional facility
3 and a court of competent jurisdiction has ordered placement of
4 the child in a secure care facility.

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

1 services delivered shall be absolutely inalienable by
2 assignment, sale, attachment, garnishment or otherwise.

3 (o) Subject to appropriation, the ~~The~~ Department shall
4 establish an administrative review and appeal process for
5 children and families who request or receive child welfare
6 services from the Department. Children who are wards of the
7 Department and are placed by private child welfare agencies,
8 and foster families with whom those children are placed, shall
9 be afforded the same procedural and appeal rights as children
10 and families in the case of placement by the Department,
11 including the right to an initial review of a private agency
12 decision by that agency. The Department shall insure that any
13 private child welfare agency, which accepts wards of the
14 Department for placement, affords those rights to children and
15 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) (Blank). ~~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) (Blank). ~~The Department of Children and Family Services~~
19 ~~may establish and implement a program to reimburse Department~~
20 ~~and 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) (Blank). ~~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) Subject to appropriation, the ~~The~~ Department shall
5 access criminal history record information as defined in the
6 Illinois Uniform Conviction Information Act and information
7 maintained in the adjudicatory and dispositional record system
8 as defined in Section 2605-355 of the Department of State
9 Police Law (20 ILCS 2605/2605-355) if the Department determines
10 the information is necessary to perform its duties under the
11 Abused and Neglected Child Reporting Act, the Child Care Act of
12 1969, and the Children and Family Services Act. The Department
13 may ~~shall~~ provide for interactive computerized communication
14 and processing equipment that permits direct on-line
15 communication with the Department of State Police's central
16 criminal history data repository. The Department shall comply
17 with all certification requirements and provide certified
18 operators who have been trained by personnel from the
19 Department of State Police. In addition, one Office of the
20 Inspector General investigator shall have training in the use
21 of the criminal history information access system and have
22 access to the terminal. The Department of Children and Family
23 Services and its employees shall abide by rules and regulations
24 established by the Department of State Police relating to the
25 access and dissemination of this information.

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

1 subject to appropriation, the Department shall conduct a
2 criminal records background check of the prospective foster or
3 adoptive parent, including fingerprint-based checks of
4 national crime information databases. Final approval for
5 placement shall not be granted if the record check reveals a
6 felony conviction for child abuse or neglect, for spousal
7 abuse, for a crime against children, or for a crime involving
8 violence, including rape, sexual assault, or homicide, but not
9 including other physical assault or battery, or if there is a
10 felony conviction for physical assault, battery, or a
11 drug-related offense committed within 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 (20 ILCS 505/5a) (from Ch. 23, par. 5005a)

19 Sec. 5a. Subject to appropriation, reimbursable
20 ~~Reimbursable~~ services for which the Department of Children and
21 Family Services may shall pay up to 100% of the reasonable cost
22 pursuant to a written contract negotiated between the
23 Department and the agency furnishing the services (which shall
24 include but not be limited to the determination of reasonable
25 cost, the services being purchased and the duration of the

1 agreement) include, but are not limited to:

2 SERVICE ACTIVITIES

3 Adjunctive Therapy;
4 Child Care Service, including day care;
5 Clinical Therapy;
6 Custodial Service;
7 Field Work Students;
8 Food Service;
9 Normal Education;
10 In-Service Training;
11 Intake or Evaluation, or both;
12 Medical Services;
13 Recreation;
14 Social Work or Counselling, or both;
15 Supportive Staff;
16 Volunteers.

17 OBJECT EXPENSES

18 Professional Fees and Contract Service Payments;
19 Supplies;
20 Telephone and Telegram;
21 Occupancy;
22 Local Transportation;
23 Equipment and Other Fixed Assets, including amortization
24 of same;

1 Miscellaneous.

2 ADMINISTRATIVE COSTS

3 Program Administration;

4 Supervision and Consultation;

5 Inspection and Monitoring for purposes of issuing
6 licenses;

7 Determination of Children who are eligible
8 for federal or other reimbursement;

9 Postage and Shipping;

10 Outside Printing, Artwork, etc.;

11 Subscriptions and Reference Publications;

12 Management and General Expense.

13 Reimbursement of administrative costs other than inspection
14 and monitoring for purposes of issuing licenses may not exceed
15 20% of the costs for other services.

16 All Object Expenses, Service Activities and Administrative
17 Costs are allowable.

18 If a survey instrument is used in the rate setting process:

19 (a) with respect to any day care centers, it shall be
20 limited to those agencies which receive reimbursement from
21 the State;

22 (b) the cost survey instrument shall be promulgated by
23 rule;

24 (c) any requirements of the respondents shall be
25 promulgated by rule;

1 (d) all screens, limits or other tests of
2 reasonableness, allowability and reimbursability shall be
3 promulgated by rule;

4 (e) adjustments may be made by the Department to rates
5 when it determines that reported wage and salary levels are
6 insufficient to attract capable caregivers in sufficient
7 numbers.

8 The Department of Children and Family Services may pay 100%
9 of the reasonable costs of research and valuation focused
10 exclusively on services to wards of the Department. Such
11 research projects must be approved, in advance, by the Director
12 of the Department.

13 In addition to reimbursements otherwise provided for in
14 this Section, the Department of Human Services shall, in
15 accordance with annual written agreements, make advance
16 quarterly disbursements to local public agencies for child day
17 care services with funds appropriated from the Local Effort Day
18 Care Fund.

19 Neither the Department of Children and Family Services nor
20 the Department of Human Services shall pay or approve
21 reimbursement for day care in a facility which is operating
22 without a valid license or permit, except in the case of day
23 care homes or day care centers which are exempt from the
24 licensing requirements of the "Child Care Act of 1969".

25 (Source: P.A. 89-507, eff. 7-1-97.)

1 (20 ILCS 505/5e)

2 Sec. 5e. Advocacy Office for Children and Families. Subject
3 to appropriation, the ~~The~~ Department of Children and Family
4 Services may ~~shall~~ establish and maintain an Advocacy Office
5 for Children and Families that shall, in addition to other
6 duties assigned by the Director, receive and respond to
7 complaints that may be filed by children, parents, caretakers,
8 and relatives of children receiving child welfare services from
9 the Department of Children and Family Services or its agents.
10 The Department shall promulgate policies and procedures for
11 filing, processing, investigating, and resolving the
12 complaints. The Department shall make a final report to the
13 complainant of its findings. If a final report is not
14 completed, the Department shall report on its disposition every
15 30 days. The Advocacy Office shall include a statewide
16 toll-free telephone number that may be used to file complaints,
17 or to obtain information about the delivery of child welfare
18 services by the Department or its agents. This telephone number
19 shall be included in all appropriate notices and handbooks
20 regarding services available through the Department.

21 (Source: P.A. 92-334, eff. 8-10-01; 92-651, eff. 7-11-02.)

22 (20 ILCS 505/5.25)

23 Sec. 5.25. Behavioral health services.

24 (a) Subject to appropriation, every ~~Every~~ child in the care
25 of the Department of Children and Family Services under this

1 Act may ~~shall~~ receive the necessary behavioral health services
2 including but not limited to: mental health services, trauma
3 services, substance abuse services, and developmental
4 disabilities services. The provision of these services may be
5 provided in milieu including but not limited to: integrated
6 assessment, treatment plans, individual and group therapy,
7 specialized foster care, community based programming, licensed
8 residential services, psychosocial rehabilitation, screening
9 assessment and support services, hospitalization, and
10 transitional planning and referral to the Department of Human
11 Services for appropriate services when the child reaches
12 adulthood. Services shall be appropriate to meet the needs of
13 the individual child and may be provided to the child at the
14 site of the program, facility, or foster home or at an
15 otherwise appropriate location. A program facility, or home,
16 shall assist the Department staff in arranging for a child to
17 receive behavioral health services from an outside provider
18 when those services are necessary to meet the child's needs and
19 the child wishes to receive them.

20 (b) Not later than January 1, 2006, the Department shall
21 file a proposed rule or a proposed amendment to an existing
22 rule regarding the provision of behavioral health services to
23 children who have serious behavioral health needs. The proposal
24 shall address, but is not limited to, the implementation of the
25 following: integrated assessment, treatment plans, individual
26 and group therapy, specialized foster care, community based

1 programming, licensed residential services, psychosocial
2 rehabilitation, hospitalization, and transitional planning and
3 referral to the Department of Human Services for appropriate
4 services when the child reaches adulthood.

5 (c) In preparation for the comprehensive implementation of
6 the behavioral health system, the Department shall also prepare
7 an assessment of behavioral health community services
8 available to the Department in the State. The assessment shall
9 evaluate the resources needed in each region to provide
10 appropriate behavioral health services for all of the
11 Department's foster children within the region's service area
12 who are in need of behavioral health services. The assessments
13 shall include, at a minimum, an analysis of the current
14 availability and needs in each of the following areas:
15 comprehensive integrated assessment, trauma services, mental
16 health treatment, qualified mental health professionals,
17 community providers, programs for psychosocial rehabilitation,
18 and programs for substance abuse. By January 1, 2007, the
19 Department shall complete all required individual and regional
20 assessments and shall submit a written report to the Governor
21 and the General Assembly that describes the results of the
22 assessment and contains a specific plan to address the
23 identified needs for services.

24 (Source: P.A. 94-34, eff. 1-1-06.)

1 Sec. 5.30. Specialized care.

2 (a) Not later than July 1, 2007, the Department shall adopt
3 a rule, or an amendment to a rule then in effect, regarding the
4 provision of specialized care to a child in the custody or
5 guardianship of the Department, or to a child being placed in a
6 subsidized guardianship arrangement or under an adoption
7 assistance agreement, who requires such services due to
8 emotional, behavioral, developmental, or medical needs, or any
9 combination thereof, or any other needs which require special
10 intervention services, the primary goal being to maintain the
11 child in foster care or in a permanency setting. The rule or
12 amendment to a rule shall establish, at a minimum, the
13 criteria, standards, and procedures for the following:

14 (1) The determination that a child requires
15 specialization.

16 (2) The determination of the level of care required to
17 meet the child's special needs.

18 (3) The approval of a plan of care that will meet the
19 child's special needs.

20 (4) The monitoring of the specialized care provided to
21 the child and review of the plan to ensure quality of care
22 and effectiveness in meeting the child's needs.

23 (5) The determination, approval, and implementation of
24 amendments to the plan of care.

25 (6) The establishment and maintenance of the
26 qualifications, including specialized training, of

1 caretakers of specialized children.

2 The rule or amendment to a rule adopted under this
3 subsection shall establish the minimum services to be provided
4 to children eligible for specialized care under this Section.
5 The Department shall also adopt rules providing for the
6 training of Department and public or private agency staff
7 involved in implementing the rule. On or before September 1 of
8 2007 and each year thereafter, the Department shall submit to
9 the General Assembly an annual report on the implementation of
10 this Section. Services required under any adopted rule are
11 subject to appropriation.

12 (b) (Blank). ~~No payments to caregivers in effect for the~~
13 ~~specialized treatment or care of a child, nor the level of care~~
14 ~~being provided to a child prior to the effective date of this~~
15 ~~amendatory Act of the 94th General Assembly, shall be reduced~~
16 ~~under the criteria, standards, and procedures adopted and~~
17 ~~implemented under this Section.~~

18 (Source: P.A. 94-1010, eff. 10-1-06.)

19 (20 ILCS 505/8) (from Ch. 23, par. 5008)

20 Sec. 8. Scholarships and fee waivers. Subject to
21 appropriation, each ~~Each~~ year the Department may select from
22 among the children under care, or children formerly under care
23 who have been adopted or are in the subsidized guardianship
24 program, a maximum of 48 students (at least 4 of whom shall be
25 children of veterans) who have completed 4 years in an

1 accredited high school; the children selected shall be eligible
2 for scholarships and fee waivers which will entitle them to 4
3 consecutive years of community college, university, or college
4 education. Selection shall be made on the basis of scholastic
5 record, aptitude, and general interest in higher education. In
6 accordance with this Act, tuition scholarships and fee waivers
7 shall be available to such students at any university or
8 college maintained by the State of Illinois. Subject to
9 appropriation, the ~~The~~ Department shall provide maintenance
10 and school expenses, except tuition and fees, during the
11 academic years to supplement the students' earnings or other
12 resources so long as they consistently maintain scholastic
13 records which are acceptable to their schools and to the
14 Department. Students may attend other colleges and
15 universities, if scholarships are awarded them, and receive the
16 same benefits for maintenance and other expenses as those
17 students attending any Illinois State community college,
18 university, or college under this Section.

19 (Source: P.A. 90-608, eff. 6-30-98.)

20 (20 ILCS 505/8a) (from Ch. 23, par. 5008a)

21 Sec. 8a. No otherwise qualified child with a disability
22 receiving special education and related services under Article
23 14 of The School Code shall solely by reason of his or her
24 disability be excluded from the participation in or be denied
25 the benefits of or be subjected to discrimination under any

1 program or activity provided by the Department and funded
2 through appropriations.

3 The Department, or its authorized agent, shall ensure that
4 a copy of a student's then current individualized education
5 program (IEP) is provided to the school district in which the
6 student is newly placed by the Department. Upon receipt of the
7 IEP, the new school district shall review it and place the
8 student in a special education program in accordance with that
9 described in the IEP. The Department shall consult with the
10 State Board of Education in the development of necessary rules
11 and regulations to implement this provision.

12 (Source: P.A. 87-372.)

13 (20 ILCS 505/8b) (from Ch. 23, par. 5008b)

14 Sec. 8b. No homeless person eligible to receive benefits or
15 services from the Department shall, by reason of his or her
16 status as a homeless person, be excluded from participation in,
17 be denied benefits under or be subjected to discrimination
18 under any program or activity provided by the Department and
19 funded through appropriations.

20 (Source: P.A. 84-1277.)

21 (20 ILCS 505/9.8a) (from Ch. 23, par. 5009.8a)

22 Sec. 9.8a. Child Welfare Litigation Division. Subject to
23 appropriation, the ~~The~~ Department of Children and Family
24 Services Child Welfare Litigation Division in the Office of the

1 Attorney General shall represent the State in, and defend on
2 the State's behalf, all court actions referred to it by the
3 Illinois Department of Children and Family Services under this
4 Act, the Child Care Act of 1969, and other laws for the
5 enforcement and defense of all legal proceedings. The Division
6 ~~shall be funded by an appropriation to the Department of~~
7 ~~Children and Family Services and~~ shall be staffed with
8 attorneys appointed by the Attorney General as Special
9 Assistant Attorneys General whose special duty it shall be to
10 execute the duties described in this paragraph. The Special
11 Assistant Attorneys General shall be assigned exclusively to
12 those duties and may engage only in political activities that
13 are not prohibited by the federal Hatch Political Activity Act.
14 (Source: P.A. 87-1017.)

15 (20 ILCS 505/12) (from Ch. 23, par. 5012)

16 Sec. 12. (a) Subject to appropriation, to ~~to~~ provide
17 supervision, housing accommodations, board or the payment of
18 boarding costs, tuition, and treatment free of charge, except
19 as otherwise specified in this Act, for residents of this State
20 who are cared for in any institution, or for persons receiving
21 services under any program under the jurisdiction of the
22 Department. Residents of other states may be admitted upon
23 payment of the costs of board, tuition, and treatment as
24 determined by the Department; provided, that no resident of
25 another state shall be received or retained to the exclusion of

1 any resident of this State. The Department shall accept any
2 donation for the board, tuition, and treatment of any person
3 receiving service or care.

4 (b) By July 1, 1994, to make room and board payments to
5 persons providing foster care under this Act at a rate for each
6 child that is up to 100% of the adjusted United States
7 Department of Agriculture Cost of Raising a Child in the Urban
8 Midwest/Low Cost Index.

9 (Source: P.A. 86-1482.)

10 (20 ILCS 505/17a-7) (from Ch. 23, par. 5017a-7)

11 Sec. 17a-7. Units of General Local Government - Agreements
12 for Funds. Subject to appropriation, units ~~Units~~ of general
13 local government may apply for, receive, disburse, allocate and
14 account for grants of funds made available by the United States
15 government, or by the State of Illinois, particularly including
16 grants made available pursuant to the federal Juvenile Justice
17 and Delinquency Prevention Act of 1974, including subsequent
18 amendments or reenactments, if any: and may enter into
19 agreements with the Department or with the United States
20 government which may be required as a condition of obtaining
21 federal or State funds, or both.

22 (Source: P.A. 82-975.)

23 (20 ILCS 505/17a-8) (from Ch. 23, par. 5017a-8)

24 Sec. 17a-8. Agreements for Cooperative Action by Units of

1 General Local Government. Subject to appropriation, any ~~Any~~ two
2 or more units of general local government may enter into
3 agreements with one another for joint cooperative action for
4 the purpose of applying for, receiving, disbursing, allocating
5 and accounting for grants of funds made available by the United
6 States government pursuant to the Juvenile Justice and
7 Delinquency Prevention Act of 1974, including subsequent
8 amendments or reenactments, if any; and for any State funds
9 made available for that purpose. Such agreements shall include
10 the proportion and amount of funds which shall be supplied by
11 each participating unit of general local government. Such
12 agreements may include provisions for the designation of
13 treasurer or comparable employee of one of the units to serve
14 as collection and disbursement officer for all of the units in
15 connection with a grant-funded program.

16 (Source: P.A. 82-975.)

17 (20 ILCS 505/21) (from Ch. 23, par. 5021)

18 Sec. 21. Investigative powers; training.

19 (a) To make such investigations as it may deem necessary to
20 the performance of its duties.

21 (b) In the course of any such investigation any qualified
22 person authorized by the Director may administer oaths and
23 secure by its subpoena both the attendance and testimony of
24 witnesses and the production of books and papers relevant to
25 such investigation. Any person who is served with a subpoena by

1 the Department to appear and testify or to produce books and
2 papers, in the course of an investigation authorized by law,
3 and who refuses or neglects to appear, or to testify, or to
4 produce books and papers relevant to such investigation, as
5 commanded in such subpoena, shall be guilty of a Class B
6 misdemeanor. The fees of witnesses for attendance and travel
7 shall be the same as the fees of witnesses before the circuit
8 courts of this State. Any circuit court of this State, upon
9 application of the person requesting the hearing or the
10 Department, may compel the attendance of witnesses, the
11 production of books and papers, and giving of testimony before
12 the Department or before any authorized officer or employee
13 thereof, by an attachment for contempt or otherwise, in the
14 same manner as production of evidence may be compelled before
15 such court. Every person who, having taken an oath or made
16 affirmation before the Department or any authorized officer or
17 employee thereof, shall willfully swear or affirm falsely,
18 shall be guilty of perjury and upon conviction shall be
19 punished accordingly.

20 (c) Investigations initiated under this Section shall
21 provide individuals due process of law, including the right to
22 a hearing, to cross-examine witnesses, to obtain relevant
23 documents, and to present evidence. Administrative findings
24 shall be subject to the provisions of the Administrative Review
25 Law.

26 (d) Beginning July 1, 1988, any child protective

1 investigator or supervisor or child welfare specialist or
2 supervisor employed by the Department on the effective date of
3 this amendatory Act of 1987 shall have completed a training
4 program which shall be instituted by the Department. The
5 training program shall include, but not be limited to, the
6 following: (1) training in the detection of symptoms of child
7 neglect and drug abuse; (2) specialized training for dealing
8 with families and children of drug abusers; and (3) specific
9 training in child development, family dynamics and interview
10 techniques. Such program shall conform to the criteria and
11 curriculum developed under Section 4 of the Child Protective
12 Investigator and Child Welfare Specialist Certification Act of
13 1987. Failure to complete such training due to lack of
14 opportunity provided by the Department shall in no way be
15 grounds for any disciplinary or other action against an
16 investigator or a specialist.

17 Subject to appropriation, the ~~The~~ Department shall develop
18 a continuous inservice staff development program and
19 evaluation system. Each child protective investigator and
20 supervisor and child welfare specialist and supervisor shall
21 participate in such program and evaluation and shall complete a
22 minimum of 20 hours of inservice education and training every 2
23 years in order to maintain certification.

24 Any child protective investigator or child protective
25 supervisor, or child welfare specialist or child welfare
26 specialist supervisor hired by the Department who begins his

1 actual employment after the effective date of this amendatory
2 Act of 1987, shall be certified pursuant to the Child
3 Protective Investigator and Child Welfare Specialist
4 Certification Act of 1987 before he begins such employment.
5 Nothing in this Act shall replace or diminish the rights of
6 employees under the Illinois Public Labor Relations Act, as
7 amended, or the National Labor Relations Act. In the event of
8 any conflict between either of those Acts, or any collective
9 bargaining agreement negotiated thereunder, and the provisions
10 of subsections (d) and (e), the former shall prevail and
11 control.

12 (e) The Department shall develop and implement the
13 following:

14 (1) A standardized child endangerment risk assessment
15 protocol.

16 (2) Related training procedures.

17 (3) A standardized method for demonstration of
18 proficiency in application of the protocol.

19 (4) An evaluation of the reliability and validity of
20 the protocol.

21 All child protective investigators and supervisors and child
22 welfare specialists and supervisors employed by the Department
23 or its contractors shall be required, subsequent to the
24 availability of training under this Act, to demonstrate
25 proficiency in application of the protocol previous to being
26 permitted to make decisions about the degree of risk posed to

1 children for whom they are responsible. The Department shall
2 establish a multi-disciplinary advisory committee appointed by
3 the Director, including but not limited to representatives from
4 the fields of child development, domestic violence, family
5 systems, juvenile justice, law enforcement, health care,
6 mental health, substance abuse, and social service to advise
7 the Department and its related contractors in the development
8 and implementation of the child endangerment risk assessment
9 protocol, related training, method for demonstration of
10 proficiency in application of the protocol, and evaluation of
11 the reliability and validity of the protocol. The Department
12 shall develop the protocol, training curriculum, method for
13 demonstration of proficiency in application of the protocol and
14 method for evaluation of the reliability and validity of the
15 protocol by July 1, 1995. Training and demonstration of
16 proficiency in application of the child endangerment risk
17 assessment protocol for all child protective investigators and
18 supervisors and child welfare specialists and supervisors
19 shall be completed as soon as practicable, but no later than
20 January 1, 1996. The Department shall submit to the General
21 Assembly on or before May 1, 1996, and every year thereafter,
22 an annual report on the evaluation of the reliability and
23 validity of the child endangerment risk assessment protocol.
24 The Department shall contract with a not for profit
25 organization with demonstrated expertise in the field of child
26 endangerment risk assessment to assist in the development and

1 implementation of the child endangerment risk assessment
2 protocol, related training, method for demonstration of
3 proficiency in application of the protocol, and evaluation of
4 the reliability and validity of the protocol.

5 (Source: P.A. 91-61, eff. 6-30-99; 92-154, eff. 1-1-02.)

6 (20 ILCS 505/21.5)

7 Sec. 21.5. Training; advice to subjects of investigation.
8 Subject to appropriation, the ~~The~~ Department shall train all
9 child protective investigators concerning the statutory and
10 constitutional rights of individuals subject to investigation
11 for child abuse and neglect and shall require all child
12 protective investigators to inform individuals subject to a
13 child abuse and neglect investigation concerning the specific
14 complaints or allegations made against the individual.

15 (Source: P.A. 93-733, eff. 1-1-05.)

16 (20 ILCS 505/22.2) (from Ch. 23, par. 5022.2)

17 Sec. 22.2. Subject to appropriation, to ~~To~~ provide training
18 programs for the provision of foster care and adoptive care
19 services. Training provided to foster parents shall include
20 training and information on their right to be heard, to bring a
21 mandamus action, and to intervene in juvenile court as set
22 forth under subsection (2) of Section 1-5 of the Juvenile Court
23 Act of 1987 and the availability of the hotline established
24 under Section 35.6 of this Act, that foster parents may use to

1 report incidents of misconduct or violation of rules by
2 Department employees, service providers, or contractors.

3 (Source: P.A. 94-91, eff. 7-1-05.)

4 (20 ILCS 505/29) (from Ch. 23, par. 5029)

5 Sec. 29. Subject to appropriation, to ~~to~~ establish,
6 maintain and operate cemeteries in connection with the
7 institutions of the Department for the interment of the remains
8 of deceased residents of such institutions whose bodies are not
9 claimed by relatives or others willing to provide other
10 facilities for the interment thereof and to acquire lands
11 therefor.

12 (Source: Laws 1963, p. 1061.)

13 (20 ILCS 505/30) (from Ch. 23, par. 5030)

14 Sec. 30. To prescribe and require surety bonds from any
15 officer or employee under the jurisdiction of the Department,
16 where deemed advisable, in such penal sums to be determined by
17 the Department. The cost of such bonds shall be paid by the
18 State out of funds if appropriated for this purpose to the
19 Department.

20 (Source: Laws 1963, p. 1061.)

21 (20 ILCS 505/34.3) (from Ch. 23, par. 5034.3)

22 Sec. 34.3. Subject to appropriation to ensure adequate
23 staffing, to ~~to~~ conduct supervisory reviews of cases handled by

1 caseworkers and other direct-service personnel to determine
2 whether such persons, in the conduct of their duties,
3 identified and addressed actual or potential drug or alcohol
4 abuse problems of clients, and to institute training and other
5 appropriate remedial measures in the event of any systemic
6 failure to properly identify and address such problems.

7 (Source: P.A. 85-738.)

8 (20 ILCS 505/34.4) (from Ch. 23, par. 5034.4)

9 Sec. 34.4. Subject to appropriation, to ~~to~~ enter into
10 referral agreements, on its own behalf and on behalf of
11 agencies funded by the Department, with licensed alcohol and
12 drug abuse treatment programs for the referral and treatment of
13 clients with alcohol and drug abuse problems.

14 (Source: P.A. 85-738.)

15 (20 ILCS 505/34.5) (from Ch. 23, par. 5034.5)

16 Sec. 34.5. To make such inquiry as may be appropriate, in
17 any intake or investigation which the Department is required or
18 authorized to conduct, to determine whether drug or alcohol
19 abuse is a factor contributing to the problem necessitating the
20 Department's involvement, and, when appropriate, subject to
21 appropriation and availability of services, to refer a person
22 to a licensed alcohol or drug treatment program, and to include
23 any treatment recommendations in the person's case plan.

24 (Source: P.A. 85-738.)

1 (20 ILCS 505/34.9) (from Ch. 23, par. 5034.9)

2 Sec. 34.9. Subject to appropriation, the ~~The~~ Department
3 may, in conjunction with colleges or universities in this
4 State, establish programs to train low-income older persons to
5 be child care workers. The Department shall prescribe, by rule:

6 (a) age and income qualifications for persons to be trained
7 under such programs; and

8 (b) standards for such programs to ensure that such
9 programs train participants to be skilled workers for the child
10 care industry.

11 (Source: P.A. 86-889.)

12 (20 ILCS 505/34.11)

13 Sec. 34.11. Lou Jones Grandparent Child Care Program.

14 (a) The General Assembly finds and declares the following:

15 (1) An increasing number of children under the age of
16 18, including many children who would otherwise be at risk
17 of abuse or neglect, are in the care of a grandparent or
18 other nonparent relative.

19 (2) The principal causes of this increase include
20 parental substance abuse, child abuse, mental illness,
21 poverty, and death, as well as concerted efforts by
22 families and by the child welfare service system to keep
23 children with relatives whenever possible.

24 (3) Grandparents and older relatives providing primary

1 care for at-risk children may experience unique resultant
2 problems, such as financial stress due to limited incomes,
3 emotional difficulties dealing with the loss of the child's
4 parents or the child's unique behaviors, and decreased
5 physical stamina coupled with a much higher incidence of
6 chronic illness.

7 (4) Many children being raised by nonparent relatives
8 experience one or a combination of emotional, behavioral,
9 psychological, academic, or medical problems, especially
10 those born to a substance-abusing mother or at risk of
11 child abuse, neglect, or abandonment.

12 (5) Grandparents and other relatives providing primary
13 care for children lack appropriate information about the
14 issues of kinship care, the special needs (both physical
15 and psychological) of children born to a substance-abusing
16 mother or at risk of child abuse, neglect, or abandonment,
17 and the support resources currently available to them.

18 (6) An increasing number of grandparents and other
19 relatives age 60 or older are adopting or becoming the
20 subsidized guardians of children placed in their care by
21 the Department. Some of these children will experience the
22 death of their adoptive parent or guardian before reaching
23 the age of 18. For most of these children, no legal plan
24 has been made for the child's future care and custody in
25 the event of the caregiver's death or incapacity.

26 (7) Grandparents and other relatives providing primary

1 care for children lack appropriate information about
2 future care and custody planning for children in their
3 care. They also lack access to resources that may assist
4 them in developing future legal care and custody plans for
5 children in their legal custody.

6 (b) Subject to appropriation, the ~~The~~ Department may
7 establish an informational and educational program for
8 grandparents and other relatives who provide primary care for
9 children who are at risk of child abuse, neglect, or
10 abandonment or who were born to substance-abusing mothers. As a
11 part of the program, the Department may develop, publish, and
12 distribute an informational brochure for grandparents and
13 other relatives who provide primary care for children who are
14 at risk of child abuse, neglect, or abandonment or who were
15 born to substance-abusing mothers. The information provided
16 under the program authorized by this Section may include, but
17 is not limited to the following:

18 (1) The most prevalent causes of kinship care,
19 especially the risk of substance exposure or child abuse,
20 neglect, or abandonment.

21 (2) The problems experienced by children being raised
22 by nonparent caregivers.

23 (3) The problems experienced by grandparents and other
24 nonparent relatives providing primary care for children
25 who have special needs.

26 (4) The legal system as it relates to children and

1 their nonparent primary caregivers.

2 (5) The benefits available to children and their
3 nonparent primary caregivers.

4 (6) A list of support groups and resources located
5 throughout the State.

6 The brochure may be distributed through hospitals, public
7 health nurses, child protective services, medical professional
8 offices, elementary and secondary schools, senior citizen
9 centers, public libraries, community action agencies selected
10 by the Department, and the Department of Human Services.

11 (c) Subject to appropriation, in ~~in~~ addition to other
12 provisions of this Section, the Department may ~~shall~~ establish
13 a program of information, social work services, and legal
14 services for any person age 60 or over and any other person who
15 may be in need of a future legal care and custody plan who
16 adopt, have adopted, take guardianship of, or have taken
17 guardianship of children previously in the Department's
18 custody. This program may ~~shall~~ also assist families of
19 deceased adoptive parents and guardians. As part of the
20 program, the Department may ~~shall~~:

21 (1) Develop a protocol for identification of persons
22 age 60 or over and others who may be in need of future care
23 and custody plans, including ill caregivers, who are
24 adoptive parents, prospective adoptive parents, guardians,
25 or prospective guardians of children who are or have been
26 in Department custody.

1 (2) Provide outreach to caregivers before and after
2 adoption and guardianship, and to the families of deceased
3 caregivers, regarding Illinois legal options for future
4 care and custody of children.

5 (3) Provide training for Department and private agency
6 staff on methods of assisting caregivers before and after
7 adoption and guardianship, and the families of older and
8 ill caregivers, who wish to make future care and custody
9 plans for children who have been wards of the Department
10 and who are or will be adopted by or are or will become
11 wards of those caregivers.

12 (4) Ensure that all caregivers age 60 or over who will
13 adopt or will become guardians of children previously in
14 Department custody have specifically designated future
15 caregivers for children in their care. The Department shall
16 document this designation, and the Department shall also
17 document acceptance of this responsibility by any future
18 caregiver. Documentation of future care designation shall
19 be included in each child's case file and adoption or
20 guardianship subsidy files as applicable to the child.

21 (5) Ensure that any designated future caregiver and the
22 family of a deceased caregiver have information on the
23 financial needs of the child and future resources that may
24 be available to support the child, including any adoption
25 assistance and subsidized guardianship for which the child
26 is or may be eligible.

1 (6) With respect to programs of social work and legal
2 services:

3 (i) Provide contracted social work services to
4 older and ill caregivers, and the families of deceased
5 caregivers, including those who will or have adopted or
6 will take or have taken guardianship of children
7 previously in Department custody. Social work services
8 to caregivers will have the goal of securing a future
9 care and custody plan for children in their care. Such
10 services will include providing information to the
11 caregivers and families on standby guardianship,
12 guardianship, standby adoption, and adoption. The
13 Department will assist the caregiver in developing a
14 plan for the child if the caregiver becomes
15 incapacitated or terminally ill, or dies while the
16 child is a minor. The Department shall develop a form
17 to document the information given to caregivers and to
18 document plans for future custody, in addition to the
19 documentation described in subsection (b) (4). This
20 form shall be included in each child's case file and
21 adoption or guardianship subsidy files as applicable
22 to the child.

23 (ii) Through a program of contracted legal
24 services, assist older and ill caregivers, and the
25 families of deceased caregivers, with the goal of
26 securing court-ordered future care and custody plans

1 for children in their care. Court-ordered future care
2 and custody plans may include: standby guardianship,
3 successor guardianship, standby adoption, and
4 successor adoption. The program will also study ways in
5 which to provide timely and cost-effective legal
6 services to older and ill caregivers, and to families
7 of deceased caregivers in order to ensure permanency
8 for children in their care.

9 (7) Ensure that future caregivers designated by
10 adoptive parents or guardians, and the families of deceased
11 caregivers, understand their rights and potential
12 responsibilities and shall be able to provide adequate
13 support and education for children who may become their
14 legal responsibility.

15 (8) Ensure that future caregivers designated by
16 adoptive parents and guardians, and the families of
17 deceased caregivers, understand the problems of children
18 who have experienced multiple caregivers and who may have
19 experienced abuse, neglect, or abandonment or may have been
20 born to substance-abusing mothers.

21 (9) Ensure that future caregivers designated by
22 adoptive parents and guardians, and the families of
23 deceased caregivers, understand the problems experienced
24 by older and ill caregivers of children, including children
25 with special needs, such as financial stress due to limited
26 income and increased financial responsibility, emotional

1 difficulties associated with the loss of a child's parent
2 or the child's unique behaviors, the special needs of a
3 child who may come into their custody or whose parent or
4 guardian is already deceased, and decreased physical
5 stamina and a higher rate of chronic illness and other
6 health concerns.

7 (10) Provide additional services as needed to families
8 in which a designated caregiver appointed by the court or a
9 caregiver designated in a will or other legal document
10 cannot or will not fulfill the responsibilities as adoptive
11 parent, guardian, or legal custodian of the child.

12 (d) The Department shall consult with the Department on
13 Aging and any other agency it deems appropriate as the
14 Department develops the program required by subsection (c).

15 (e) Rulemaking authority to implement this amendatory Act
16 of the 95th General Assembly, if any, is conditioned on the
17 rules being adopted in accordance with all provisions of the
18 Illinois Administrative Procedure Act and all rules and
19 procedures of the Joint Committee on Administrative Rules; any
20 purported rule not so adopted, for whatever reason, is
21 unauthorized.

22 (Source: P.A. 95-1040, eff. 3-25-09.)

23 (20 ILCS 505/35.5)

24 Sec. 35.5. Inspector General.

25 (a) Subject to appropriation, the ~~The~~ Governor shall

1 appoint, and the Senate shall confirm, an Inspector General who
2 shall have the authority to conduct investigations into
3 allegations of or incidents of possible misconduct,
4 misfeasance, malfeasance, or violations of rules, procedures,
5 or laws by any employee, foster parent, service provider, or
6 contractor of the Department of Children and Family Services.
7 The Inspector General shall make recommendations to the
8 Director of Children and Family Services concerning sanctions
9 or disciplinary actions against Department employees or
10 providers of service under contract to the Department. The
11 Director of Children and Family Services shall provide the
12 Inspector General with an implementation report on the status
13 of any corrective actions taken on recommendations under review
14 and shall continue sending updated reports until the corrective
15 action is completed. The Director shall provide a written
16 response to the Inspector General indicating the status of any
17 sanctions or disciplinary actions against employees or
18 providers of service involving any investigation subject to
19 review. In any case, information included in the reports to the
20 Inspector General and Department responses shall be subject to
21 the public disclosure requirements of the Abused and Neglected
22 Child Reporting Act. Any investigation conducted by the
23 Inspector General shall be independent and separate from the
24 investigation mandated by the Abused and Neglected Child
25 Reporting Act. The Inspector General shall be appointed for a
26 term of 4 years. The Inspector General shall function

1 independently within the Department of Children and Family
2 Services with respect to the operations of the Office of
3 Inspector General, including the performance of investigations
4 and issuance of findings and recommendations, and shall report
5 to the Director of Children and Family Services and the
6 Governor and perform other duties the Director may designate.
7 The Inspector General shall adopt rules as necessary to carry
8 out the functions, purposes, and duties of the office of
9 Inspector General in the Department of Children and Family
10 Services, in accordance with the Illinois Administrative
11 Procedure Act and any other applicable law.

12 (b) The Inspector General shall have access to all
13 information and personnel necessary to perform the duties of
14 the office. To minimize duplication of efforts, and to assure
15 consistency and conformance with the requirements and
16 procedures established in the B.H. v. Suter consent decree and
17 to share resources when appropriate, the Inspector General
18 shall coordinate his or her activities with the Bureau of
19 Quality Assurance within the Department.

20 (c) The Inspector General shall be the primary liaison
21 between the Department and the Department of State Police with
22 regard to investigations conducted under the Inspector
23 General's auspices. If the Inspector General determines that a
24 possible criminal act has been committed, or that special
25 expertise is required in the investigation, he or she shall
26 immediately notify the Department of State Police. All

1 investigations conducted by the Inspector General shall be
2 conducted in a manner designed to ensure the preservation of
3 evidence for possible use in a criminal prosecution.

4 (d) The Inspector General may recommend to the Department
5 of Children and Family Services, the Department of Public
6 Health, or any other appropriate agency, sanctions to be
7 imposed against service providers under the jurisdiction of or
8 under contract with the Department for the protection of
9 children in the custody or under the guardianship of the
10 Department who received services from those providers. The
11 Inspector General may seek the assistance of the Attorney
12 General or any of the several State's Attorneys in imposing
13 sanctions.

14 (e) The Inspector General shall at all times be granted
15 access to any foster home, facility, or program operated for or
16 licensed or funded by the Department.

17 (f) Nothing in this Section shall limit investigations by
18 the Department of Children and Family Services that may
19 otherwise be required by law or that may be necessary in that
20 Department's capacity as the central administrative authority
21 for child welfare.

22 (g) The Inspector General shall have the power to subpoena
23 witnesses and compel the production of books and papers
24 pertinent to an investigation authorized by this Act. The power
25 to subpoena or to compel the production of books and papers,
26 however, shall not extend to the person or documents of a labor

1 organization or its representatives insofar as the person or
2 documents of a labor organization relate to the function of
3 representing an employee subject to investigation under this
4 Act. Any person who fails to appear in response to a subpoena
5 or to answer any question or produce any books or papers
6 pertinent to an investigation under this Act, except as
7 otherwise provided in this Section, or who knowingly gives
8 false testimony in relation to an investigation under this Act
9 is guilty of a Class A misdemeanor.

10 (h) The Inspector General shall provide to the General
11 Assembly and the Governor, no later than January 1 of each
12 year, a summary of reports and investigations made under this
13 Section for the prior fiscal year. The summaries shall detail
14 the imposition of sanctions and the final disposition of those
15 recommendations. The summaries shall not contain any
16 confidential or identifying information concerning the
17 subjects of the reports and investigations. The summaries also
18 shall include detailed recommended administrative actions and
19 matters for consideration by the General Assembly.

20 (Source: P.A. 95-527, eff. 6-1-08.)

21 (20 ILCS 505/35.6)

22 Sec. 35.6. State-wide toll-free telephone number.

23 (a) Subject to appropriation, there ~~There~~ shall be a
24 State-wide, toll-free telephone number for any person, whether
25 or not mandated by law, to report to the Inspector General of

1 the Department, suspected misconduct, malfeasance,
2 misfeasance, or violations of rules, procedures, or laws by
3 Department employees, service providers, or contractors that
4 is detrimental to the best interest of children receiving care,
5 services, or training from or who were committed to the
6 Department as allowed under Section 5 of this Act. Immediately
7 upon receipt of a telephone call regarding suspected abuse or
8 neglect of children, the Inspector General shall refer the call
9 to the Child Abuse and Neglect Hotline or to the State Police
10 as mandated by the Abused and Neglected Child Reporting Act and
11 Section 35.5 of this Act. A mandated reporter shall not be
12 relieved of his or her duty to report incidents to the Child
13 Abuse and Neglect Hotline referred to in this subsection. The
14 Inspector General shall also establish rules and procedures for
15 evaluating reports of suspected misconduct and violation of
16 rules and for conducting an investigation of such reports.

17 (b) The Inspector General may ~~shall~~ prepare and maintain
18 written records from the reporting source that shall contain
19 the following information to the extent known at the time the
20 report is made: (1) the names and addresses of the child and
21 the person responsible for the child's welfare; (2) the nature
22 of the misconduct and the detriment cause to the child's best
23 interest; (3) the names of the persons or agencies responsible
24 for the alleged misconduct. Any investigation conducted by the
25 Inspector General pursuant to such information shall not
26 duplicate and shall be separate from the investigation mandated

1 by the Abused and Neglected Child Reporting Act. However, the
2 Inspector General may include the results of such investigation
3 in reports compiled under this Section. At the request of the
4 reporting agent, the Inspector General shall keep the identity
5 of the reporting agent strictly confidential from the operation
6 of the Department, until the Inspector General shall determine
7 what recommendations shall be made with regard to discipline or
8 sanction of the Department employee, service provider, or
9 contractor, with the exception of suspected child abuse or
10 neglect which shall be handled consistent with the Abused and
11 Neglected Child Reporting Act and Section 35.5 of this Act. The
12 Department shall take whatever steps are necessary to assure
13 that a person making a report in good faith under this Section
14 is not adversely affected solely on the basis of having made
15 such report.

16 (Source: P.A. 92-334, eff. 8-10-01.)

17 (20 ILCS 505/35.7)

18 Sec. 35.7. Error Reduction Implementations Plans;
19 Inspector General.

20 (a) Subject to appropriation, the ~~The~~ Inspector General of
21 the Department of Children and Family Services may ~~shall~~
22 develop Error Reduction Implementation Plans, as necessary, to
23 remedy patterns of errors or problematic practices that
24 compromise or threaten the safety of children as identified in
25 the DCFS Office of the Inspector General (OIG) death or serious

1 injury investigations and Child Death Review Teams
2 recommendations. The Error Reduction Implementation Plans
3 shall include both training and on-site components. The
4 Inspector General shall submit proposed Error Reduction
5 Implementation Plans to the Director for review. The Director
6 may approve the plans submitted, or approve plans amended by
7 the Office of the Inspector General, taking into consideration
8 policies and procedures that govern the function and performance
9 of any affected frontline staff. The Director shall document
10 the basis for disapproval of any submitted or amended plan. The
11 Department shall deploy Error Reduction Safety Teams to
12 implement the Error Reduction Implementation Plans. The Error
13 Reduction Safety Teams shall be composed of Quality Assurance
14 and Division of Training staff to implement hands-on training
15 and Error Reduction Implementation Plans. The teams shall work
16 in the offices of the Department or of agencies, or both, as
17 required by the Error Reduction Implementation Plans, and shall
18 work to ensure that systems are in place to continue reform
19 efforts after the departure of the teams. The Director shall
20 develop a method to ensure consistent compliance with any Error
21 Reduction Implementation Plans, the provisions of which shall
22 be incorporated into the plan.

23 (b) Quality Assurance may ~~shall~~ prepare public reports
24 annually detailing the following: the substance of any Error
25 Reduction Implementation Plan approved; any deviations from
26 the Error Reduction Plan; whether adequate staff was available

1 to perform functions necessary to the Error Reduction
2 Implementation Plan, including identification and reporting of
3 any staff needs; other problems noted or barriers to
4 implementing the Error Reduction Implementation Plan; and
5 recommendations for additional training, amendments to rules
6 and procedures, or other systemic reform identified by the
7 teams. Quality Assurance shall work with affected frontline
8 staff to implement provisions of the approved Error Reduction
9 Implementation Plans related to staff function and
10 performance.

11 (c) The Error Reduction Teams may ~~shall~~ implement training
12 and reform protocols through incubating change in each region,
13 Department office, or purchase of service office, as required.
14 The teams shall administer hands-on assistance, supervision,
15 and management while ensuring that the office, region, or
16 agency develops the skills and systems necessary to incorporate
17 changes on a permanent basis. For each Error Reduction
18 Implementation Plan, the Team shall determine whether adequate
19 staff is available to fulfill the Error Reduction
20 Implementation Plan, provide case-by-case supervision to
21 ensure that the plan is implemented, and ensure that management
22 puts systems in place to enable the reforms to continue. Error
23 Reduction Teams shall work with affected frontline staff to
24 ensure that provisions of the approved Error Reduction
25 Implementation Plans relating to staff functions and
26 performance are achieved to effect necessary reforms.

1 (d) The OIG may ~~shall~~ develop and submit new Error
2 Reduction Implementation Plans as necessary. To implement each
3 Error Reduction Implementation Plan, as approved by the
4 Director, the OIG shall work with Quality Assurance members of
5 the Error Reduction Teams designated by the Department. The
6 teams shall be comprised of staff from Quality Assurance and
7 Training. Training shall work with the OIG and with the child
8 death review teams to develop a curriculum to address errors
9 identified that compromise the safety of children. Following
10 the training roll-out, the Teams shall work on-site in
11 identified offices. The Teams shall review and supervise all
12 work relevant to the Error Reduction Implementation Plan.
13 Quality Assurance shall identify outcome measures and track
14 compliance with the training curriculum. Each quarter, Quality
15 Assurance shall prepare a report detailing compliance with the
16 Error Reduction Implementation Plan and alert the Director to
17 staffing needs or other needs to accomplish the goals of the
18 Error Reduction Implementation Plan. The report shall be
19 transmitted to the Director, the OIG, and all management staff
20 involved in the Error Reduction Implementation Plan.

21 (e) The Director shall review quarterly Quality Assurance
22 reports and determine adherence to the Error Reduction
23 Implementation Plan using criteria and standards developed by
24 the Department.

25 (Source: P.A. 95-527, eff. 6-1-08.)

1 (20 ILCS 1305/10-26 rep.)

2 Section 27. The Department of Human Services Act is amended
3 by repealing Section 10-26.

4 Section 30. The Illinois Lottery Law is amended by changing
5 Section 21.6 as follows:

6 (20 ILCS 1605/21.6)

7 Sec. 21.6. Scratch-off for Illinois veterans.

8 (a) The Department shall offer a special instant
9 scratch-off game for the benefit of Illinois veterans. The game
10 shall commence on January 1, 2006 or as soon thereafter, at the
11 discretion of the Director, as is reasonably practical. The
12 operation of the game shall be governed by this Act and any
13 rules adopted by the Department. If any provision of this
14 Section is inconsistent with any other provision of this Act,
15 then this Section governs.

16 (b) The Illinois Veterans Assistance Fund is created as a
17 special fund in the State treasury. The net revenue from the
18 Illinois veterans scratch-off game shall be deposited into the
19 Fund for appropriation by the General Assembly solely to the
20 Department of Veterans Affairs for making grants, funding
21 additional services, or conducting additional research
22 projects relating to each of the following:

23 (i) veterans' post traumatic stress disorder;

24 (ii) veterans' homelessness;

- 1 (iii) the health insurance costs of veterans;
- 2 (iv) veterans' disability benefits, including but not
3 limited to, disability benefits provided by veterans
4 service organizations and veterans assistance commissions
5 or centers; and
- 6 (v) the long-term care of veterans; provided that,
7 ~~beginning~~ with respect to moneys appropriated for fiscal
8 years year 2008, 2009, and 2011 and thereafter (but not
9 fiscal year 2010), no more than 20% of such moneys shall be
10 used for health insurance costs.

11 In order to expend moneys from this special fund,
12 beginning with moneys appropriated for fiscal year 2008 and
13 through fiscal year 2009, the Director of Veterans' Affairs
14 shall appoint a 3-member funding authorization committee.
15 The Director shall designate one of the members as
16 chairperson. The committee shall meet on a quarterly basis,
17 at a minimum, and shall authorize expenditure of moneys
18 from the special fund by a two-thirds vote. Decisions of
19 the committee shall not take effect unless and until
20 approved by the Director of Veterans' Affairs. Each member
21 of the committee shall serve until a replacement is named
22 by the Director of Veterans' Affairs. One member of the
23 committee shall be a member of the Veterans' Advisory
24 Council. In fiscal year 2010, the Director may authorize
25 the expenditure of moneys from the fund for use by the
26 Department.

1 Moneys collected from the special instant scratch-off game
2 shall be used only as a supplemental financial resource and
3 shall not supplant existing moneys that the Department of
4 Veterans Affairs may currently expend for the purposes set
5 forth in items (i) through (v).

6 Moneys received for the purposes of this Section,
7 including, without limitation, net revenue from the special
8 instant scratch-off game and from gifts, grants, and awards
9 from any public or private entity, must be deposited into the
10 Fund. Any interest earned on moneys in the Fund must be
11 deposited into the Fund.

12 For purposes of this subsection, "net revenue" means the
13 total amount for which tickets have been sold less the sum of
14 the amount paid out in the prizes and the actual administrative
15 expenses of the Department solely related to the scratch-off
16 game under this Section.

17 (c) During the time that tickets are sold for the Illinois
18 veterans scratch-off game, the Department shall not
19 unreasonably diminish the efforts devoted to marketing any
20 other instant scratch-off lottery game.

21 (d) The Department may adopt any rules necessary to
22 implement and administer the provisions of this Section.

23 (Source: P.A. 94-585, eff. 8-15-05; 95-331, eff. 8-20-07;
24 95-649, eff. 10-11-07.)

25 (20 ILCS 2405/3c rep.)

1 Section 31. The Disabled Persons Rehabilitation Act is
2 amended by repealing Section 3c.

3 (30 ILCS 608/Act rep.)

4 Section 32. The State Facilities Closure Act is repealed.

5 Section 35. The Asbestos Abatement Act is amended by adding
6 Section 17 as follows:

7 (105 ILCS 105/17 new)

8 Sec. 17. Suspension of regulatory, licensing, and
9 enforcement duties. All regulatory, licensing, and enforcement
10 duties and all other duties assigned to the Illinois Department
11 of Public Health under this Act are hereby suspended during the
12 period July 1, 2009, through June 30, 2010.

13 Section 40. The Nursing Home Care Act is amended by
14 changing Section 3-702 as follows:

15 (210 ILCS 45/3-702) (from Ch. 111 1/2, par. 4153-702)

16 Sec. 3-702. (a) A person who believes that this Act or a
17 rule promulgated under this Act may have been violated may
18 request an investigation. The request may be submitted to the
19 Department in writing, by telephone, or by personal visit. An
20 oral complaint shall be reduced to writing by the Department.
21 The Department shall request information identifying the

1 complainant, including the name, address and telephone number,
2 to help enable appropriate follow-up. The Department shall act
3 on such complaints via on-site visits or other methods deemed
4 appropriate to handle the complaints with or without such
5 identifying information, as otherwise provided under this
6 Section. The complainant shall be informed that compliance with
7 such request is not required to satisfy the procedures for
8 filing a complaint under this Act.

9 (b) The substance of the complaint shall be provided in
10 writing to the licensee, owner or administrator no earlier than
11 at the commencement of an on-site inspection of the facility
12 which takes place pursuant to the complaint.

13 (c) The Department shall not disclose the name of the
14 complainant unless the complainant consents in writing to the
15 disclosure or the investigation results in a judicial
16 proceeding, or unless disclosure is essential to the
17 investigation. The complainant shall be given the opportunity
18 to withdraw the complaint before disclosure. Upon the request
19 of the complainant, the Department may permit the complainant
20 or a representative of the complainant to accompany the person
21 making the on-site inspection of the facility.

22 (d) Upon receipt of a complaint, the Department shall
23 determine whether this Act or a rule promulgated under this Act
24 has been or is being violated. The Director shall have the
25 authority to determine the order in which complaints received
26 by the Department shall be investigated. Priority shall be

1 given to complaints involving imminent danger to a resident's
2 life or safety, followed by complaints alleging abuse or
3 neglect. ~~The Department shall investigate all complaints~~
4 ~~alleging abuse or neglect within 7 days after the receipt of~~
5 ~~the complaint except that complaints of abuse or neglect which~~
6 ~~indicate that a resident's life or safety is in imminent danger~~
7 ~~shall be investigated within 24 hours after receipt of the~~
8 ~~complaint. All other complaints shall be investigated within 30~~
9 ~~days after the receipt of the complaint.~~ The Department
10 employees investigating a complaint shall conduct a brief,
11 informal exit conference with the facility to alert its
12 administration of any suspected serious deficiency that poses a
13 direct threat to the health, safety or welfare of a resident to
14 enable an immediate correction for the alleviation or
15 elimination of such threat. Such information and findings
16 discussed in the brief exit conference shall become a part of
17 the investigating record but shall not in any way constitute an
18 official or final notice of violation as provided under Section
19 3-301. All complaints shall be classified as "an invalid
20 report", "a valid report", or "an undetermined report". For any
21 complaint classified as "a valid report", the Department must
22 determine within 30 working days if any rule or provision of
23 this Act has been or is being violated.

24 (d-1) The Department shall, whenever possible, combine an
25 on-site investigation of a complaint in a facility with other
26 inspections in order to avoid duplication of inspections.

1 (e) In all cases, the Department shall inform the
2 complainant of its findings within 10 days of its determination
3 unless otherwise indicated by the complainant, and the
4 complainant may direct the Department to send a copy of such
5 findings to another person. The Department's findings may
6 include comments or documentation provided by either the
7 complainant or the licensee pertaining to the complaint. The
8 Department shall also notify the facility of such findings
9 within 10 days of the determination, but the name of the
10 complainant or residents shall not be disclosed in this notice
11 to the facility. The notice of such findings shall include a
12 copy of the written determination; the correction order, if
13 any; the warning notice, if any; the inspection report; or the
14 State licensure form on which the violation is listed.

15 (f) A written determination, correction order, or warning
16 notice concerning a complaint, together with the facility's
17 response, shall be available for public inspection, but the
18 name of the complainant or resident shall not be disclosed
19 without his consent.

20 (g) A complainant who is dissatisfied with the
21 determination or investigation by the Department may request a
22 hearing under Section 3-703. The facility shall be given notice
23 of any such hearing and may participate in the hearing as a
24 party. If a facility requests a hearing under Section 3-703
25 which concerns a matter covered by a complaint, the complainant
26 shall be given notice and may participate in the hearing as a

1 party. A request for a hearing by either a complainant or a
2 facility shall be submitted in writing to the Department within
3 30 days after the mailing of the Department's findings as
4 described in subsection (e) of this Section. Upon receipt of
5 the request the Department shall conduct a hearing as provided
6 under Section 3-703.

7 (h) Any person who knowingly transmits a false report to
8 the Department commits the offense of disorderly conduct under
9 subsection (a)(8) of Section 26-1 of the "Criminal Code of
10 1961".

11 (Source: P.A. 85-1378.)

12 Section 45. The Illinois Migrant Labor Camp Law is amended
13 by adding Section 19 as follows:

14 (210 ILCS 110/19 new)

15 Sec. 19. Suspension of regulatory, licensing, and
16 enforcement duties. All regulatory, licensing, and enforcement
17 duties and all other duties assigned to the Illinois Department
18 of Public Health under this Law are hereby suspended during the
19 period July 1, 2009, through June 30, 2010.

20 Section 50. The Swimming Facility Act is amended by adding
21 Section 29 as follows:

22 (210 ILCS 125/29 new)

1 Sec. 29. Suspension of regulatory, licensing, and
2 enforcement duties. All regulatory, licensing, and enforcement
3 duties and all other duties assigned to the Illinois Department
4 of Public Health under this Act are hereby suspended during the
5 period July 1, 2009, through June 30, 2010.

6 Section 55. The Comprehensive Health Insurance Plan Act is
7 amended by changing Section 7.1 as follows:

8 (215 ILCS 105/7.1)

9 Sec. 7.1. Premiums.

10 (a) The Board shall establish premium rates for coverage as
11 provided in subsection (d) of this Section.

12 (b) Separate schedules of premium rates based on sex, age,
13 geographical location, and benefit plan shall apply for
14 individual risks.

15 (c) The Board may provide for separate premium rates for
16 optional family coverage for the spouse or one or more
17 dependents who reside together in any eligible individual's or
18 eligible person's household. The rates for each spouse or
19 dependent who qualifies to be covered under this optional
20 family coverage shall be such percentage of the applicable
21 individual Plan rate as the Board, in accordance with
22 appropriate actuarial principles, shall establish.

23 (d) The Board, with the assistance of the Director and in
24 accordance with appropriate actuarial principles, shall

1 determine a standard risk rate by using the average rates that
2 individual standard risks in this State are charged by at least
3 5 of the largest health insurance issuers providing individual
4 health insurance coverage to residents of Illinois that is
5 substantially similar to the coverage offered by the Plan. In
6 determining the average rate or charges of those health
7 insurance issuers, the rates charged by those issuers shall be
8 actuarially adjusted to determine the rate or charge that would
9 have been charged for benefits similar to those provided by the
10 Plan. The standard risk rates shall be established using
11 reasonable actuarial techniques and shall reflect anticipated
12 claims experience, expenses, and other appropriate risk
13 factors for such coverage.

14 (e) Rates for Plan coverage shall not be less than 125% nor
15 more than 200% ~~150%~~ of rates established as applicable for
16 individual standard risks pursuant to subsection (d).

17 (Source: P.A. 90-30, eff. 7-1-97.)

18 Section 60. The Children's Health Insurance Program Act is
19 amended by changing Sections 20 and 25 as follows:

20 (215 ILCS 106/20)

21 Sec. 20. Eligibility.

22 (a) To be eligible for this Program, a person must be a
23 person who has a child eligible under this Act and who is
24 eligible under a waiver of federal requirements pursuant to an

1 application made pursuant to subdivision (a)(1) of Section 40
2 of this Act or who is a child who:

3 (1) is a child who is not eligible for medical
4 assistance;

5 (2) is a child whose annual household income, as
6 determined by the Department, is above 133% of the federal
7 poverty level and at or below 200% of the federal poverty
8 level;

9 (3) is a resident of the State of Illinois; ~~and~~

10 (4) is a child who is either a United States citizen or
11 included in one of the following categories of
12 non-citizens:

13 (A) unmarried dependent children of either a
14 United States Veteran honorably discharged or a person
15 on active military duty;

16 (B) refugees under Section 207 of the Immigration
17 and Nationality Act;

18 (C) asylees under Section 208 of the Immigration
19 and Nationality Act;

20 (D) persons for whom deportation has been withheld
21 under Section 243(h) of the Immigration and
22 Nationality Act;

23 (E) persons granted conditional entry under
24 Section 203(a)(7) of the Immigration and Nationality
25 Act as in effect prior to April 1, 1980;

26 (F) persons lawfully admitted for permanent

1 residence under the Immigration and Nationality Act;
2 and

3 (G) parolees, for at least one year, under Section
4 212(d)(5) of the Immigration and Nationality Act; ~~and~~
5 (5) for the period October 1, 2009 through September
6 30, 2010, either (i) who has been without health insurance
7 coverage for a period set forth by the Department in rules,
8 but not less than 12 months, (ii) whose parent has lost
9 employment that made available affordable dependent health
10 insurance coverage, until such time as affordable
11 employer-sponsored dependent health insurance coverage is
12 again available for the child as set forth by the
13 Department in rules, (iii) who is a newborn whose
14 responsible relative does not have available affordable
15 private or employer-sponsored health insurance, (iv) who,
16 within one year of applying for coverage under this Act,
17 lost medical benefits under the Illinois Public Aid Code,
18 or (v) as otherwise set forth by the Department in rule.

19 Those children who are in the categories set forth in
20 subdivisions (4)(F) and (4)(G) of this subsection, who enter
21 the United States on or after August 22, 1996, shall not be
22 eligible for 5 years beginning on the date the child entered
23 the United States.

24 (b) A child who is determined to be eligible for assistance
25 may remain eligible for 12 months, provided the child maintains
26 his or her residence in the State, has not yet attained 19

1 years of age, and is not excluded pursuant to subsection (c). A
2 child who has been determined to be eligible for assistance
3 must reapply or otherwise establish eligibility at least
4 annually. An eligible child shall be required, as determined by
5 the Department by rule, to report promptly those changes in
6 income and other circumstances that affect eligibility. The
7 eligibility of a child may be redetermined based on the
8 information reported or may be terminated based on the failure
9 to report or failure to report accurately. A child's
10 responsible relative or caretaker may also be held liable to
11 the Department for any payments made by the Department on such
12 child's behalf that were inappropriate. An applicant shall be
13 provided with notice of these obligations.

14 (c) A child shall not be eligible for coverage under this
15 Program if:

16 (1) the premium required pursuant to Section 30 of this
17 Act has not been paid. If the required premiums are not
18 paid the liability of the Program shall be limited to
19 benefits incurred under the Program for the time period for
20 which premiums had been paid. If the required monthly
21 premium is not paid, the child shall be ineligible for
22 re-enrollment for a minimum period of 3 months.
23 Re-enrollment shall be completed prior to the next covered
24 medical visit and the first month's required premium shall
25 be paid in advance of the next covered medical visit. The
26 Department shall promulgate rules regarding grace periods,

1 notice requirements, and hearing procedures pursuant to
2 this subsection;

3 (2) the child is an inmate of a public institution or a
4 patient in an institution for mental diseases; or

5 (3) the child is a member of a family that is eligible
6 for health benefits covered under the State of Illinois
7 health benefits plan on the basis of a member's employment
8 with a public agency.

9 (Source: P.A. 92-597, eff. 6-28-02; 93-63, eff. 6-30-03.)

10 (215 ILCS 106/25)

11 Sec. 25. Health benefits for children.

12 (a) The Department shall, subject to appropriation,
13 provide health benefits coverage to eligible children by:

14 (1) Subsidizing the cost of privately sponsored health
15 insurance, including employer based health insurance, to
16 assist families to take advantage of available privately
17 sponsored health insurance for their eligible children,
18 however, no such subsidy shall be available from October 1,
19 2009 to September 30, 2010; and

20 (2) Purchasing or providing health care benefits for
21 eligible children. The health benefits provided under this
22 subdivision (a)(2) shall, subject to appropriation and
23 without regard to any applicable cost sharing under Section
24 30, be identical to the benefits provided for children
25 under the State's approved plan under Title XIX of the

1 Social Security Act. Providers under this subdivision
2 (a)(2) shall be subject to approval by the Department to
3 provide health care under the Illinois Public Aid Code and
4 shall be reimbursed at the same rate as providers under the
5 State's approved plan under Title XIX of the Social
6 Security Act. In addition, providers may retain
7 co-payments when determined appropriate by the Department.

8 (b) The subsidization provided pursuant to subdivision
9 (a)(1) shall be credited to the family of the eligible child.

10 (c) The Department is prohibited from denying coverage to a
11 child who is enrolled in a privately sponsored health insurance
12 plan pursuant to subdivision (a)(1) because the plan does not
13 meet federal benchmarking standards or cost sharing and
14 contribution requirements. To be eligible for inclusion in the
15 Program, the plan shall contain comprehensive major medical
16 coverage which shall consist of physician and hospital
17 inpatient services. The Department is prohibited from denying
18 coverage to a child who is enrolled in a privately sponsored
19 health insurance plan pursuant to subdivision (a)(1) because
20 the plan offers benefits in addition to physician and hospital
21 inpatient services.

22 (d) The total dollar amount of subsidizing coverage per
23 child per month pursuant to subdivision (a)(1) shall be equal
24 to the average dollar payments, less premiums incurred, per
25 child per month pursuant to subdivision (a)(2). The Department
26 shall set this amount prospectively based upon the prior fiscal

1 year's experience adjusted for incurred but not reported claims
2 and estimated increases or decreases in the cost of medical
3 care. Payments obligated before July 1, 1999, will be computed
4 using State Fiscal Year 1996 payments for children eligible for
5 Medical Assistance and income assistance under the Aid to
6 Families with Dependent Children Program, with appropriate
7 adjustments for cost and utilization changes through January 1,
8 1999. The Department is prohibited from providing a subsidy
9 pursuant to subdivision (a)(1) that is more than the
10 individual's monthly portion of the premium.

11 (e) An eligible child may obtain immediate coverage under
12 this Program only once during a medical visit. If coverage
13 lapses, re-enrollment shall be completed in advance of the next
14 covered medical visit and the first month's required premium
15 shall be paid in advance of any covered medical visit.

16 (f) In order to accelerate and facilitate the development
17 of networks to deliver services to children in areas outside
18 counties with populations in excess of 3,000,000, in the event
19 less than 25% of the eligible children in a county or
20 contiguous counties has enrolled with a Health Maintenance
21 Organization pursuant to Section 5-11 of the Illinois Public
22 Aid Code, the Department may develop and implement
23 demonstration projects to create alternative networks designed
24 to enhance enrollment and participation in the program. The
25 Department shall prescribe by rule the criteria, standards, and
26 procedures for effecting demonstration projects under this

1 Section.

2 (Source: P.A. 90-736, eff. 8-12-98.)

3 Section 65. The Covering ALL KIDS Health Insurance Act is
4 amended by changing Sections 15 and 35 as follows:

5 (215 ILCS 170/15)

6 (Section scheduled to be repealed on July 1, 2011)

7 Sec. 15. Operation of Program.

8 (a) The Covering ALL KIDS Health Insurance Program is
9 created. The Program shall be administered by the Department of
10 Healthcare and Family Services.

11 (b) The Department shall not administer this program from
12 October 1, 2009 through September 30, 2010. The Department
13 shall terminate eligibility for all persons enrolled under this
14 Section no later than September 30, 2009. The Department is
15 authorized to accept and process applications for benefits
16 before October 1, 2010, provided that no benefits shall be
17 available until October 1, 2010.

18 (c) The Department shall have the same powers and authority
19 to administer the Program as are provided to the Department in
20 connection with the Department's administration of the
21 Illinois Public Aid Code and the Children's Health Insurance
22 Program Act. The Department shall coordinate the Program with
23 the existing children's health programs operated by the
24 Department and other State agencies.

1 (Source: P.A. 94-693, eff. 7-1-06.)

2 (215 ILCS 170/35)

3 (Section scheduled to be repealed on July 1, 2011)

4 Sec. 35. Health care benefits for children.

5 (a) The Department shall purchase or provide health care
6 benefits for eligible children that are identical to the
7 benefits provided for children under the Illinois Children's
8 Health Insurance Program Act, except for non-emergency
9 transportation.

10 (b) As an alternative to the benefits set forth in
11 subsection (a), and when cost-effective, the Department may
12 offer families subsidies toward the cost of privately sponsored
13 health insurance, including employer-sponsored health
14 insurance. However, no such subsidy shall be available from
15 October 1, 2009 to September 30, 2010.

16 (c) Notwithstanding clause (i) of subdivision (a)(3) of
17 Section 20, the Department may consider offering, as an
18 alternative to the benefits set forth in subsection (a),
19 partial coverage to children who are enrolled in a
20 high-deductible private health insurance plan.

21 (d) Notwithstanding clause (i) of subdivision (a)(3) of
22 Section 20, the Department may consider offering, as an
23 alternative to the benefits set forth in subsection (a), a
24 limited package of benefits to children in families who have
25 private or employer-sponsored health insurance that does not

1 cover certain benefits such as dental or vision benefits.

2 (e) The content and availability of benefits described in
3 subsections (b), (c), and (d), and the terms of eligibility for
4 those benefits, shall be at the Department's discretion and the
5 Department's determination of efficacy and cost-effectiveness
6 as a means of promoting retention of private or
7 employer-sponsored health insurance.

8 (Source: P.A. 94-693, eff. 7-1-06.)

9 Section 70. The Child Care Act of 1969 is amended by
10 changing Sections 3, 5, 6, 7.3, 9, 9.1a, 9.2, and 11 as
11 follows:

12 (225 ILCS 10/3) (from Ch. 23, par. 2213)

13 Sec. 3. (a) The responsibilities designated for the
14 Department under this Section are subject to appropriation. No
15 person, group of persons or corporation may operate or conduct
16 any facility for child care, as defined in this Act, without a
17 license or permit issued by the Department or without being
18 approved by the Department as meeting the standards established
19 for such licensing, with the exception of facilities for whom
20 standards are established by the Department of Corrections
21 under Section 3-15-2 of the Unified Code of Corrections and
22 with the exception of facilities defined in Section 2.10 of
23 this Act, and with the exception of programs or facilities
24 licensed by the Department of Human Services under the

1 Alcoholism and Other Drug Abuse and Dependency Act.

2 (b) No part day child care facility as described in Section
3 2.10 may operate without written notification to the Department
4 or without complying with Section 7.1. Notification shall
5 include a notarized statement by the facility that the facility
6 complies with state or local health standards and state fire
7 safety standards, and shall be filed with the department every
8 2 years.

9 (c) The Director of the Department shall establish policies
10 and coordinate activities relating to child care licensing,
11 licensing of day care homes and day care centers.

12 (d) Any facility or agency which is exempt from licensing
13 may apply for licensing if licensing is required for some
14 government benefit.

15 (Source: P.A. 88-670, eff. 12-2-94; 89-507, eff. 7-1-97.)

16 (225 ILCS 10/5) (from Ch. 23, par. 2215)

17 Sec. 5. (a) Subject to appropriation, in ~~In~~ respect to
18 child care institutions, maternity centers, child welfare
19 agencies, day care centers, day care agencies and group homes,
20 the Department, upon receiving application filed in proper
21 order, shall examine the facilities and persons responsible for
22 care of children therein.

23 (b) In respect to foster family and day care homes,
24 applications may be filed on behalf of such homes by a licensed
25 child welfare agency, by a State agency authorized to place

1 children in foster care or by out-of-State agencies approved by
2 the Department to place children in this State. In respect to
3 day care homes, applications may be filed on behalf of such
4 homes by a licensed day care agency or licensed child welfare
5 agency. In applying for license in behalf of a home in which
6 children are placed by and remain under supervision of the
7 applicant agency, such agency shall certify that the home and
8 persons responsible for care of unrelated children therein, or
9 the home and relatives responsible for the care of related
10 children therein, were found to be in reasonable compliance
11 with standards prescribed by the Department for the type of
12 care indicated.

13 (c) The Department shall not allow any person to examine
14 facilities under a provision of this Act who has not passed an
15 examination demonstrating that such person is familiar with
16 this Act and with the appropriate standards and regulations of
17 the Department.

18 (d) With the exception of day care centers, day care homes,
19 and group day care homes, licenses shall be issued in such form
20 and manner as prescribed by the Department and are valid for 4
21 years from the date issued, unless revoked by the Department or
22 voluntarily surrendered by the licensee. Licenses issued for
23 day care centers, day care homes, and group day care homes
24 shall be valid for 3 years from the date issued, unless revoked
25 by the Department or voluntarily surrendered by the licensee.
26 When a licensee has made timely and sufficient application for

1 the renewal of a license or a new license with reference to any
2 activity of a continuing nature, the existing license shall
3 continue in full force and effect for up to 30 days until the
4 final agency decision on the application has been made. The
5 Department may further extend the period in which such decision
6 must be made in individual cases for up to 30 days, but such
7 extensions shall be only upon good cause shown.

8 (e) The Department may issue one 6-month permit to a newly
9 established facility for child care to allow that facility
10 reasonable time to become eligible for a full license. If the
11 facility for child care is a foster family home, or day care
12 home the Department may issue one 2-month permit only.

13 (f) The Department may issue an emergency permit to a child
14 care facility taking in children as a result of the temporary
15 closure for more than 2 weeks of a licensed child care facility
16 due to a natural disaster. An emergency permit under this
17 subsection shall be issued to a facility only if the persons
18 providing child care services at the facility were employees of
19 the temporarily closed day care center at the time it was
20 closed. No investigation of an employee of a child care
21 facility receiving an emergency permit under this subsection
22 shall be required if that employee has previously been
23 investigated at another child care facility. No emergency
24 permit issued under this subsection shall be valid for more
25 than 90 days after the date of issuance.

26 (g) During the hours of operation of any licensed child

1 care facility, authorized representatives of the Department
2 may without notice visit the facility for the purpose of
3 determining its continuing compliance with this Act or
4 regulations adopted pursuant thereto.

5 (h) Day care centers, day care homes, and group day care
6 homes shall be monitored at least annually by a licensing
7 representative from the Department or the agency that
8 recommended licensure.

9 (Source: P.A. 89-21, eff. 7-1-95; 89-263, eff. 8-10-95; 89-626,
10 eff. 8-9-96.)

11 (225 ILCS 10/6) (from Ch. 23, par. 2216)

12 Sec. 6. (a) A licensed facility operating as a "child care
13 institution", "maternity center", "child welfare agency", "day
14 care agency" or "day care center" must apply for renewal of its
15 license held, the application to be made to the Department on
16 forms prescribed by it.

17 (b) Subject to appropriation, the ~~The~~ Department, a duly
18 licensed child welfare agency or a suitable agency or person
19 designated by the Department as its agent to do so, must
20 re-examine every child care facility for renewal of license,
21 including in that process the examination of the premises and
22 records of the facility as the Department considers necessary
23 to determine that minimum standards for licensing continue to
24 be met, and random surveys of parents or legal guardians who
25 are consumers of such facilities' services to assess the

1 quality of care at such facilities. In the case of foster
2 family homes, or day care homes under the supervision of or
3 otherwise required to be licensed by the Department, or under
4 supervision of a licensed child welfare agency or day care
5 agency, the examination shall be made by the Department, or
6 agency supervising such homes. If the Department is satisfied
7 that the facility continues to maintain minimum standards which
8 it prescribes and publishes, it shall renew the license to
9 operate the facility.

10 (c) If a child care facility's license is revoked, or if
11 the Department refuses to renew a facility's license, the
12 facility may not reapply for a license before the expiration of
13 12 months following the Department's action; provided,
14 however, that the denial of a reapplication for a license
15 pursuant to this subsection must be supported by evidence that
16 the prior revocation renders the applicant unqualified or
17 incapable of satisfying the standards and rules promulgated by
18 the Department pursuant to this Act or maintaining a facility
19 which adheres to such standards and rules.

20 (Source: P.A. 86-554.)

21 (225 ILCS 10/7.3)

22 Sec. 7.3. Children placed by private child welfare agency.

23 (a) Before placing a child who is a ward of the Department
24 in a foster family home, a private child welfare agency must
25 ascertain (i) whether any other children who are wards of the

1 Department have been placed in that home and (ii) whether every
2 such child who has been placed in that home continues to reside
3 in that home, unless the child has been transferred to another
4 placement or is no longer a ward of the Department. The agency
5 must keep a record of every other child welfare agency that has
6 placed such a child in that foster family home; the record must
7 include the name and telephone number of a contact person at
8 each such agency.

9 (b) At least once every 30 days, a private child welfare
10 agency that places wards of the Department in foster family
11 homes must make a site visit to every such home where it has
12 placed a ward. The purpose of the site visit is to verify that
13 the child continues to reside in that home and to verify the
14 child's safety and well-being. The agency must document the
15 verification in its records. If a private child welfare agency
16 fails to comply with the requirements of this subsection, the
17 Department must suspend all payments to the agency until the
18 agency complies.

19 (c) The Department must use best efforts to periodically
20 (but no less often than once every 6 months) review the child
21 placement records of each private child welfare agency that
22 places wards of the Department.

23 (d) If a child placed in a foster family home is missing,
24 the foster parent must promptly report that fact to the
25 Department or to the child welfare agency that placed the child
26 in the home. If the foster parent fails to make such a report,

1 the Department shall put the home on hold for the placement of
2 other children and initiate corrective action that may include
3 revocation of the foster parent's license to operate the foster
4 family home. A foster parent who knowingly and willfully fails
5 to report a missing foster child under this subsection is
6 guilty of a Class A misdemeanor.

7 (e) If a private child welfare agency determines that a
8 ward of the Department whom it has placed in a foster family
9 home no longer resides in that home, the agency must promptly
10 report that fact to the Department. If the agency fails to make
11 such a report, the Department shall put the agency on hold for
12 the placement of other children and initiate corrective action
13 that may include revocation of the agency's license.

14 (f) When a child is missing from a foster home, the
15 Department or private agency in charge of case management shall
16 report regularly to the foster parent concerning efforts to
17 locate the missing child.

18 (g) The Department must use its best available resources
19 ~~strive~~ to account for the status and whereabouts of every one
20 of its wards who it determines is not residing in the
21 authorized placement in which he or she was placed.

22 (Source: P.A. 93-343, eff. 7-24-03.)

23 (225 ILCS 10/9) (from Ch. 23, par. 2219)

24 Sec. 9. Prior to revocation or refusal to renew a license,
25 the Department shall notify the licensee by regular mail

1 ~~registered mail with postage prepaid~~, at the address specified
2 on the license, or at the address of the ranking or presiding
3 officer of a board of directors, or any equivalent body
4 conducting a child care facility, of the contemplated action
5 and that the licensee may, within 10 days of such notification,
6 dating from the postmark of the registered mail, request in
7 writing a public hearing before the Department, and, at the
8 same time, may request a written statement of charges from the
9 Department.

10 (a) Upon written request by the licensee, the Department
11 shall furnish such written statement of charges, and, at the
12 same time, shall set the date and place for the hearing. The
13 charges and notice of the hearing shall be delivered by
14 registered mail with postage prepaid, and the hearing must be
15 held within 30 days, dating from the date of the postmark of
16 the registered mail, except that notification must be made at
17 least 15 days in advance of the date set for the hearing.

18 (b) If no request for a hearing is made within 10 days
19 after notification, or if the Department determines, upon
20 holding a hearing that the license should be revoked or renewal
21 denied, then the license shall be revoked or renewal denied.

22 (c) Upon the hearing of proceedings in which the license is
23 revoked, renewal of license is refused or full license is
24 denied, the Director of the Department, or any officer or
25 employee duly authorized by him in writing, may administer
26 oaths and the Department may procure, by its subpoena, the

1 attendance of witnesses and the production of relevant books
2 and papers.

3 (d) At the time and place designated, the Director of the
4 Department or the officer or employee authorized by him in
5 writing, shall hear the charges, and both the Department and
6 the licensee shall be allowed to present in person or by
7 counsel such statements, testimony and evidence as may be
8 pertinent to the charges or to the defense thereto. The hearing
9 officer may continue such hearing from time to time, but not to
10 exceed a single period of 30 days, unless special extenuating
11 circumstances make further continuance feasible.

12 (Source: P.A. 83-1362.)

13 (225 ILCS 10/9.1a)

14 Sec. 9.1a. Complaint registry.

15 (a) Subject to appropriation, the ~~The~~ Department may ~~shall~~
16 establish a complaint registry to assist in the monitoring of
17 licensed child welfare agencies providing adoption services,
18 which shall record and track the resolution and disposition of
19 substantiated licensing violations.

20 (b) Subject to appropriation, the ~~The~~ Department may ~~shall~~
21 establish and maintain a statewide toll-free telephone number
22 and post information on its website where the public can access
23 information contained in the complaint registry, as it pertains
24 to the past history and record of any licensed child welfare
25 agency providing adoption services. This information shall

1 include, but shall not be limited to, Department substantiated
2 licensing violations against a child welfare agency providing
3 adoption services and Department findings of any license
4 violations against a child welfare agency providing adoption
5 services.

6 (c) Information disclosed in accordance with this Section
7 shall be subject to the applicable confidentiality
8 requirements of this Act and the Adoption Act.

9 (Source: P.A. 94-586, eff. 8-15-05.)

10 (225 ILCS 10/9.2)

11 Sec. 9.2. Toll free number; day care information. Subject
12 to appropriation, the ~~The~~ Department of Children and Family
13 Services may ~~shall establish and~~ maintain a statewide toll-free
14 telephone number that all persons may use to inquire about the
15 past history and record of a day care facility operating in
16 this State. The past history and record shall include, but
17 shall not be limited to, Department substantiated complaints
18 against a day care facility and Department staff findings of
19 license violations by a day care facility. Information
20 disclosed in accordance with this Section shall be subject to
21 the confidentiality requirements provided in this Act.

22 (Source: P.A. 90-671, eff. 1-1-99.)

23 (225 ILCS 10/11) (from Ch. 23, par. 2221)

24 Sec. 11. Whenever the Department is advised, or has reason

1 to believe, that any person, group of persons or corporation is
2 operating a child welfare agency or a child care facility
3 without a license or permit, the Department shall report the
4 matter ~~it shall make an investigation to ascertain the facts.~~
5 ~~If the Department is denied access, it shall request~~
6 ~~intervention of local, county or State law enforcement agencies~~
7 ~~to seek an appropriate court order or warrant to examine the~~
8 ~~premises. A person or entity preventing the Department from~~
9 ~~carrying out its duties under this Section shall be guilty of a~~
10 ~~violation of this Act and shall be subject to such penalties~~
11 ~~related thereto. If it finds that the child welfare agency or~~
12 ~~child care facility is being, or has been operated without a~~
13 ~~license or permit, it shall report the results of its~~
14 ~~investigation~~ to the Attorney General, and to the appropriate
15 State's Attorney for investigation and, if appropriate,
16 prosecution.

17 Operating a child welfare agency or child care facility
18 without a license constitutes a Class A misdemeanor, followed
19 by a business offense, if the operator continues to operate the
20 facility and no effort is made to obtain a license. The
21 business offense fine shall not exceed \$10,000 and each day of
22 a violation is a separate offense.

23 (Source: P.A. 94-586, eff. 8-15-05.)

24 Section 75. The Illinois Plumbing License Law is amended by
25 adding Section 44 as follows:

1 (225 ILCS 320/44 new)

2 Sec. 44. Suspension of regulatory, licensing, and
3 enforcement duties. All regulatory, licensing, and enforcement
4 duties and all other duties assigned to the Illinois Department
5 of Public Health under this Law are hereby suspended during the
6 period July 1, 2009, through June 30, 2010.

7 Section 80. The Water Well and Pump Installation
8 Contractor's License Act is amended by adding Section 30 as
9 follows:

10 (225 ILCS 345/30 new)

11 Sec. 30. Suspension of regulatory, licensing, and
12 enforcement duties. All regulatory, licensing, and enforcement
13 duties and all other duties assigned to the Illinois Department
14 of Public Health under this Act are hereby suspended during the
15 period July 1, 2009, through June 30, 2010.

16 Section 85. The Illinois Public Aid Code is amended by
17 changing Sections 3-8, 4-10, 5-2, 5-12, 5-17, 6-6, 6-11, 9A-11,
18 and 12-4.11 as follows:

19 (305 ILCS 5/3-8) (from Ch. 23, par. 3-8)

20 Sec. 3-8. Funeral and burial. If the estate of a deceased
21 recipient is insufficient to pay for funeral and burial

1 expenses, and if no other resources, including assistance from
2 legally responsible relatives, are available for such
3 purposes, there shall be paid, subject to appropriation and in
4 accordance with the standards, rules and regulations of the
5 Illinois Department, such reasonable amounts as may be
6 necessary to meet costs of the funeral, burial space, and
7 cemetery charges, or to reimburse any person not financially
8 responsible for the deceased who has voluntarily made
9 expenditures for such costs.

10 (Source: P.A. 90-372, eff. 7-1-98.)

11 (305 ILCS 5/4-10) (from Ch. 23, par. 4-10)

12 Sec. 4-10. Funeral and burial. If the estate of a deceased
13 recipient is insufficient to pay for funeral and burial
14 expenses, and if no other resources, including assistance from
15 legally responsible relatives, are available for such
16 purposes, there shall be paid, subject to appropriation and in
17 accordance with the standards, rules and regulations of the
18 Illinois Department, such reasonable amounts as may be
19 necessary to meet costs of the funeral, burial space, and
20 cemetery charges or to reimburse any person not financially
21 responsible for the deceased who has voluntarily made
22 expenditures for such costs.

23 (Source: P.A. 90-372, eff. 7-1-98.)

24 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

1 Sec. 5-2. Classes of Persons Eligible. Medical assistance
2 under this Article shall be available to any of the following
3 classes of persons in respect to whom a plan for coverage has
4 been submitted to the Governor by the Illinois Department and
5 approved by him:

6 1. Recipients of basic maintenance grants under
7 Articles III and IV.

8 2. Persons otherwise eligible for basic maintenance
9 under Articles III and IV but who fail to qualify
10 thereunder on the basis of need, and who have insufficient
11 income and resources to meet the costs of necessary medical
12 care, including but not limited to the following:

13 (a) All persons otherwise eligible for basic
14 maintenance under Article III but who fail to qualify
15 under that Article on the basis of need and who meet
16 either of the following requirements:

17 (i) their income, as determined by the
18 Illinois Department in accordance with any federal
19 requirements, is equal to or less than 70% in
20 fiscal year 2001, equal to or less than 85% in
21 fiscal year 2002 and until a date to be determined
22 by the Department by rule, and equal to or less
23 than 100% beginning on the date determined by the
24 Department by rule, of the nonfarm income official
25 poverty line, as defined by the federal Office of
26 Management and Budget and revised annually in

1 accordance with Section 673(2) of the Omnibus
2 Budget Reconciliation Act of 1981, applicable to
3 families of the same size; or

4 (ii) their income, after the deduction of
5 costs incurred for medical care and for other types
6 of remedial care, is equal to or less than 70% in
7 fiscal year 2001, equal to or less than 85% in
8 fiscal year 2002 and until a date to be determined
9 by the Department by rule, and equal to or less
10 than 100% beginning on the date determined by the
11 Department by rule, of the nonfarm income official
12 poverty line, as defined in item (i) of this
13 subparagraph (a).

14 (b) All persons who would be determined eligible
15 for such basic maintenance under Article IV by
16 disregarding the maximum earned income permitted by
17 federal law.

18 3. Persons who would otherwise qualify for Aid to the
19 Medically Indigent under Article VII.

20 4. Persons not eligible under any of the preceding
21 paragraphs who fall sick, are injured, or die, not having
22 sufficient money, property or other resources to meet the
23 costs of necessary medical care or funeral and burial
24 expenses.

25 5.(a) Women during pregnancy, after the fact of
26 pregnancy has been determined by medical diagnosis, and

1 during the 60-day period beginning on the last day of the
2 pregnancy, together with their infants and children born
3 after September 30, 1983, whose income and resources are
4 insufficient to meet the costs of necessary medical care to
5 the maximum extent possible under Title XIX of the Federal
6 Social Security Act.

7 (b) The Illinois Department and the Governor shall
8 provide a plan for coverage of the persons eligible under
9 paragraph 5(a) by April 1, 1990. Such plan shall provide
10 ambulatory prenatal care to pregnant women during a
11 presumptive eligibility period and establish an income
12 eligibility standard that is equal to 133% of the nonfarm
13 income official poverty line, as defined by the federal
14 Office of Management and Budget and revised annually in
15 accordance with Section 673(2) of the Omnibus Budget
16 Reconciliation Act of 1981, applicable to families of the
17 same size, provided that costs incurred for medical care
18 are not taken into account in determining such income
19 eligibility.

20 (c) The Illinois Department may conduct a
21 demonstration in at least one county that will provide
22 medical assistance to pregnant women, together with their
23 infants and children up to one year of age, where the
24 income eligibility standard is set up to 185% of the
25 nonfarm income official poverty line, as defined by the
26 federal Office of Management and Budget. The Illinois

1 Department shall seek and obtain necessary authorization
2 provided under federal law to implement such a
3 demonstration. Such demonstration may establish resource
4 standards that are not more restrictive than those
5 established under Article IV of this Code.

6 6. Persons under the age of 18 who fail to qualify as
7 dependent under Article IV and who have insufficient income
8 and resources to meet the costs of necessary medical care
9 to the maximum extent permitted under Title XIX of the
10 Federal Social Security Act.

11 7. Persons who are under 21 years of age and would
12 qualify as disabled as defined under the Federal
13 Supplemental Security Income Program, provided medical
14 service for such persons would be eligible for Federal
15 Financial Participation, and provided the Illinois
16 Department determines that:

17 (a) the person requires a level of care provided by
18 a hospital, skilled nursing facility, or intermediate
19 care facility, as determined by a physician licensed to
20 practice medicine in all its branches;

21 (b) it is appropriate to provide such care outside
22 of an institution, as determined by a physician
23 licensed to practice medicine in all its branches;

24 (c) the estimated amount which would be expended
25 for care outside the institution is not greater than
26 the estimated amount which would be expended in an

1 institution.

2 8. Persons who become ineligible for basic maintenance
3 assistance under Article IV of this Code in programs
4 administered by the Illinois Department due to employment
5 earnings and persons under the age of 19 in assistance
6 units comprised of adults and children who become
7 ineligible for basic maintenance assistance under Article
8 VI of this Code due to employment earnings. The plan for
9 coverage for this class of persons shall:

10 (a) extend the medical assistance coverage for up
11 to 12 months following termination of basic
12 maintenance assistance; and

13 (b) offer persons who have initially received 6
14 months of the coverage provided in paragraph (a) above,
15 the option of receiving an additional 6 months of
16 coverage, subject to the following:

17 (i) such coverage shall be pursuant to
18 provisions of the federal Social Security Act;

19 (ii) such coverage shall include all services
20 covered while the person was eligible for basic
21 maintenance assistance;

22 (iii) no premium shall be charged for such
23 coverage; and

24 (iv) such coverage shall be suspended in the
25 event of a person's failure without good cause to
26 file in a timely fashion reports required for this

1 coverage under the Social Security Act and
2 coverage shall be reinstated upon the filing of
3 such reports if the person remains otherwise
4 eligible.

5 9. Persons with acquired immunodeficiency syndrome
6 (AIDS) or with AIDS-related conditions with respect to whom
7 there has been a determination that but for home or
8 community-based services such individuals would require
9 the level of care provided in an inpatient hospital,
10 skilled nursing facility or intermediate care facility the
11 cost of which is reimbursed under this Article. Assistance
12 shall be provided to such persons to the maximum extent
13 permitted under Title XIX of the Federal Social Security
14 Act.

15 10. Participants in the long-term care insurance
16 partnership program established under the Illinois
17 Long-Term Care Partnership Program Act who meet the
18 qualifications for protection of resources described in
19 Section 15 of that Act.

20 11. Persons with disabilities who are employed and
21 eligible for Medicaid, pursuant to Section
22 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as
23 provided by the Illinois Department by rule. In
24 establishing eligibility standards under this paragraph
25 11, the Department shall, subject to federal approval:

26 (a) set the income eligibility standard at not

1 lower than 350% of the federal poverty level;

2 (b) exempt retirement accounts that the person
3 cannot access without penalty before the age of 59 1/2,
4 and medical savings accounts established pursuant to
5 26 U.S.C. 220;

6 (c) allow non-exempt assets up to \$25,000 as to
7 those assets accumulated during periods of eligibility
8 under this paragraph 11; and

9 (d) continue to apply subparagraphs (b) and (c) in
10 determining the eligibility of the person under this
11 Article even if the person loses eligibility under this
12 paragraph 11.

13 12. Subject to federal approval, persons who are
14 eligible for medical assistance coverage under applicable
15 provisions of the federal Social Security Act and the
16 federal Breast and Cervical Cancer Prevention and
17 Treatment Act of 2000. Those eligible persons are defined
18 to include, but not be limited to, the following persons:

19 (1) persons who have been screened for breast or
20 cervical cancer under the U.S. Centers for Disease
21 Control and Prevention Breast and Cervical Cancer
22 Program established under Title XV of the federal
23 Public Health Services Act in accordance with the
24 requirements of Section 1504 of that Act as
25 administered by the Illinois Department of Public
26 Health; and

1 (2) persons whose screenings under the above
2 program were funded in whole or in part by funds
3 appropriated to the Illinois Department of Public
4 Health for breast or cervical cancer screening.

5 "Medical assistance" under this paragraph 12 shall be
6 identical to the benefits provided under the State's
7 approved plan under Title XIX of the Social Security Act.
8 The Department must request federal approval of the
9 coverage under this paragraph 12 within 30 days after the
10 effective date of this amendatory Act of the 92nd General
11 Assembly.

12 13. Subject to appropriation and to federal approval,
13 persons living with HIV/AIDS who are not otherwise eligible
14 under this Article and who qualify for services covered
15 under Section 5-5.04 as provided by the Illinois Department
16 by rule.

17 14. Subject to the availability of funds for this
18 purpose, the Department may provide coverage under this
19 Article to persons who reside in Illinois who are not
20 eligible under any of the preceding paragraphs and who meet
21 the income guidelines of paragraph 2(a) of this Section and
22 (i) have an application for asylum pending before the
23 federal Department of Homeland Security or on appeal before
24 a court of competent jurisdiction and are represented
25 either by counsel or by an advocate accredited by the
26 federal Department of Homeland Security and employed by a

1 not-for-profit organization in regard to that application
2 or appeal, or (ii) are receiving services through a
3 federally funded torture treatment center. Medical
4 coverage under this paragraph 14 may be provided for up to
5 24 continuous months from the initial eligibility date so
6 long as an individual continues to satisfy the criteria of
7 this paragraph 14. If an individual has an appeal pending
8 regarding an application for asylum before the Department
9 of Homeland Security, eligibility under this paragraph 14
10 may be extended until a final decision is rendered on the
11 appeal. The Department may adopt rules governing the
12 implementation of this paragraph 14.

13 15. Family Care Eligibility.

14 (a) A caretaker relative who is 19 years of age or
15 older when countable income is at or below 185% of the
16 Federal Poverty Level Guidelines, as published
17 annually in the Federal Register, for the appropriate
18 family size. A person may not spend down to become
19 eligible under this paragraph 15.

20 (b) Eligibility shall be reviewed annually.

21 (c) Caretaker relatives enrolled under this
22 paragraph 15 in families with countable income above
23 150% and at or below 185% of the Federal Poverty Level
24 Guidelines shall be counted as family members and pay
25 premiums as established under the Children's Health
26 Insurance Program Act.

1 (d) Premiums shall be billed by and payable to the
2 Department or its authorized agent, on a monthly basis.

3 (e) The premium due date is the last day of the
4 month preceding the month of coverage.

5 (f) Individuals shall have a grace period through
6 the month of coverage to pay the premium.

7 (g) Failure to pay the full monthly premium by the
8 last day of the grace period shall result in
9 termination of coverage.

10 (h) Partial premium payments shall not be
11 refunded.

12 (i) Following termination of an individual's
13 coverage under this paragraph 15, the following action
14 is required before the individual can be re-enrolled:

15 (1) A new application must be completed and the
16 individual must be determined otherwise eligible.

17 (2) There must be full payment of premiums due
18 under this Code, the Children's Health Insurance
19 Program Act, the Covering ALL KIDS Health
20 Insurance Act, or any other healthcare program
21 administered by the Department for periods in
22 which a premium was owed and not paid for the
23 individual.

24 (3) The first month's premium must be paid if
25 there was an unpaid premium on the date the
26 individual's previous coverage was canceled.

1 The Department is authorized to implement the
2 provisions of this amendatory Act of the 95th General
3 Assembly by adopting the medical assistance rules in effect
4 as of October 1, 2007, at 89 Ill. Admin. Code 125, along
5 with only those changes necessary to conform to federal
6 Medicaid requirements. The Department may not otherwise
7 adopt any rule to implement this increase except as
8 authorized by law, to meet the eligibility standards
9 authorized by the federal government in the Medicaid State
10 Plan or the Title XXI Plan, or to meet an order from the
11 federal government or any court.

12 The Illinois Department and the Governor shall provide a
13 plan for coverage of the persons eligible under paragraph 7 as
14 soon as possible after July 1, 1984.

15 The eligibility of any such person for medical assistance
16 under this Article is not affected by the payment of any grant
17 under the Senior Citizens and Disabled Persons Property Tax
18 Relief and Pharmaceutical Assistance Act or any distributions
19 or items of income described under subparagraph (X) of
20 paragraph (2) of subsection (a) of Section 203 of the Illinois
21 Income Tax Act. The Department shall by rule establish the
22 amounts of assets to be disregarded in determining eligibility
23 for medical assistance, which shall at a minimum equal the
24 amounts to be disregarded under the Federal Supplemental
25 Security Income Program. The amount of assets of a single
26 person to be disregarded shall not be less than \$2,000, and the

1 amount of assets of a married couple to be disregarded shall
2 not be less than \$3,000.

3 To the extent permitted under federal law, any person found
4 guilty of a second violation of Article VIIIA shall be
5 ineligible for medical assistance under this Article, as
6 provided in Section 8A-8.

7 The eligibility of any person for medical assistance under
8 this Article shall not be affected by the receipt by the person
9 of donations or benefits from fundraisers held for the person
10 in cases of serious illness, as long as neither the person nor
11 members of the person's family have actual control over the
12 donations or benefits or the disbursement of the donations or
13 benefits.

14 (Source: P.A. 94-629, eff. 1-1-06; 94-1043, eff. 7-24-06;
15 95-546, eff. 8-29-07; 95-1055, eff. 4-10-09.)

16 (305 ILCS 5/5-12) (from Ch. 23, par. 5-12)

17 Sec. 5-12. Funeral and burial. Upon the death of a
18 recipient who qualified under class 2, 3 or 4 of Section 5-2,
19 if his estate is insufficient to pay his funeral and burial
20 expenses and if no other resources, including assistance from
21 legally responsible relatives, are available for such
22 purposes, there shall be paid, subject to appropriation and in
23 accordance with the standards, rules and regulations of the
24 Illinois Department of Human Services, such reasonable amounts
25 as may be necessary to meet the costs of the funeral, burial

1 space, and cemetery charges, or to reimburse any person not
2 financially responsible for the deceased who has voluntarily
3 made expenditures for such costs.

4 (Source: P.A. 92-651, eff. 7-11-02.)

5 (305 ILCS 5/5-17) (from Ch. 23, par. 5-17)

6 Sec. 5-17. Programs to improve access to hospital care.

7 (a) (1) The General Assembly finds:

8 (A) That while hospitals have traditionally
9 provided charitable care to indigent patients, this
10 burden is not equally borne by all hospitals operating
11 in this State. Some hospitals continue to provide
12 significant amounts of care to low-income persons
13 while others provide very little such care; and

14 (B) That access to hospital care in this State by
15 the indigent citizens of Illinois would be seriously
16 impaired by the closing of hospitals that provide
17 significant amounts of care to low-income persons.

18 (2) To help expand the availability of hospital care
19 for all citizens of this State, it is the policy of the
20 State to implement programs that more equitably distribute
21 the burden of providing hospital care to Illinois'
22 low-income population and that improve access to health
23 care in Illinois.

24 (3) The Illinois Department may develop and implement a
25 program that lessens the burden of providing hospital care

1 to Illinois' low-income population, taking into account
2 the costs that must be incurred by hospitals providing
3 significant amounts of care to low-income persons, and may
4 develop adjustments to increase rates to improve access to
5 health care in Illinois. The Illinois Department shall
6 prescribe by rule the criteria, standards and procedures
7 for effecting such adjustments in the rates of hospital
8 payments for services provided to eligible low-income
9 persons (under Articles V, VI and VII of this Code) under
10 this Article.

11 (b) The Illinois Department shall require hospitals
12 certified to participate in the federal Medicaid program to:

13 (1) provide equal access to available services to
14 low-income persons who are eligible for assistance under
15 Articles V, ~~VI~~ and VII of this Code;

16 (2) provide data and reports on the provision of
17 uncompensated care.

18 (c) From the effective date of this amendatory Act of 1992
19 until July 1, 1992, nothing in this Section 5-17 shall be
20 construed as creating a private right of action on behalf of
21 any individual.

22 (Source: P.A. 87-13; 87-838.)

23 (305 ILCS 5/6-6) (from Ch. 23, par. 6-6)

24 Sec. 6-6. Funeral and Burial.

25 If the estate of a deceased recipient is insufficient to

1 pay for funeral and burial expenses and if no other resources
2 including assistance from legally responsible relatives or the
3 United States Veterans Administration, are available for such
4 purposes, there shall be paid, subject to appropriation and in
5 accordance with the standards, rules and regulations of the
6 Illinois Department, such amounts as may be necessary to meet
7 costs of the funeral, burial space, and cemetery charges, or to
8 reimburse any person not financially responsible for the
9 deceased who has voluntarily made expenditures for such costs.

10 (Source: P.A. 90-372, eff. 7-1-98.)

11 (305 ILCS 5/6-11) (from Ch. 23, par. 6-11)

12 Sec. 6-11. State funded General Assistance.

13 (a) Effective July 1, 1992, all State funded General
14 Assistance and related medical benefits shall be governed by
15 this Section. Other parts of this Code or other laws related to
16 General Assistance shall remain in effect to the extent they do
17 not conflict with the provisions of this Section. If any other
18 part of this Code or other laws of this State conflict with the
19 provisions of this Section, the provisions of this Section
20 shall control.

21 (b) State funded General Assistance shall consist of 2
22 separate programs. One program shall be for adults with no
23 children and shall be known as State Transitional Assistance.
24 The other program shall be for families with children and for
25 pregnant women and shall be known as State Family and Children

1 Assistance.

2 (c) (1) To be eligible for State Transitional Assistance on
3 or after July 1, 1992, an individual must be ineligible for
4 assistance under any other Article of this Code, must be
5 determined chronically needy, and must be one of the following:

6 (A) age 18 or over or

7 (B) married and living with a spouse, regardless of
8 age.

9 (2) The Illinois Department or the local governmental unit
10 shall determine whether individuals are chronically needy as
11 follows:

12 (A) Individuals who have applied for Supplemental
13 Security Income (SSI) and are awaiting a decision on
14 eligibility for SSI who are determined disabled by the
15 Illinois Department using the SSI standard shall be
16 considered chronically needy, except that individuals
17 whose disability is based solely on substance addictions
18 (drug abuse and alcoholism) and whose disability would
19 cease were their addictions to end shall be eligible only
20 for medical assistance and shall not be eligible for cash
21 assistance under the State Transitional Assistance
22 program.

23 (B) If an individual has been denied SSI due to a
24 finding of "not disabled" (either at the Administrative Law
25 Judge level or above, or at a lower level if that
26 determination was not appealed), the Illinois Department

1 shall adopt that finding and the individual shall not be
2 eligible for State Transitional Assistance or any related
3 medical benefits. Such an individual may not be determined
4 disabled by the Illinois Department for a period of 12
5 months, unless the individual shows that there has been a
6 substantial change in his or her medical condition or that
7 there has been a substantial change in other factors, such
8 as age or work experience, that might change the
9 determination of disability.

10 (C) The Illinois Department, by rule, may specify other
11 categories of individuals as chronically needy; nothing in
12 this Section, however, shall be deemed to require the
13 inclusion of any specific category other than as specified
14 in paragraphs (A) and (B).

15 (3) For individuals in State Transitional Assistance,
16 medical assistance shall be provided in an amount and nature
17 determined by the Department of Healthcare and Family Services
18 by rule. However, no such benefits shall be provided for
19 services rendered beginning October 1, 2009 through September
20 30, 2010. The Department is authorized to terminate enrollment
21 of any person who would otherwise have been enrolled for such
22 benefits effective October 1, 2009. The Department is
23 authorized to accept and process applications for benefits
24 before October 1, 2010, provided that no benefits shall be
25 available until October 1, 2010. The amount and nature of
26 medical assistance provided need not be the same as that

1 provided under paragraph (4) of subsection (d) of this Section,
2 and nothing in this paragraph (3) shall be construed to require
3 the coverage of any particular medical service. In addition,
4 the amount and nature of medical assistance provided may be
5 different for different categories of individuals determined
6 chronically needy.

7 (4) The Illinois Department shall determine, by rule, those
8 assistance recipients under Article VI who shall be subject to
9 employment, training, or education programs including
10 Earnfare, the content of those programs, and the penalties for
11 failure to cooperate in those programs.

12 (5) The Illinois Department shall, by rule, establish
13 further eligibility requirements, including but not limited to
14 residence, need, and the level of payments.

15 (d) (1) To be eligible for State Family and Children
16 Assistance, a family unit must be ineligible for assistance
17 under any other Article of this Code and must contain a child
18 who is:

19 (A) under age 18 or

20 (B) age 18 and a full-time student in a secondary
21 school or the equivalent level of vocational or technical
22 training, and who may reasonably be expected to complete
23 the program before reaching age 19.

24 Those children shall be eligible for State Family and
25 Children Assistance.

26 (2) The natural or adoptive parents of the child living in

1 the same household may be eligible for State Family and
2 Children Assistance.

3 (3) A pregnant woman whose pregnancy has been verified
4 shall be eligible for income maintenance assistance under the
5 State Family and Children Assistance program.

6 (4) The amount and nature of medical assistance provided
7 under the State Family and Children Assistance program shall be
8 determined by the Department of Healthcare and Family Services
9 by rule. However, no such benefits shall be provided for
10 services rendered beginning October 1, 2009 through September
11 30, 2010. The Department is authorized to terminate enrollment
12 of any person who would otherwise have been enrolled for such
13 benefits effective October 1, 2009. The Department is
14 authorized to accept and process applications for benefits
15 before October 1, 2010, provided that no benefits shall be
16 available until October 1, 2010. The amount and nature of
17 medical assistance provided need not be the same as that
18 provided under paragraph (3) of subsection (c) of this Section,
19 and nothing in this paragraph (4) shall be construed to require
20 the coverage of any particular medical service.

21 (5) The Illinois Department shall, by rule, establish
22 further eligibility requirements, including but not limited to
23 residence, need, and the level of payments.

24 (e) A local governmental unit that chooses to participate
25 in a General Assistance program under this Section shall
26 provide funding in accordance with Section 12-21.13 of this

1 Act. Local governmental funds used to qualify for State funding
2 may only be expended for clients eligible for assistance under
3 this Section 6-11 and related administrative expenses.

4 (f) In order to qualify for State funding under this
5 Section, a local governmental unit shall be subject to the
6 supervision and the rules and regulations of the Illinois
7 Department.

8 (g) Notwithstanding any other provision in this Code, the
9 Illinois Department is authorized to reduce payment levels used
10 to determine cash grants provided to recipients of State
11 Transitional Assistance at any time within a Fiscal Year in
12 order to ensure that cash benefits for State Transitional
13 Assistance do not exceed the amounts appropriated for those
14 cash benefits. Changes in payment levels may be accomplished by
15 emergency rule under Section 5-45 of the Illinois
16 Administrative Procedure Act, except that the limitation on the
17 number of emergency rules that may be adopted in a 24-month
18 period shall not apply and the provisions of Sections 5-115 and
19 5-125 of the Illinois Administrative Procedure Act shall not
20 apply. This provision shall also be applicable to any reduction
21 in payment levels made upon implementation of this amendatory
22 Act of 1995.

23 (Source: P.A. 95-331, eff. 8-21-07.)

24 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

25 Sec. 9A-11. Child Care.

1 (a) The General Assembly recognizes that families with
2 children need child care in order to work. Child care is
3 expensive and families with low incomes, including those who
4 are transitioning from welfare to work, often struggle to pay
5 the costs of day care. The General Assembly understands the
6 importance of helping low income working families become and
7 remain self-sufficient. The General Assembly also believes
8 that it is the responsibility of families to share in the costs
9 of child care. It is also the preference of the General
10 Assembly that all working poor families should be treated
11 equally, regardless of their welfare status.

12 (b) To the extent resources permit, the Illinois Department
13 shall provide child care services to parents or other relatives
14 as defined by rule who are working or participating in
15 employment or Department approved education or training
16 programs. At a minimum, the Illinois Department shall cover the
17 following categories of families:

18 (1) recipients of TANF under Article IV participating
19 in work and training activities as specified in the
20 personal plan for employment and self-sufficiency;

21 (2) families transitioning from TANF to work;

22 (3) families at risk of becoming recipients of TANF;

23 (4) families with special needs as defined by rule; and

24 (5) working families with very low incomes as defined
25 by rule.

26 The Department shall specify by rule the conditions of

1 eligibility, the application process, and the types, amounts,
2 and duration of services. Eligibility for child care benefits
3 and the amount of child care provided may vary based on family
4 size, income, and other factors as specified by rule.

5 In determining income eligibility for child care benefits,
6 the Department annually, at the beginning of each fiscal year,
7 shall establish, by rule, one income threshold for each family
8 size, in relation to percentage of State median income for a
9 family of that size, that makes families with incomes below the
10 specified threshold eligible for assistance and families with
11 incomes above the specified threshold ineligible for
12 assistance. Through and including fiscal year 2007, the
13 specified threshold must be no less than 50% of the
14 then-current State median income for each family size.
15 Beginning in fiscal year 2008, the specified threshold must be
16 no less than 185% of the then-current federal poverty level for
17 each family size. Beginning in calendar year 2010, the
18 specified threshold shall be set by Department rule.

19 In determining eligibility for assistance, the Department
20 shall not give preference to any category of recipients or give
21 preference to individuals based on their receipt of benefits
22 under this Code.

23 ~~The Department shall allocate \$7,500,000 annually for a~~
24 ~~test program for families who are income eligible for child~~
25 ~~care assistance, who are not recipients of TANF under Article~~
26 ~~IV, and who need child care assistance to participate in~~

1 ~~education and training activities. The Department shall~~
2 ~~specify by rule the conditions of eligibility for this test~~
3 ~~program.~~

4 Nothing in this Section shall be construed as conferring
5 entitlement status to eligible families.

6 The Illinois Department is authorized to lower income
7 eligibility ceilings, raise parent co-payments, create waiting
8 lists, or take such other actions during a fiscal year as are
9 necessary to ensure that child care benefits paid under this
10 Article do not exceed the amounts appropriated for those child
11 care benefits. These changes may be accomplished by emergency
12 rule under Section 5-45 of the Illinois Administrative
13 Procedure Act, except that the limitation on the number of
14 emergency rules that may be adopted in a 24-month period shall
15 not apply.

16 The Illinois Department may contract with other State
17 agencies or child care organizations for the administration of
18 child care services.

19 (c) Payment shall be made for child care that otherwise
20 meets the requirements of this Section and applicable standards
21 of State and local law and regulation, including any
22 requirements the Illinois Department promulgates by rule in
23 addition to the licensure requirements promulgated by the
24 Department of Children and Family Services and Fire Prevention
25 and Safety requirements promulgated by the Office of the State
26 Fire Marshal and is provided in any of the following:

1 (1) a child care center which is licensed or exempt
2 from licensure pursuant to Section 2.09 of the Child Care
3 Act of 1969;

4 (2) a licensed child care home or home exempt from
5 licensing;

6 (3) a licensed group child care home;

7 (4) other types of child care, including child care
8 provided by relatives or persons living in the same home as
9 the child, as determined by the Illinois Department by
10 rule.

11 (c-5) Solely for the purposes of coverage under the
12 Illinois Public Labor Relations Act, child and day care home
13 providers, including licensed and license exempt,
14 participating in the Department's child care assistance
15 program shall be considered to be public employees and the
16 State of Illinois shall be considered to be their employer as
17 of the effective date of this amendatory Act of the 94th
18 General Assembly, but not before. The State shall engage in
19 collective bargaining with an exclusive representative of
20 child and day care home providers participating in the child
21 care assistance program concerning their terms and conditions
22 of employment that are within the State's control. Nothing in
23 this subsection shall be understood to limit the right of
24 families receiving services defined in this Section to select
25 child and day care home providers or supervise them within the
26 limits of this Section. The State shall not be considered to be

1 the employer of child and day care home providers for any
2 purposes not specifically provided in this amendatory Act of
3 the 94th General Assembly, including but not limited to,
4 purposes of vicarious liability in tort and purposes of
5 statutory retirement or health insurance benefits. Child and
6 day care home providers shall not be covered by the State
7 Employees Group Insurance Act of 1971.

8 In according child and day care home providers and their
9 selected representative rights under the Illinois Public Labor
10 Relations Act, the State intends that the State action
11 exemption to application of federal and State antitrust laws be
12 fully available to the extent that their activities are
13 authorized by this amendatory Act of the 94th General Assembly.

14 (d) The Illinois Department shall, by rule, require
15 co-payments for child care services by any parent, including
16 parents whose only income is from assistance under this Code.
17 The co-payment shall be assessed based on a sliding scale based
18 on family income, family size, and the number of children in
19 care. Co-payments shall not be increased due solely to a change
20 in the methodology for counting family income.

21 (d-5) The Illinois Department, in consultation with its
22 Child Care and Development Advisory Council, shall develop a
23 plan to revise the child care assistance program's co-payment
24 scale. The plan shall be completed no later than February 1,
25 2008, and shall include:

26 (1) findings as to the percentage of income that the

1 average American family spends on child care and the
2 relative amounts that low-income families and the average
3 American family spend on other necessities of life;

4 (2) recommendations for revising the child care
5 co-payment scale to assure that families receiving child
6 care services from the Department are paying no more than
7 they can reasonably afford;

8 (3) recommendations for revising the child care
9 co-payment scale to provide at-risk children with complete
10 access to Preschool for All and Head Start; and

11 (4) recommendations for changes in child care program
12 policies that affect the affordability of child care.

13 (e) (Blank).

14 (f) The Illinois Department shall, by rule, set rates to be
15 paid for the various types of child care. Child care may be
16 provided through one of the following methods:

17 (1) arranging the child care through eligible
18 providers by use of purchase of service contracts or
19 vouchers;

20 (2) arranging with other agencies and community
21 volunteer groups for non-reimbursed child care;

22 (3) (blank); or

23 (4) adopting such other arrangements as the Department
24 determines appropriate.

25 (f-5) (Blank).

26 (g) Families eligible for assistance under this Section

1 shall be given the following options:

2 (1) receiving a child care certificate issued by the
3 Department or a subcontractor of the Department that may be
4 used by the parents as payment for child care and
5 development services only; or

6 (2) if space is available, enrolling the child with a
7 child care provider that has a purchase of service contract
8 with the Department or a subcontractor of the Department
9 for the provision of child care and development services.
10 The Department may identify particular priority
11 populations for whom they may request special
12 consideration by a provider with purchase of service
13 contracts, provided that the providers shall be permitted
14 to maintain a balance of clients in terms of household
15 incomes and families and children with special needs, as
16 defined by rule.

17 (Source: P.A. 94-320, eff. 1-1-06; 95-206, eff. 8-16-07;
18 95-322, eff. 1-1-08; 95-876, eff. 8-21-08.)

19 (305 ILCS 5/12-4.11) (from Ch. 23, par. 12-4.11)

20 Sec. 12-4.11. Grant amounts. The Department, with due
21 regard for and subject to budgetary limitations, shall
22 establish grant amounts for each of the programs, by
23 regulation. The grant amounts may vary by program, size of
24 assistance unit and geographic area.

25 Aid payments shall not be reduced except: (1) for changes

1 in the cost of items included in the grant amounts, or (2) for
2 changes in the expenses of the recipient, or (3) for changes in
3 the income or resources available to the recipient, or (4) for
4 changes in grants resulting from adoption of a consolidated
5 grant amount. ~~Beginning July 1, 2008, the Department of Human~~
6 ~~Services shall increase TANF grant amounts in effect on June~~
7 ~~30, 2008 by 9%.~~

8 Subject to appropriation, beginning on July 1, 2008, the
9 Department of Human Services shall increase TANF grant amounts
10 in effect on June 30, 2008 by 15%. The Department is authorized
11 to administer this increase but may not otherwise adopt any
12 rule to implement this increase.

13 In fixing standards to govern payments or reimbursements
14 for funeral and burial expenses, the Department shall
15 establish, subject to appropriation, a minimum allowable
16 amount of not less than \$1,000 for Department payment of
17 funeral services and not less than \$500 for Department payment
18 of burial or cremation services. On January 1, 2006, July 1,
19 2006, and July 1, 2007, the Department shall increase the
20 minimum reimbursement amount for funeral and burial expenses
21 under this Section by a percentage equal to the percentage
22 increase in the Consumer Price Index for All Urban Consumers,
23 if any, during the 12 months immediately preceding that January
24 1 or July 1. In establishing the minimum allowable amount, the
25 Department shall take into account the services essential to a
26 dignified, low-cost (i) funeral and (ii) burial or cremation,

1 including reasonable amounts that may be necessary for burial
2 space and cemetery charges, and any applicable taxes or other
3 required governmental fees or charges. If no person has agreed
4 to pay the total cost of the (i) funeral and (ii) burial or
5 cremation charges, the Department shall pay the vendor the
6 actual costs of the (i) funeral and (ii) burial or cremation,
7 or the minimum allowable amount for each service as established
8 by the Department, whichever is less, provided that the
9 Department reduces its payments by the amount available from
10 the following sources: the decedent's assets and available
11 resources and the anticipated amounts of any death benefits
12 available to the decedent's estate, and amounts paid and
13 arranged to be paid by the decedent's legally responsible
14 relatives. A legally responsible relative is expected to pay
15 (i) funeral and (ii) burial or cremation expenses unless
16 financially unable to do so.

17 Nothing contained in this Section or in any other Section
18 of this Code shall be construed to prohibit the Illinois
19 Department (1) from consolidating existing standards on the
20 basis of any standards which are or were in effect on, or
21 subsequent to July 1, 1969, or (2) from employing any
22 consolidated standards in determining need for public aid and
23 the amount of money payment or grant for individual recipients
24 or recipient families.

25 (Source: P.A. 94-669, eff. 8-23-05; 95-744, eff. 7-18-08;
26 95-1055, eff. 4-10-09; revised 4-14-09.)

1 (305 ILCS 5/6-5 rep.)

2 Section 90. The Illinois Public Aid Code is amended by
3 repealing Section 6-5.

4 Section 95. The Senior Citizens and Disabled Persons
5 Property Tax Relief and Pharmaceutical Assistance Act is
6 amended by changing Sections 4, 6, and 7 as follows:

7 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

8 Sec. 4. Amount of Grant.

9 (a) In general. Any individual 65 years or older or any
10 individual who will become 65 years old during the calendar
11 year in which a claim is filed, and any surviving spouse of
12 such a claimant, who at the time of death received or was
13 entitled to receive a grant pursuant to this Section, which
14 surviving spouse will become 65 years of age within the 24
15 months immediately following the death of such claimant and
16 which surviving spouse but for his or her age is otherwise
17 qualified to receive a grant pursuant to this Section, and any
18 disabled person whose annual household income is less than the
19 income eligibility limitation, as defined in subsection (a-5)
20 and whose household is liable for payment of property taxes
21 accrued or has paid rent constituting property taxes accrued
22 and is domiciled in this State at the time he or she files his
23 or her claim is entitled to claim a grant under this Act. With

1 respect to claims filed by individuals who will become 65 years
2 old during the calendar year in which a claim is filed, the
3 amount of any grant to which that household is entitled shall
4 be an amount equal to 1/12 of the amount to which the claimant
5 would otherwise be entitled as provided in this Section,
6 multiplied by the number of months in which the claimant was 65
7 in the calendar year in which the claim is filed.

8 (a-5) Income eligibility limitation. For purposes of this
9 Section, "income eligibility limitation" means an amount:

10 (i) for grant years before the 1998 grant year, less
11 than \$14,000;

12 (ii) for the 1998 and 1999 grant year, less than
13 \$16,000;

14 (iii) for grant years 2000 through 2007:

15 (A) less than \$21,218 for a household containing
16 one person;

17 (B) less than \$28,480 for a household containing 2
18 persons; or

19 (C) less than \$35,740 for a household containing 3
20 or more persons; or

21 (iv) for grant years 2008 and thereafter:

22 (A) less than \$22,218 for a household containing
23 one person;

24 (B) less than \$29,480 for a household containing 2
25 persons; or

26 (C) less than \$36,740 for a household containing 3

1 or more persons.

2 (b) Limitation. Except as otherwise provided in
3 subsections (a) and (f) of this Section, and subject to the
4 availability of sufficient funds, the maximum amount of grant
5 which a claimant is entitled to claim is the amount by which
6 the property taxes accrued which were paid or payable during
7 the last preceding tax year or rent constituting property taxes
8 accrued upon the claimant's residence for the last preceding
9 taxable year exceeds 3 1/2% of the claimant's household income
10 for that year but in no event is the grant to exceed (i) \$700
11 less 4.5% of household income for that year for those with a
12 household income of \$14,000 or less or (ii) \$70 if household
13 income for that year is more than \$14,000.

14 (c) Public aid recipients. If household income in one or
15 more months during a year includes cash assistance in excess of
16 \$55 per month from the Department of Healthcare and Family
17 Services or the Department of Human Services (acting as
18 successor to the Department of Public Aid under the Department
19 of Human Services Act) which was determined under regulations
20 of that Department on a measure of need that included an
21 allowance for actual rent or property taxes paid by the
22 recipient of that assistance, the amount of grant to which that
23 household is entitled, except as otherwise provided in
24 subsection (a), and subject to the availability of sufficient
25 funds, shall be the product of (1) the maximum amount computed
26 as specified in subsection (b) of this Section and (2) the

1 ratio of the number of months in which household income did not
2 include such cash assistance over \$55 to the number twelve. If
3 household income did not include such cash assistance over \$55
4 for any months during the year, the amount of the grant to
5 which the household is entitled shall be the maximum amount
6 computed as specified in subsection (b) of this Section. For
7 purposes of this paragraph (c), "cash assistance" does not
8 include any amount received under the federal Supplemental
9 Security Income (SSI) program.

10 (d) Joint ownership. If title to the residence is held
11 jointly by the claimant with a person who is not a member of
12 his or her household, the amount of property taxes accrued used
13 in computing the amount of grant to which he or she is entitled
14 shall be the same percentage of property taxes accrued as is
15 the percentage of ownership held by the claimant in the
16 residence.

17 (e) More than one residence. If a claimant has occupied
18 more than one residence in the taxable year, he or she may
19 claim only one residence for any part of a month. In the case
20 of property taxes accrued, he or she shall prorate 1/12 of the
21 total property taxes accrued on his or her residence to each
22 month that he or she owned and occupied that residence; and, in
23 the case of rent constituting property taxes accrued, shall
24 prorate each month's rent payments to the residence actually
25 occupied during that month.

26 (f) There is hereby established a program of pharmaceutical

1 assistance to the aged and disabled which shall be administered
2 by the Department in accordance with this Act, to consist of
3 payments to authorized pharmacies, on behalf of beneficiaries
4 of the program, for the reasonable costs of covered
5 prescription drugs. Each beneficiary who pays \$5 for an
6 identification card shall pay no additional prescription
7 costs. Each beneficiary who pays \$25 for an identification card
8 shall pay \$3 per prescription. In addition, after a beneficiary
9 receives \$2,000 in benefits during a State fiscal year, that
10 beneficiary shall also be charged 20% of the cost of each
11 prescription for which payments are made by the program during
12 the remainder of the fiscal year. To become a beneficiary under
13 this program a person must: (1) be (i) 65 years of age or
14 older, or (ii) the surviving spouse of such a claimant, who at
15 the time of death received or was entitled to receive benefits
16 pursuant to this subsection, which surviving spouse will become
17 65 years of age within the 24 months immediately following the
18 death of such claimant and which surviving spouse but for his
19 or her age is otherwise qualified to receive benefits pursuant
20 to this subsection, or (iii) disabled, and (2) be domiciled in
21 this State at the time he or she files his or her claim, and (3)
22 have a maximum household income of less than the income
23 eligibility limitation, as defined in subsection (a-5). In
24 addition, each eligible person must (1) obtain an
25 identification card from the Department, (2) at the time the
26 card is obtained, sign a statement assigning to the State of

1 Illinois benefits which may be otherwise claimed under any
2 private insurance plans, and (3) present the identification
3 card to the dispensing pharmacist.

4 The Department may adopt rules specifying participation
5 requirements for the pharmaceutical assistance program,
6 including copayment amounts, identification card fees,
7 expenditure limits, and the benefit threshold after which a 20%
8 charge is imposed on the cost of each prescription, to be in
9 effect on and after July 1, 2004. Notwithstanding any other
10 provision of this paragraph, however, the Department may not
11 increase the identification card fee above the amount in effect
12 on May 1, 2003 without the express consent of the General
13 Assembly. To the extent practicable, those requirements shall
14 be commensurate with the requirements provided in rules adopted
15 by the Department of Healthcare and Family Services to
16 implement the pharmacy assistance program under Section
17 5-5.12a of the Illinois Public Aid Code.

18 Whenever a generic equivalent for a covered prescription
19 drug is available, the Department shall reimburse only for the
20 reasonable costs of the generic equivalent, less the co-pay
21 established in this Section, unless (i) the covered
22 prescription drug contains one or more ingredients defined as a
23 narrow therapeutic index drug at 21 CFR 320.33, (ii) the
24 prescriber indicates on the face of the prescription "brand
25 medically necessary", and (iii) the prescriber specifies that a
26 substitution is not permitted. When issuing an oral

1 prescription for covered prescription medication described in
2 item (i) of this paragraph, the prescriber shall stipulate
3 "brand medically necessary" and that a substitution is not
4 permitted. If the covered prescription drug and its authorizing
5 prescription do not meet the criteria listed above, the
6 beneficiary may purchase the non-generic equivalent of the
7 covered prescription drug by paying the difference between the
8 generic cost and the non-generic cost plus the beneficiary
9 co-pay.

10 Any person otherwise eligible for pharmaceutical
11 assistance under this Act whose covered drugs are covered by
12 any public program for assistance in purchasing any covered
13 prescription drugs shall be ineligible for assistance under
14 this Act to the extent such costs are covered by such other
15 plan.

16 The fee to be charged by the Department for the
17 identification card shall be equal to \$5 per coverage year for
18 persons below the official poverty line as defined by the
19 United States Department of Health and Human Services and \$25
20 per coverage year for all other persons.

21 In the event that 2 or more persons are eligible for any
22 benefit under this Act, and are members of the same household,
23 (1) each such person shall be entitled to participate in the
24 pharmaceutical assistance program, provided that he or she
25 meets all other requirements imposed by this subsection and (2)
26 each participating household member contributes the fee

1 required for that person by the preceding paragraph for the
2 purpose of obtaining an identification card.

3 The provisions of this subsection (f), other than this
4 paragraph, are inoperative after December 31, 2005.
5 Beneficiaries who received benefits under the program
6 established by this subsection (f) are not entitled, at the
7 termination of the program, to any refund of the identification
8 card fee paid under this subsection.

9 (g) Effective January 1, 2006, there is hereby established
10 a program of pharmaceutical assistance to the aged and
11 disabled, entitled the Illinois Seniors and Disabled Drug
12 Coverage Program, which shall be administered by the Department
13 of Healthcare and Family Services and the Department on Aging
14 in accordance with this subsection, to consist of coverage of
15 specified prescription drugs on behalf of beneficiaries of the
16 program as set forth in this subsection. The program under this
17 subsection replaces and supersedes the program established
18 under subsection (f), which shall end at midnight on December
19 31, 2005.

20 To become a beneficiary under the program established under
21 this subsection, a person must:

22 (1) be (i) 65 years of age or older or (ii) disabled;

23 and

24 (2) be domiciled in this State; and

25 (3) enroll with a qualified Medicare Part D
26 Prescription Drug Plan if eligible and apply for all

1 available subsidies under Medicare Part D; and

2 (4) have a maximum household income of (i) less than
3 \$21,218 for a household containing one person, (ii) less
4 than \$28,480 for a household containing 2 persons, or (iii)
5 less than \$35,740 for a household containing 3 or more
6 persons. If any income eligibility limit set forth in items
7 (i) through (iii) is less than 200% of the Federal Poverty
8 Level for any year, the income eligibility limit for that
9 year for households of that size shall be income equal to
10 or less than 200% of the Federal Poverty Level.

11 All individuals enrolled as of December 31, 2005, in the
12 pharmaceutical assistance program operated pursuant to
13 subsection (f) of this Section and all individuals enrolled as
14 of December 31, 2005, in the SeniorCare Medicaid waiver program
15 operated pursuant to Section 5-5.12a of the Illinois Public Aid
16 Code shall be automatically enrolled in the program established
17 by this subsection for the first year of operation without the
18 need for further application, except that they must apply for
19 Medicare Part D and the Low Income Subsidy under Medicare Part
20 D. A person enrolled in the pharmaceutical assistance program
21 operated pursuant to subsection (f) of this Section as of
22 December 31, 2005, shall not lose eligibility in future years
23 due only to the fact that they have not reached the age of 65.

24 To the extent permitted by federal law, the Department may
25 act as an authorized representative of a beneficiary in order
26 to enroll the beneficiary in a Medicare Part D Prescription

1 Drug Plan if the beneficiary has failed to choose a plan and,
2 where possible, to enroll beneficiaries in the low-income
3 subsidy program under Medicare Part D or assist them in
4 enrolling in that program.

5 Beneficiaries under the program established under this
6 subsection shall be divided into the following 5 eligibility
7 groups:

8 (A) Eligibility Group 1 shall consist of beneficiaries
9 who are not eligible for Medicare Part D coverage and who
10 are:

11 (i) disabled and under age 65; or

12 (ii) age 65 or older, with incomes over 200% of the
13 Federal Poverty Level; or

14 (iii) age 65 or older, with incomes at or below
15 200% of the Federal Poverty Level and not eligible for
16 federally funded means-tested benefits due to
17 immigration status.

18 (B) Eligibility Group 2 shall consist of beneficiaries
19 otherwise described in Eligibility Group 1 but who are
20 eligible for Medicare Part D coverage.

21 (C) Eligibility Group 3 shall consist of beneficiaries
22 age 65 or older, with incomes at or below 200% of the
23 Federal Poverty Level, who are not barred from receiving
24 federally funded means-tested benefits due to immigration
25 status and are eligible for Medicare Part D coverage.

26 (D) Eligibility Group 4 shall consist of beneficiaries

1 age 65 or older, with incomes at or below 200% of the
2 Federal Poverty Level, who are not barred from receiving
3 federally funded means-tested benefits due to immigration
4 status and are not eligible for Medicare Part D coverage.

5 If the State applies and receives federal approval for
6 a waiver under Title XIX of the Social Security Act,
7 persons in Eligibility Group 4 shall continue to receive
8 benefits through the approved waiver, and Eligibility
9 Group 4 may be expanded to include disabled persons under
10 age 65 with incomes under 200% of the Federal Poverty Level
11 who are not eligible for Medicare and who are not barred
12 from receiving federally funded means-tested benefits due
13 to immigration status.

14 (E) On and after January 1, 2007, Eligibility Group 5
15 shall consist of beneficiaries who are otherwise described
16 in Eligibility Groups 2 and 3 who have a diagnosis of HIV
17 or AIDS.

18 Except during the period October 1, 2009 through December
19 31, 2010, the ~~The~~ program established under this subsection
20 shall cover the cost of covered prescription drugs in excess of
21 the beneficiary cost-sharing amounts set forth in this
22 paragraph that are not covered by Medicare. In 2006,
23 beneficiaries shall pay a co-payment of \$2 for each
24 prescription of a generic drug and \$5 for each prescription of
25 a brand-name drug. In future years, beneficiaries shall pay
26 co-payments equal to the co-payments required under Medicare

1 Part D for "other low-income subsidy eligible individuals"
2 pursuant to 42 CFR 423.782(b). For individuals in Eligibility
3 Groups 1, 2, 3, and 4, once the program established under this
4 subsection and Medicare combined have paid \$1,750 in a year for
5 covered prescription drugs, the beneficiary shall pay 20% of
6 the cost of each prescription in addition to the co-payments
7 set forth in this paragraph. For individuals in Eligibility
8 Group 5, once the program established under this subsection and
9 Medicare combined have paid \$1,750 in a year for covered
10 prescription drugs, the beneficiary shall pay 20% of the cost
11 of each prescription in addition to the co-payments set forth
12 in this paragraph unless the drug is included in the formulary
13 of the Illinois AIDS Drug Assistance Program operated by the
14 Illinois Department of Public Health. If the drug is included
15 in the formulary of the Illinois AIDS Drug Assistance Program,
16 individuals in Eligibility Group 5 shall continue to pay the
17 co-payments set forth in this paragraph after the program
18 established under this subsection and Medicare combined have
19 paid \$1,750 in a year for covered prescription drugs.

20 During the period October 1, 2009 through December 31,
21 2010, for beneficiaries eligible for Medicare Part D, the
22 program established under this subsection shall cover the cost
23 of covered prescription drugs, during the Medicare Part D
24 deductible period and the Medicare Part D Coverage Gap, which
25 are in excess of the beneficiary cost-sharing amounts charged
26 under the Medicare Part D plan during the Medicare Part D

1 Initial Coverage Period. For beneficiaries not eligible for
2 Medicare, beneficiaries shall pay 25% of the cost of each
3 prescription.

4 Except during the period October 1, 2009 through December
5 31, 2010, for ~~For~~ beneficiaries eligible for Medicare Part D
6 coverage, the program established under this subsection shall
7 pay 100% of the premiums charged by a qualified Medicare Part D
8 Prescription Drug Plan for Medicare Part D basic prescription
9 drug coverage, not including any late enrollment penalties.
10 Qualified Medicare Part D Prescription Drug Plans may be
11 limited by the Department of Healthcare and Family Services to
12 those plans that sign a coordination agreement with the
13 Department. During the period October 1, 2009 through December
14 31, 2010, there shall be no coverage of Medicare Part D
15 premiums.

16 Notwithstanding Section 3.15, for purposes of the program
17 established under this subsection, the term "covered
18 prescription drug" has the following meanings:

19 For Eligibility Group 1, "covered prescription drug"
20 means: (1) any cardiovascular agent or drug; (2) any
21 insulin or other prescription drug used in the treatment of
22 diabetes, including syringe and needles used to administer
23 the insulin; (3) any prescription drug used in the
24 treatment of arthritis; (4) any prescription drug used in
25 the treatment of cancer; (5) any prescription drug used in
26 the treatment of Alzheimer's disease; (6) any prescription

1 drug used in the treatment of Parkinson's disease; (7) any
2 prescription drug used in the treatment of glaucoma; (8)
3 any prescription drug used in the treatment of lung disease
4 and smoking-related illnesses; (9) any prescription drug
5 used in the treatment of osteoporosis; and (10) any
6 prescription drug used in the treatment of multiple
7 sclerosis. The Department may add additional therapeutic
8 classes by rule. The Department may adopt a preferred drug
9 list within any of the classes of drugs described in items
10 (1) through (10) of this paragraph. The specific drugs or
11 therapeutic classes of covered prescription drugs shall be
12 indicated by rule.

13 For Eligibility Group 2, "covered prescription drug"
14 means those drugs covered for Eligibility Group 1 that are
15 also covered by the Medicare Part D Prescription Drug Plan
16 in which the beneficiary is enrolled.

17 For Eligibility Group 3, "covered prescription drug"
18 means those drugs covered by the Medicare Part D
19 Prescription Drug Plan in which the beneficiary is
20 enrolled.

21 For Eligibility Group 4, "covered prescription drug"
22 means those drugs covered by the Medical Assistance Program
23 under Article V of the Illinois Public Aid Code.

24 For Eligibility Group 5, for individuals otherwise
25 described in Eligibility Group 2, "covered prescription
26 drug" means: (1) those drugs covered for Eligibility Group

1 2 that are also covered by the Medicare Part D Prescription
2 Drug Plan in which the beneficiary is enrolled; and (2)
3 those drugs included in the formulary of the Illinois AIDS
4 Drug Assistance Program operated by the Illinois
5 Department of Public Health that are also covered by the
6 Medicare Part D Prescription Drug Plan in which the
7 beneficiary is enrolled. For Eligibility Group 5, for
8 individuals otherwise described in Eligibility Group 3,
9 "covered prescription drug" means those drugs covered by
10 the Medicare Part D Prescription Drug Plan in which the
11 beneficiary is enrolled.

12 An individual in Eligibility Group 1, 2, 3, 4, or 5 may opt
13 to receive a \$25 monthly payment in lieu of the direct coverage
14 described in this subsection.

15 Any person otherwise eligible for pharmaceutical
16 assistance under this subsection whose covered drugs are
17 covered by any public program is ineligible for assistance
18 under this subsection to the extent that the cost of those
19 drugs is covered by the other program.

20 The Department of Healthcare and Family Services shall
21 establish by rule the methods by which it will provide for the
22 coverage called for in this subsection. Those methods may
23 include direct reimbursement to pharmacies or the payment of a
24 capitated amount to Medicare Part D Prescription Drug Plans.

25 For a pharmacy to be reimbursed under the program
26 established under this subsection, it must comply with rules

1 adopted by the Department of Healthcare and Family Services
2 regarding coordination of benefits with Medicare Part D
3 Prescription Drug Plans. A pharmacy may not charge a
4 Medicare-enrolled beneficiary of the program established under
5 this subsection more for a covered prescription drug than the
6 appropriate Medicare cost-sharing less any payment from or on
7 behalf of the Department of Healthcare and Family Services.

8 The Department of Healthcare and Family Services or the
9 Department on Aging, as appropriate, may adopt rules regarding
10 applications, counting of income, proof of Medicare status,
11 mandatory generic policies, and pharmacy reimbursement rates
12 and any other rules necessary for the cost-efficient operation
13 of the program established under this subsection.

14 (Source: P.A. 94-86, eff. 1-1-06; 94-909, eff. 6-23-06; 95-208,
15 eff. 8-16-07; 95-644, eff. 10-12-07; 95-876, eff. 8-21-08.)

16 (320 ILCS 25/6) (from Ch. 67 1/2, par. 406)

17 Sec. 6. Administration.

18 (a) In general. Upon receipt of a timely filed claim, the
19 Department shall determine whether the claimant is a person
20 entitled to a grant under this Act and the amount of grant to
21 which he is entitled under this Act, as subject to the
22 availability of sufficient funds. The Department may require
23 the claimant to furnish reasonable proof of the statements of
24 domicile, household income, rent paid, property taxes accrued
25 and other matters on which entitlement is based, and may

1 withhold payment of a grant until such additional proof is
2 furnished.

3 (b) Rental determination. If the Department finds that the
4 gross rent used in the computation by a claimant of rent
5 constituting property taxes accrued exceeds the fair rental
6 value for the right to occupy that residence, the Department
7 may determine the fair rental value for that residence and
8 recompute rent constituting property taxes accrued
9 accordingly.

10 (c) Fraudulent claims. The Department shall deny claims
11 which have been fraudulently prepared or when it finds that the
12 claimant has acquired title to his residence or has paid rent
13 for his residence primarily for the purpose of receiving a
14 grant under this Act.

15 (d) Pharmaceutical Assistance. The Department shall allow
16 all pharmacies licensed under the Pharmacy Practice Act ~~of 1987~~
17 to participate as authorized pharmacies unless they have been
18 removed from that status for cause pursuant to the terms of
19 this Section. The Director of the Department may enter into a
20 written contract with any State agency, instrumentality or
21 political subdivision, or a fiscal intermediary for the purpose
22 of making payments to authorized pharmacies for covered
23 prescription drugs and coordinating the program of
24 pharmaceutical assistance established by this Act with other
25 programs that provide payment for covered prescription drugs.
26 Such agreement shall establish procedures for properly

1 contracting for pharmacy services, validating reimbursement
2 claims, validating compliance of dispensing pharmacists with
3 the contracts for participation required under this Section,
4 validating the reasonable costs of covered prescription drugs,
5 and otherwise providing for the effective administration of
6 this Act.

7 The Department shall promulgate rules and regulations to
8 implement and administer the program of pharmaceutical
9 assistance required by this Act, which shall include the
10 following:

11 (1) Execution of contracts with pharmacies to dispense
12 covered prescription drugs. Such contracts shall stipulate
13 terms and conditions for authorized pharmacies
14 participation and the rights of the State to terminate such
15 participation for breach of such contract or for violation
16 of this Act or related rules and regulations of the
17 Department;

18 (2) Establishment of maximum limits on the size of
19 prescriptions, new or refilled, which shall be in amounts
20 sufficient for 34 days, except as otherwise specified by
21 rule for medical or utilization control reasons;

22 (3) Establishment of liens upon any and all causes of
23 action which accrue to a beneficiary as a result of
24 injuries for which covered prescription drugs are directly
25 or indirectly required and for which the Director made
26 payment or became liable for under this Act;

1 (4) Charge or collection of payments from third parties
2 or private plans of assistance, or from other programs of
3 public assistance for any claim that is properly chargeable
4 under the assignment of benefits executed by beneficiaries
5 as a requirement of eligibility for the pharmaceutical
6 assistance identification card under this Act;

7 (4.5) Provision for automatic enrollment of
8 beneficiaries into a Medicare Discount Card program
9 authorized under the federal Medicare Modernization Act of
10 2003 (P.L. 108-391) to coordinate coverage including
11 Medicare Transitional Assistance;

12 (5) Inspection of appropriate records and audit of
13 participating authorized pharmacies to ensure contract
14 compliance, and to determine any fraudulent transactions
15 or practices under this Act;

16 (6) Annual determination of the reasonable costs of
17 covered prescription drugs for which payments are made
18 under this Act, as provided in Section 3.16;

19 (7) Payment to pharmacies under this Act in accordance
20 with the State Prompt Payment Act.

21 The Department shall annually report to the Governor and
22 the General Assembly by March 1st of each year on the
23 administration of pharmaceutical assistance under this Act. By
24 the effective date of this Act the Department shall determine
25 the reasonable costs of covered prescription drugs in
26 accordance with Section 3.16 of this Act.

1 (Source: P.A. 92-651, eff. 7-11-02; 93-841, eff. 7-30-04;
2 revised 1-22-08.)

3 (320 ILCS 25/7) (from Ch. 67 1/2, par. 407)

4 Sec. 7. Payment and denial of claims. (a) In general. The
5 Director shall order the payment from appropriations made for
6 that purpose of grants to claimants under this Act in the
7 amounts to which the Department has determined they are
8 entitled, respectively. The maximum amount of a grant may be
9 reduced as determined by the Director without further payment
10 being required in the event of insufficient funds. If a claim
11 is denied, the Director shall cause written notice of that
12 denial and the reasons for that denial to be sent to the
13 claimant.

14 (b) Payment of claims one dollar and under. Where the
15 amount of the grant computed under Section 4 is less than one
16 dollar, the Department shall pay to the claimant one dollar.

17 (c) Right to appeal. Any claimant aggrieved by the action
18 or determination of the Department on Aging arising under any
19 of its powers or duties under this Act, whether in the
20 reduction of the amount of the grant claimed, unless the
21 reduction is based on insufficient funds, or in the denial of
22 the claim, may request in writing that the Department
23 reconsider its prior determination, setting out the facts on
24 which his request is based. The Department shall consider the
25 request and either modify or affirm its prior determination.

1 (d) Administrative review. The decision of the Department
2 to affirm its prior determination, or the failure of the
3 Department to act on a request for reconsideration within 60
4 days, is a final administrative decision which is subject to
5 judicial review under the Administrative Review Law, and all
6 amendments and modifications thereof and the rules adopted
7 thereto. The term "administrative decision" is defined as in
8 Section 3-101 of the Code of Civil Procedure.

9 (Source: P.A. 82-783.)

10 Section 100. The Abused and Neglected Child Reporting Act
11 is amended by changing Sections 2, 2.1, 7.2, 7.3, 7.3a, 7.3c,
12 7.4, 8.2, and 8.4 as follows:

13 (325 ILCS 5/2) (from Ch. 23, par. 2052)

14 Sec. 2. Subject to appropriation, the ~~The~~ Illinois
15 Department of Children and Family Services shall, upon
16 receiving reports made under this Act, protect the health,
17 safety, and best interests of the child in all situations in
18 which the child is vulnerable to child abuse or neglect, offer
19 protective services in order to prevent any further harm to the
20 child and to other children in the same environment or family,
21 stabilize the home environment, and preserve family life
22 whenever possible. Recognizing that children also can be abused
23 and neglected while living in public or private residential
24 agencies or institutions meant to serve them, while attending

1 day care centers, schools, or religious activities, or when in
2 contact with adults who are responsible for the welfare of the
3 child at that time, this Act also provides for the reporting
4 and investigation of child abuse and neglect in such instances.
5 In performing any of these duties, the Department may utilize
6 such protective services of voluntary agencies as are
7 available.

8 (Source: P.A. 92-801, eff. 8-16-02.)

9 (325 ILCS 5/2.1) (from Ch. 23, par. 2052.1)

10 Sec. 2.1. Any person or family seeking assistance in
11 meeting child care responsibilities may use available ~~the~~
12 services and facilities established by this Act which may
13 assist in meeting such responsibilities. Whether or not the
14 problem presented constitutes child abuse or neglect, such
15 persons or families shall be referred to appropriate available
16 resources or agencies. No person seeking assistance under this
17 Section shall be required to give his name or any other
18 identifying information.

19 (Source: P.A. 81-1077.)

20 (325 ILCS 5/7.2) (from Ch. 23, par. 2057.2)

21 Sec. 7.2. Subject to appropriation, the ~~The~~ Department
22 shall establish a Child Protective Service Unit within each
23 geographic region as designated by the Director of the
24 Department. The Child Protective Service Unit shall perform

1 those functions assigned by this Act to it and only such others
2 that would further the purposes of this Act. ~~It shall have a~~
3 ~~sufficient staff of qualified personnel to fulfill the purpose~~
4 ~~of this Act and be organized in such a way as to maximize the~~
5 ~~continuity of responsibility, care and service of the~~
6 ~~individual workers toward the individual children and~~
7 ~~families.~~

8 The Child Protective Service Unit shall designate members
9 of each unit to receive specialty training to serve as special
10 consultants to unit staff and the public in the areas of child
11 sexual abuse, child deaths and injuries, and out-of-home
12 investigations.

13 (Source: P.A. 85-1440.)

14 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

15 Sec. 7.3. (a) Subject to appropriation, the ~~The~~ Department
16 shall be ~~the sole agency~~ responsible for receiving and
17 investigating reports of child abuse or neglect made under this
18 Act, except where investigations by other agencies may be
19 required with respect to reports alleging the death of a child,
20 serious injury to a child or sexual abuse to a child made
21 pursuant to Sections 4.1 or 7 of this Act, and except that the
22 Department may delegate the performance of the investigation to
23 the Department of State Police, a law enforcement agency and to
24 those private social service agencies which have been
25 designated for this purpose by the Department prior to July 1,

1 1980.

2 (b) Notwithstanding any other provision of this Act, the
3 Department shall adopt rules expressly allowing law
4 enforcement personnel to investigate reports of suspected
5 child abuse or neglect concurrently with the Department,
6 without regard to whether the Department determines a report to
7 be "indicated" or "unfounded" or deems a report to be
8 "undetermined".

9 (Source: P.A. 95-57, eff. 8-10-07.)

10 (325 ILCS 5/7.3a) (from Ch. 23, par. 2057.3a)

11 Sec. 7.3a. Subject to appropriation, the ~~The~~ Director of
12 the Department shall appoint a Perinatal Coordinator who shall
13 be a physician licensed to practice medicine in all its
14 branches with a specialty certification in pediatric care. Such
15 coordinator, or other designated medical specialists, shall
16 review all reports of suspected medical neglect involving
17 newborns or infants, coordinate the evaluation of the subject
18 of such report, and assist in necessary referrals to
19 appropriate perinatal medical care and treatment. When the
20 Perinatal Coordinator or other designated medical specialists,
21 alone or in consultation with an infant care review committee
22 established by a medical facility, determine that a newborn or
23 infant child is being neglected as defined in Section 3 of this
24 Act, a designated employee of the Department shall take the
25 steps necessary to protect such newborn or infant child's life

1 or health, including but not limited to taking temporary
2 protective custody.

3 (Source: P.A. 83-1248.)

4 (325 ILCS 5/7.3c)

5 Sec. 7.3c. Substance abuse services for women with
6 children.

7 The Department of Human Services and the Department of
8 Children and Family Services shall develop a community based
9 system of integrated child welfare and substance abuse services
10 for the purpose of providing safety and protection for
11 children, improving adult health and parenting outcomes, and
12 improving family outcomes.

13 Subject to appropriation, the ~~The~~ Department of Children
14 and Family Services, in cooperation with the Department of
15 Human Services, shall develop case management protocols for
16 DCFS clients with substance abuse problems. The Departments may
17 establish pilot programs designed to test the most effective
18 approaches to case-management. The Departments shall evaluate
19 the effectiveness of these pilot programs and report to the
20 Governor and the General Assembly on an annual basis.

21 (Source: P.A. 89-268, eff. 1-1-96; 89-507, eff. 7-1-97.)

22 (325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

23 Sec. 7.4. (a) Subject to appropriation, the ~~The~~ Department
24 shall be capable of receiving reports of suspected child abuse

1 or neglect 24 hours a day, 7 days a week. Whenever the
2 Department receives a report alleging that a child is a truant
3 as defined in Section 26-2a of The School Code, as now or
4 hereafter amended, the Department shall notify the
5 superintendent of the school district in which the child
6 resides and the appropriate superintendent of the educational
7 service region. The notification to the appropriate officials
8 by the Department shall not be considered an allegation of
9 abuse or neglect under this Act.

10 (b) (1) The following procedures shall be followed in the
11 investigation of all reports of suspected abuse or neglect
12 of a child, except as provided in subsection (c) of this
13 Section.

14 (2) If it appears that the immediate safety or
15 well-being of a child is endangered, that the family may
16 flee or the child disappear, or that the facts otherwise so
17 warrant, the Child Protective Service Unit shall commence
18 an investigation immediately, regardless of the time of day
19 or night. In all other cases, investigation shall be
20 commenced within 24 hours of receipt of the report. Upon
21 receipt of a report, the Child Protective Service Unit
22 shall make an initial investigation and an initial
23 determination whether the report is a good faith indication
24 of alleged child abuse or neglect.

25 (3) If the Unit determines the report is a good faith
26 indication of alleged child abuse or neglect, then a formal

1 investigation shall commence and, pursuant to Section 7.12
2 of this Act, may or may not result in an indicated report.
3 The formal investigation shall include: direct contact
4 with the subject or subjects of the report as soon as
5 possible after the report is received; an evaluation of the
6 environment of the child named in the report and any other
7 children in the same environment; a determination of the
8 risk to such children if they continue to remain in the
9 existing environments, as well as a determination of the
10 nature, extent and cause of any condition enumerated in
11 such report; the name, age and condition of other children
12 in the environment; and an evaluation as to whether there
13 would be an immediate and urgent necessity to remove the
14 child from the environment if appropriate family
15 preservation services were provided. After seeing to the
16 safety of the child or children, the Department shall
17 forthwith notify the subjects of the report in writing, of
18 the existence of the report and their rights existing under
19 this Act in regard to amendment or expungement. To fulfill
20 the requirements of this Section, the Child Protective
21 Service Unit shall have the capability of providing or
22 arranging for comprehensive emergency services to children
23 and families at all times of the day or night.

24 (4) If (i) at the conclusion of the Unit's initial
25 investigation of a report, the Unit determines the report
26 to be a good faith indication of alleged child abuse or

1 neglect that warrants a formal investigation by the Unit,
2 the Department, any law enforcement agency or any other
3 responsible agency and (ii) the person who is alleged to
4 have caused the abuse or neglect is employed or otherwise
5 engaged in an activity resulting in frequent contact with
6 children and the alleged abuse or neglect are in the course
7 of such employment or activity, then the Department shall,
8 except in investigations where the Director determines
9 that such notification would be detrimental to the
10 Department's investigation, inform the appropriate
11 supervisor or administrator of that employment or activity
12 that the Unit has commenced a formal investigation pursuant
13 to this Act, which may or may not result in an indicated
14 report. The Department shall also notify the person being
15 investigated, unless the Director determines that such
16 notification would be detrimental to the Department's
17 investigation.

18 (c) In an investigation of a report of suspected abuse or
19 neglect of a child by a school employee at a school or on
20 school grounds, the Department shall make reasonable efforts to
21 follow the following procedures:

22 (1) Investigations involving teachers shall not, to
23 the extent possible, be conducted when the teacher is
24 scheduled to conduct classes. Investigations involving
25 other school employees shall be conducted so as to minimize
26 disruption of the school day. The school employee accused

1 of child abuse or neglect may have his superior, his
2 association or union representative and his attorney
3 present at any interview or meeting at which the teacher or
4 administrator is present. The accused school employee
5 shall be informed by a representative of the Department, at
6 any interview or meeting, of the accused school employee's
7 due process rights and of the steps in the investigation
8 process. The information shall include, but need not
9 necessarily be limited to the right, subject to the
10 approval of the Department, of the school employee to
11 confront the accuser, if the accuser is 14 years of age or
12 older, or the right to review the specific allegations
13 which gave rise to the investigation, and the right to
14 review all materials and evidence that have been submitted
15 to the Department in support of the allegation. These due
16 process rights shall also include the right of the school
17 employee to present countervailing evidence regarding the
18 accusations.

19 (2) If a report of neglect or abuse of a child by a
20 teacher or administrator does not involve allegations of
21 sexual abuse or extreme physical abuse, the Child
22 Protective Service Unit shall make reasonable efforts to
23 conduct the initial investigation in coordination with the
24 employee's supervisor.

25 If the Unit determines that the report is a good faith
26 indication of potential child abuse or neglect, it shall

1 then commence a formal investigation under paragraph (3) of
2 subsection (b) of this Section.

3 (3) If a report of neglect or abuse of a child by a
4 teacher or administrator involves an allegation of sexual
5 abuse or extreme physical abuse, the Child Protective Unit
6 shall commence an investigation under paragraph (2) of
7 subsection (b) of this Section.

8 (c-5) In any instance in which a report is made or caused
9 to made by a school district employee involving the conduct of
10 a person employed by the school district, at the time the
11 report was made, as required under Section 4 of this Act, the
12 Child Protective Service Unit shall send a copy of its final
13 finding report to the general superintendent of that school
14 district.

15 (d) If the Department has contact with an employer, or with
16 a religious institution or religious official having
17 supervisory or hierarchical authority over a member of the
18 clergy accused of the abuse of a child, in the course of its
19 investigation, the Department shall notify the employer or the
20 religious institution or religious official, in writing, when a
21 report is unfounded so that any record of the investigation can
22 be expunged from the employee's or member of the clergy's
23 personnel or other records. The Department shall also notify
24 the employee or the member of the clergy, in writing, that
25 notification has been sent to the employer or to the
26 appropriate religious institution or religious official

1 informing the employer or religious institution or religious
2 official that the Department's investigation has resulted in an
3 unfounded report.

4 (e) Upon request by the Department, the Department of State
5 Police and law enforcement agencies are authorized to provide
6 criminal history record information as defined in the Illinois
7 Uniform Conviction Information Act and information maintained
8 in the adjudicatory and dispositional record system as defined
9 in Section 2605-355 of the Department of State Police Law (20
10 ILCS 2605/2605-355) to properly designated employees of the
11 Department of Children and Family Services if the Department
12 determines the information is necessary to perform its duties
13 under the Abused and Neglected Child Reporting Act, the Child
14 Care Act of 1969, and the Children and Family Services Act. The
15 request shall be in the form and manner required by the
16 Department of State Police. Any information obtained by the
17 Department of Children and Family Services under this Section
18 is confidential and may not be transmitted outside the
19 Department of Children and Family Services other than to a
20 court of competent jurisdiction or unless otherwise authorized
21 by law. Any employee of the Department of Children and Family
22 Services who transmits confidential information in violation
23 of this Section or causes the information to be transmitted in
24 violation of this Section is guilty of a Class A misdemeanor
25 unless the transmittal of the information is authorized by this
26 Section or otherwise authorized by law.

1 (Source: P.A. 95-908, eff. 8-26-08.)

2 (325 ILCS 5/8.2) (from Ch. 23, par. 2058.2)

3 Sec. 8.2. Subject to appropriation, if ~~if~~ the Child
4 Protective Service Unit determines, following an investigation
5 made pursuant to Section 7.4 of this Act, that there is
6 credible evidence that the child is abused or neglected, the
7 Department shall assess the family's need for services, and, as
8 necessary, develop, with the family, an appropriate service
9 plan for the family's voluntary acceptance or refusal. In any
10 case where there is evidence that the perpetrator of the abuse
11 or neglect is an addict or alcoholic as defined in the
12 Alcoholism and Other Drug Abuse and Dependency Act, the
13 Department, when making referrals for drug or alcohol abuse
14 services, shall make such referrals to facilities licensed by
15 the Department of Human Services or the Department of Public
16 Health. The Department shall comply with Section 8.1 by
17 explaining its lack of legal authority to compel the acceptance
18 of services and may explain its concomitant authority to
19 petition the Circuit court under the Juvenile Court Act of 1987
20 or refer the case to the local law enforcement authority or
21 State's attorney for criminal prosecution.

22 For purposes of this Act, the term "family preservation
23 services" refers to all services to help families, including
24 adoptive and extended families. Subject to appropriation,
25 family ~~Family~~ preservation services shall be offered, where

1 safe and appropriate, to prevent the placement of children in
2 substitute care when the children can be cared for at home or
3 in the custody of the person responsible for the children's
4 welfare without endangering the children's health or safety, to
5 reunite them with their families if so placed when
6 reunification is an appropriate goal, or to maintain an
7 adoptive placement. The term "homemaker" includes emergency
8 caretakers, homemakers, caretakers, housekeepers and chore
9 services. The term "counseling" includes individual therapy,
10 infant stimulation therapy, family therapy, group therapy,
11 self-help groups, drug and alcohol abuse counseling,
12 vocational counseling and post-adoptive services. The term
13 "day care" includes protective day care and day care to meet
14 educational, prevocational or vocational needs. The term
15 "emergency assistance and advocacy" includes coordinated
16 services to secure emergency cash, food, housing and medical
17 assistance or advocacy for other subsistence and family
18 protective needs.

19 Subject to appropriation, ~~Before July 1, 2000,~~ appropriate
20 ~~family preservation services shall, subject to appropriation,~~
21 ~~be included in the service plan if the Department has~~
22 ~~determined that those services will ensure the child's health~~
23 ~~and safety, are in the child's best interests, and will not~~
24 ~~place the child in imminent risk of harm. Beginning July 1,~~
25 ~~2000,~~ appropriate family preservation services shall be
26 uniformly available throughout the State. If services are

1 available, the ~~The~~ Department shall promptly notify children
2 and families of the Department's responsibility to offer and
3 provide family preservation services as identified in the
4 service plan. Such plans may include but are not limited to:
5 case management services; homemakers; counseling; parent
6 education; day care; emergency assistance and advocacy
7 assessments; respite care; in-home health care; transportation
8 to obtain any of the above services; and medical assistance.
9 Nothing in this paragraph shall be construed to create a
10 private right of action or claim on the part of any individual
11 or child welfare agency.

12 The Department shall provide a preliminary report to the
13 General Assembly no later than January 1, 1991, in regard to
14 the provision of services authorized pursuant to this Section.
15 The report shall include:

16 (a) the number of families and children served, by type
17 of services;

18 (b) the outcome from the provision of such services,
19 including the number of families which remained intact at
20 least 6 months following the termination of services;

21 (c) the number of families which have been subjects of
22 founded reports of abuse following the termination of
23 services;

24 (d) an analysis of general family circumstances in
25 which family preservation services have been determined to
26 be an effective intervention;

1 (e) information regarding the number of families in
2 need of services but unserved due to budget or program
3 criteria guidelines;

4 (f) an estimate of the time necessary for and the
5 annual cost of statewide implementation of such services;

6 (g) an estimate of the length of time before expansion
7 of these services will be made to include families with
8 children over the age of 6; and

9 (h) recommendations regarding any proposed legislative
10 changes to this program.

11 Each Department field office shall maintain on a local
12 basis directories of services available to children and
13 families in the local area where the Department office is
14 located.

15 The Department shall refer children and families served
16 pursuant to this Section to private agencies and governmental
17 agencies, where available.

18 Where there are 2 equal proposals from both a
19 not-for-profit and a for-profit agency to provide services, the
20 Department shall give preference to the proposal from the
21 not-for-profit agency.

22 No service plan shall compel any child or parent to engage
23 in any activity or refrain from any activity which is not
24 reasonably related to remedying a condition or conditions that
25 gave rise or which could give rise to any finding of child
26 abuse or neglect.

1 (Source: P.A. 89-21, eff. 6-6-95; 89-507, eff. 7-1-97; 90-14,
2 eff. 7-1-97; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98.)

3 (325 ILCS 5/8.4) (from Ch. 23, par. 2058.4)

4 Sec. 8.4. Subject to appropriation, the ~~The~~ Department may
5 ~~shall~~ provide or arrange for and monitor, as authorized by this
6 Act, rehabilitative services for children and their families on
7 a voluntary basis or under a final or intermediate order of the
8 Court.

9 (Source: P.A. 84-611.)

10 Section 103. The Mental Health and Developmental
11 Disabilities Code is amended by changing Sections 3-811, 3-812,
12 and 3-909 as follows:

13 (405 ILCS 5/3-811) (from Ch. 91 1/2, par. 3-811)

14 Sec. 3-811. Involuntary admission; alternative mental
15 health facilities. If any person is found subject to
16 involuntary admission, the court shall consider alternative
17 mental health facilities which are appropriate for and
18 available to the respondent, including but not limited to
19 hospitalization. The court may order the respondent to undergo
20 a program of hospitalization in a mental health facility
21 designated by the Department, in a licensed private hospital or
22 private mental health facility if it agrees, or in a facility
23 of the United States Veterans Administration if it agrees; or

1 the court may order the respondent to undergo a program of
2 alternative treatment; or the court may place the respondent in
3 the care and custody of a relative or other person willing and
4 able to properly care for him or her. The court shall order the
5 least restrictive alternative for treatment which is
6 appropriate. The facility designated by the Department may not
7 include a facility or the portion thereof designated under
8 Section 8 of the Mental Health and Developmental Disabilities
9 Administrative Act as exclusively servicing persons committed
10 under Section 5-2-4 of the Unified Code of Corrections or
11 Article 104 of the Code of Criminal Procedure of 1963. In the
12 event that insufficient space is available at the facility
13 designated by the Department, the person shall be placed on a
14 waiting list with admission determined by the sequential order
15 in which the court orders are received by the Department.

16 (Source: P.A. 91-726, eff. 6-2-00.)

17 (405 ILCS 5/3-812) (from Ch. 91 1/2, par. 3-812)

18 Sec. 3-812. Court ordered alternative treatment;
19 modification; revocation.

20 (a) Alternative treatment shall not be ordered unless the
21 program being considered is capable of providing adequate and
22 humane treatment in the least restrictive setting which is
23 appropriate to the respondent's condition.

24 The court shall have continuing authority to modify an
25 order for alternative treatment if the recipient fails to

1 comply with the order or is otherwise found unsuitable for
2 alternative treatment. Prior to modifying such an order, the
3 court shall receive a report from the facility director of the
4 program specifying why the alternative treatment is
5 unsuitable. The recipient shall be notified and given an
6 opportunity to respond when modification of the order for
7 alternative treatment is considered.

8 (b) If the court revokes an order for alternative treatment
9 and orders a recipient hospitalized, it may order a peace
10 officer to take the recipient into custody and transport him to
11 the facility. The court may order the recipient to undergo a
12 program of hospitalization at a licensed private hospital or
13 private mental health facility, or a facility of the United
14 States Veterans Administration, if such private or Veterans
15 Administration facility agrees to such placement, or at a
16 mental health facility designated by the Department. The
17 facility designated by the Department may not include a
18 facility or the portion thereof designated under Section 8 of
19 the Mental Health and Developmental Disabilities
20 Administrative Act as exclusively servicing persons committed
21 under Section 5-2-4 of the Unified Code of Corrections or
22 Article 104 of the Code of Criminal Procedure of 1963. In the
23 event that insufficient space is available at the facility
24 designated by the Department, the person shall be placed on a
25 waiting list with admission determined by the sequential order
26 in which the court orders are received by the Department.

1 (Source: P.A. 91-726, eff. 6-2-00.)

2 (405 ILCS 5/3-909) (from Ch. 91 1/2, par. 3-909)

3 Sec. 3-909. Alternative treatment. Any recipient
4 hospitalized or admitted to alternative treatment or care and
5 custody under Article VIII of this Chapter may at any time
6 petition the court for transfer to a different facility or
7 program of alternative treatment, to care and custody, or to
8 the care and custody of a different person. His attorney,
9 guardian, custodian, or responsible relative may file such a
10 petition on his behalf. If the recipient is in a private
11 facility, the facility may also petition for transfer.
12 Recipients in private facilities or United States Veterans
13 Administration facilities may petition for transfer to a mental
14 health facility designated by the Department. The facility
15 designated by the Department may not include a facility or the
16 portion thereof designated under Section 8 of the Mental Health
17 and Developmental Disabilities Administrative Act as
18 exclusively servicing persons committed under Section 5-2-4 of
19 the Unified Code of Corrections or Article 104 of the Code of
20 Criminal Procedure of 1963. In the event that insufficient
21 space is available at the facility designated by the
22 Department, the person shall be placed on a waiting list with
23 admission determined by the sequential order in which the court
24 orders are received by the Department. Recipients may petition
25 for transfer to a program of alternative treatment, or to care

1 and custody. Recipients in private facilities may also petition
2 for transfer to United States Veterans Administration
3 facilities. Recipients in United States Veterans
4 Administration facilities may also petition for transfer to
5 private facilities. Recipients in Department facilities may
6 petition for transfer to a private mental health facility, a
7 United States Veterans Administration facility, a program of
8 alternative treatment, or to care and custody. Admission to a
9 United States Veterans Administration facility shall be
10 governed by Article X of this Chapter 3. No transfers between
11 Department facilities or between units of the same facility may
12 be ordered under this Section. An order for hospitalization
13 shall not be entered under this Section if the original order
14 did not authorize hospitalization unless a hearing is held
15 pursuant to Article VIII of this Chapter.

16 (Source: P.A. 91-726, eff. 6-2-00.)

17 Section 105. The Lead Poisoning Prevention Act is amended
18 by adding Section 18 as follows:

19 (410 ILCS 45/18 new)

20 Sec. 18. Suspension of regulatory, licensing, and
21 enforcement duties. All regulatory, licensing, and enforcement
22 duties and all other duties assigned to the Illinois Department
23 of Public Health under this Act are hereby suspended during the
24 period July 1, 2009, through June 30, 2010.

1 Section 110. The Poison Control System Act is amended by
2 changing Section 15 as follows:

3 (410 ILCS 47/15)

4 Sec. 15. Regional center designation. By January 1, 1993,
5 the Director of the Illinois Department of Public Health may
6 ~~shall~~ designate one or more ~~at least 2 and no more than 3~~ human
7 poison control centers. The Director of the Illinois Department
8 of Public Health shall determine funding based upon available
9 appropriations. The director of the Illinois Department of
10 Agriculture shall designate 1 animal poison control center as
11 regional poison control center to provide comprehensive poison
12 control center services for animal exposures by January 1,
13 1993. The services provided by the centers shall adhere to the
14 appropriate national standards promulgated by the American
15 Association of Poison Control Centers and the Illinois State
16 Veterinary Medical Association; adherence to these standards
17 shall occur within 2 years after designation by the respective
18 departments, unless the center has been granted an extension by
19 the Illinois Department of Public Health or the Illinois
20 Department of Agriculture. The 2-year period shall
21 automatically be extended for an additional 2 years if funding
22 was not secured after a poison control center's initial
23 designation. The designated departments shall set standards of
24 operation after consulting with current poison control service

1 providers. Poison control centers shall cooperate to reduce the
2 cost of operations, collect information on poisoning
3 exposures, and provide education to the public and health
4 professionals. A regional poison control center shall continue
5 to operate unless it voluntarily closes or the designating
6 departments revoke the designation for failure to comply with
7 the standards. Centers designated under this Act shall be
8 considered State agencies for purposes of the State Employee
9 Indemnification Act.

10 (Source: P.A. 87-1145.)

11 (410 ILCS 47/13 rep.)

12 Section 115. The Poison Control System Act is amended by
13 repealing Section 13.

14 Section 120. The Sexual Assault Survivors Emergency
15 Treatment Act is amended by changing Section 7 as follows:

16 (410 ILCS 70/7) (from Ch. 111 1/2, par. 87-7)

17 Sec. 7. Charges and reimbursement.

18 (a) The Department of Healthcare and Family Services shall
19 not register any new survivors of sexual assault for coverage
20 under this program during the period October 1, 2009 through
21 September 30, 2010.

22 (a-5) At any time that the Department of Healthcare and
23 Family Services is administering reimbursement as provided

1 herein, ~~when~~ any ambulance provider furnishing ~~furnishes~~
2 transportation, hospital providing ~~provides~~ hospital emergency
3 services and forensic services, hospital or health care
4 professional or laboratory providing ~~provides~~ follow-up
5 healthcare, or pharmacy dispensing ~~dispenses~~ prescribed
6 medications to any sexual assault survivor, as defined by the
7 Department of Healthcare and Family Services, who is neither
8 eligible to receive such services under the Illinois Public Aid
9 Code nor covered as to such services by a policy of insurance,
10 ~~the ambulance provider, hospital, health care professional, or~~
11 ~~laboratory~~ shall furnish such services to that person without
12 charge and shall be entitled to be reimbursed for its billed
13 charges in providing such services by the Illinois Sexual
14 Assault Emergency Treatment Program under the Department of
15 Healthcare and Family Services. Pharmacies shall dispense
16 prescribed medications without charge to the survivor and shall
17 be reimbursed at the Department of Healthcare and Family
18 Services' Medicaid allowable rates.

19 (b) The hospital is responsible for submitting the request
20 for reimbursement for ambulance services, hospital emergency
21 services, and forensic services to the Illinois Sexual Assault
22 Emergency Treatment Program. Nothing in this Section precludes
23 hospitals from providing follow-up healthcare and receiving
24 reimbursement under this Section.

25 (c) The health care professional who provides follow-up
26 healthcare and the pharmacy that dispenses prescribed

1 medications to a sexual assault survivor are responsible for
2 submitting the request for reimbursement for follow-up
3 healthcare or pharmacy services to the Illinois Sexual Assault
4 Emergency Treatment Program.

5 (d) The Department of Healthcare and Family Services shall
6 establish standards, rules, and regulations to implement this
7 Section.

8 (Source: P.A. 95-331, eff. 8-21-07; 95-432, eff. 1-1-08.)

9 Section 130. The Hemophilia Care Act is amended by changing
10 Section 2 as follows:

11 (410 ILCS 420/2) (from Ch. 111 1/2, par. 2902)

12 Sec. 2. The Department shall establish a program for the
13 care and treatment of eligible persons by promoting the
14 development of appropriate resources for their care and
15 treatment and by providing financial assistance in accordance
16 with the further provisions of this Act to eligible persons
17 otherwise unable to pay for appropriate care and treatment. The
18 Department shall not administer this program from October 1,
19 2009 until September 30, 2010. The Department shall terminate
20 eligibility for all persons enrolled under this Section no
21 later than September 30, 2009. The Department is authorized to
22 accept and process applications for benefits before October 1,
23 2010, provided that no benefits shall be available until
24 October 1, 2010.

1 (Source: P.A. 80-859.)

2 Section 135. The Renal Disease Treatment Act is amended by
3 changing Section 1 as follows:

4 (410 ILCS 430/1) (from Ch. 111 1/2, par. 22.31)

5 Sec. 1. The Department of Healthcare and Family Services
6 shall establish a program for the care and treatment of persons
7 suffering from chronic renal diseases. This program shall
8 assist persons suffering from chronic renal diseases who
9 require lifesaving care and treatment for such renal disease,
10 but who are unable to pay for such services on a continuing
11 basis. The Department shall not administer this program from
12 October 1, 2009 until September 30, 2010. The Department shall
13 terminate eligibility for all persons enrolled under this
14 Section no later than September 30, 2009. The Department is
15 authorized to accept and process applications for benefits
16 before October 1, 2010, provided that no benefits shall be
17 available until October 1, 2010.

18 (Source: P.A. 95-331, eff. 8-21-07.)

19 Section 140. The Adoption Act is amended by changing
20 Sections 6, 10, and 18.07 as follows:

21 (750 ILCS 50/6) (from Ch. 40, par. 1508)

22 Sec. 6. A. Investigation; all cases. Within 10 days after

1 the filing of a petition for the adoption or standby adoption
2 of a child other than a related child, the court shall appoint
3 a child welfare agency approved by the Department of Children
4 and Family Services, or a person deemed competent by the court,
5 or in Cook County the Court Services Division of the Cook
6 County Department of Public Aid, ~~or the Department of Children~~
7 ~~and Family Services~~ if the court determines that no child
8 welfare agency is available or that the petitioner is
9 financially unable to pay for the investigation, to investigate
10 accurately, fully and promptly, the allegations contained in
11 the petition; the character, reputation, health and general
12 standing in the community of the petitioners; the religious
13 faith of the petitioners and, if ascertainable, of the child
14 sought to be adopted; and whether the petitioners are proper
15 persons to adopt the child and whether the child is a proper
16 subject of adoption. The investigation required under this
17 Section shall include a fingerprint based criminal background
18 check with a review of fingerprints by the Illinois State
19 Police and Federal Bureau of Investigation. Each petitioner
20 subject to this investigation, shall submit his or her
21 fingerprints to the Department of State Police in the form and
22 manner prescribed by the Department of State Police. These
23 fingerprints shall be checked against the fingerprint records
24 now and hereafter filed in the Department of State Police and
25 Federal Bureau of Investigation criminal history records
26 databases. The Department of State Police shall charge a fee

1 for conducting the criminal history records check, which shall
2 be deposited in the State Police Services Fund and shall not
3 exceed the actual cost of the records check. The criminal
4 background check required by this Section shall include a
5 listing of when, where and by whom the criminal background
6 check was prepared. The criminal background check required by
7 this Section shall not be more than two years old.

8 Neither a clerk of the circuit court nor a judge may
9 require that a criminal background check or fingerprint review
10 be filed with, or at the same time as, an initial petition for
11 adoption.

12 B. Investigation; foreign-born child. In the case of a
13 child born outside the United States or a territory thereof, in
14 addition to the investigation required under subsection (A) of
15 this Section, a post-placement investigation shall be
16 conducted in accordance with the requirements of the Child Care
17 Act of 1969, the Interstate Compact on the Placement of
18 Children, and regulations of the foreign placing agency and the
19 supervising agency.

20 The requirements of a post-placement investigation shall
21 be deemed to have been satisfied if a valid final order or
22 judgment of adoption has been entered by a court of competent
23 jurisdiction in a country other than the United States or a
24 territory thereof with respect to such child and the
25 petitioners.

26 C. Report of investigation. The court shall determine

1 whether the costs of the investigation shall be charged to the
2 petitioners. The information obtained as a result of such
3 investigation shall be presented to the court in a written
4 report. The results of the criminal background check required
5 under subsection (A) shall be provided to the court for its
6 review. The court may, in its discretion, weigh the
7 significance of the results of the criminal background check
8 against the entirety of the background of the petitioners. The
9 Court, in its discretion, may accept the report of the
10 investigation previously made by a licensed child welfare
11 agency, if made within one year prior to the entry of the
12 judgment. Such report shall be treated as confidential and
13 withheld from inspection unless findings adverse to the
14 petitioners or to the child sought to be adopted are contained
15 therein, and in that event the court shall inform the
16 petitioners of the relevant portions pertaining to the adverse
17 findings. In no event shall any facts set forth in the report
18 be considered at the hearing of the proceeding, unless
19 established by competent evidence. The report shall be filed
20 with the record of the proceeding. If the file relating to the
21 proceeding is not impounded, the report shall be impounded by
22 the clerk of the court and shall be made available for
23 inspection only upon order of the court.

24 D. Related adoption. Such investigation shall not be made
25 when the petition seeks to adopt a related child or an adult
26 unless the court, in its discretion, shall so order. In such an

1 event the court may appoint a person deemed competent by the
2 court.

3 (Source: P.A. 93-418, eff. 1-1-04.)

4 (750 ILCS 50/10) (from Ch. 40, par. 1512)

5 Sec. 10. Forms of consent and surrender; execution and
6 acknowledgment thereof. A. The form of consent required for
7 the adoption of a born child shall be substantially as follows:

8 FINAL AND IRREVOCABLE CONSENT TO ADOPTION

9 I,, (relationship, e.g., mother, father, relative,
10 guardian) of, a ..male child, state:

11 That such child was born on at

12 That I reside at, County of and State of

13 That I am of the age of years.

14 That I hereby enter my appearance in this proceeding and
15 waive service of summons on me.

16 That I do hereby consent and agree to the adoption of such
17 child.

18 That I wish to and understand that by signing this consent
19 I do irrevocably and permanently give up all custody and other
20 parental rights I have to such child.

21 That I understand such child will be placed for adoption
22 and that I cannot under any circumstances, after signing this
23 document, change my mind and revoke or cancel this consent or
24 obtain or recover custody or any other rights over such child.

25 That I have read and understand the above and I am signing it

1 as my free and voluntary act.

2 Dated (insert date).

3

4 If under Section 8 the consent of more than one person is
5 required, then each such person shall execute a separate
6 consent.

7 B. The form of consent required for the adoption of an
8 unborn child shall be substantially as follows:

9 CONSENT TO ADOPTION OF UNBORN CHILD

10 I,, state:

11 That I am the father of a child expected to be born on or
12 about to (name of mother).

13 That I reside at County of, and State of

14 That I am of the age of years.

15 That I hereby enter my appearance in such adoption
16 proceeding and waive service of summons on me.

17 That I do hereby consent and agree to the adoption of such
18 child, and that I have not previously executed a consent or
19 surrender with respect to such child.

20 That I wish to and do understand that by signing this
21 consent I do irrevocably and permanently give up all custody
22 and other parental rights I have to such child, except that I
23 have the right to revoke this consent by giving written notice
24 of my revocation not later than 72 hours after the birth of the
25 child.

1 That I do hereby consent and agree to the standby adoption
2 of the child, and that I have not previously executed a consent
3 or surrender with respect to the child.

4 That I wish to and understand that by signing this consent
5 I do irrevocably and permanently give up all custody and other
6 parental rights I have to the child, effective upon (my death)
7 (the child's other parent's death) or upon (my) (the other
8 parent's) request for the entry of a final judgment for
9 adoption if (specified person or persons) adopt my child.

10 That I understand that until (I die) (the child's other
11 parent dies), I retain all legal rights and obligations
12 concerning the child, but at that time, I irrevocably give all
13 custody and other parental rights to (specified person or
14 persons).

15 I understand my child will be adopted by (specified
16 person or persons) only and that I cannot, under any
17 circumstances, after signing this document, change my mind and
18 revoke or cancel this consent or obtain or recover custody or
19 any other rights over my child if (specified person or
20 persons) adopt my child.

21 I understand that this consent to standby adoption is valid
22 only if the petition for standby adoption is filed and that if
23 (specified person or persons), for any reason, cannot
24 or will not file a petition for standby adoption or if his,
25 her, or their petition for standby adoption is denied, then
26 this consent is void. I have the right to notice of any other

1 proceeding that could affect my parental rights.

2 That I have read and understand the above and I am signing
3 it as my free and voluntary act.

4 Dated (insert date).

5

6 If under Section 8 the consent of more than one person is
7 required, then each such person shall execute a separate
8 consent. A separate consent shall be executed for each child.

9 (2) If the parent consents to a standby adoption by 2
10 specified persons, then the form shall contain 2 additional
11 paragraphs in substantially the following form:

12 If (specified persons) obtain a judgment of
13 dissolution of marriage before the judgment for adoption is
14 entered, then (specified person) shall adopt my child. I
15 understand that I cannot change my mind and revoke this consent
16 or obtain or recover custody of my child if (specified
17 persons) obtain a judgment of dissolution of marriage and
18 (specified person) adopts my child. I understand that I cannot
19 change my mind and revoke this consent if (specified
20 persons) obtain a judgment of dissolution of marriage before
21 the adoption is final. I understand that this consent to
22 adoption has no effect on who will get custody of my child if
23 (specified persons) obtain a judgment of dissolution of
24 marriage after the adoption is final. I understand that if
25 either (specified persons) dies before the petition to

1 adopt my child is granted, then the surviving person may adopt
2 my child. I understand that I cannot change my mind and revoke
3 this consent or obtain or recover custody of my child if the
4 surviving person adopts my child.

5 A consent to standby adoption by specified persons on this
6 form shall have no effect on a court's determination of custody
7 or visitation under the Illinois Marriage and Dissolution of
8 Marriage Act if the marriage of the specified persons is
9 dissolved before the adoption is final.

10 (3) The form of the certificate of acknowledgement for a
11 Final and Irrevocable Consent for Standby Adoption shall be
12 substantially as follows:

13 STATE OF)

14) SS.

15 COUNTY OF)

16 I, (name of Judge or other person) (official
17 title, name, and address), certify that, personally
18 known to me to be the same person whose name is subscribed to
19 the foregoing Final and Irrevocable Consent to Standby
20 Adoption, appeared before me this day in person and
21 acknowledged that (she) (he) signed and delivered the consent
22 as (her) (his) free and voluntary act, for the specified
23 purpose.

24 I have fully explained that this consent to adoption is

1 valid only if the petition to adopt is filed, and that if the
 2 specified person or persons, for any reason, cannot or will not
 3 adopt the child or if the adoption petition is denied, then
 4 this consent will be void. I have fully explained that if the
 5 specified person or persons adopt the child, by signing this
 6 consent (she) (he) is irrevocably and permanently
 7 relinquishing all parental rights to the child, and (she) (he)
 8 has stated that such is (her) (his) intention and desire.

9 Dated (insert date).

10 Signature.....

11 (4) If a consent to standby adoption is executed in this
 12 form, the consent shall be valid only if the specified person
 13 or persons adopt the child. The consent shall be void if:

14 (a) the specified person or persons do not file a petition
 15 for standby adoption of the child; or

16 (b) a court denies the standby adoption petition.

17 The parent shall not need to take further action to revoke
 18 the consent if the standby adoption by the specified person or
 19 persons does not occur, notwithstanding the provisions of
 20 Section 11 of this Act.

21 C. The form of surrender to any agency given by a parent of
 22 a born child who is to be subsequently placed for adoption
 23 shall be substantially as follows and shall contain such other
 24 facts and statements as the particular agency shall require.

25 FINAL AND IRREVOCABLE SURRENDER

26 FOR PURPOSES OF ADOPTION

1 I, (relationship, e.g., mother, father, relative,
2 guardian) of, a ..male child, state:

3 That such child was born on, at

4 That I reside at, County of, and State of

5 That I am of the age of years.

6 That I do hereby surrender and entrust the entire custody
7 and control of such child to the (the "Agency"), a
8 (public) (licensed) child welfare agency with its principal
9 office in the City of, County of and State of,
10 for the purpose of enabling it to care for and supervise the
11 care of such child, to place such child for adoption and to
12 consent to the legal adoption of such child.

13 That I hereby grant to the Agency full power and authority
14 to place such child with any person or persons it may in its
15 sole discretion select to become the adopting parent or parents
16 and to consent to the legal adoption of such child by such
17 person or persons; and to take any and all measures which, in
18 the judgment of the Agency, may be for the best interests of
19 such child, including authorizing medical, surgical and dental
20 care and treatment including inoculation and anaesthesia for
21 such child.

22 That I wish to and understand that by signing this
23 surrender I do irrevocably and permanently give up all custody
24 and other parental rights I have to such child.

25 That I understand I cannot under any circumstances, after
26 signing this surrender, change my mind and revoke or cancel

1 this surrender or obtain or recover custody or any other rights
2 over such child.

3 That I have read and understand the above and I am signing
4 it as my free and voluntary act.

5 Dated (insert date).

6

7 D. The form of surrender to an agency given by a parent of
8 an unborn child who is to be subsequently placed for adoption
9 shall be substantially as follows and shall contain such other
10 facts and statements as the particular agency shall require.

11 SURRENDER OF UNBORN CHILD FOR

12 PURPOSES OF ADOPTION

13 I, (father), state:

14 That I am the father of a child expected to be born on or
15 about to (name of mother).

16 That I reside at, County of, and State of

17 That I am of the age of years.

18 That I do hereby surrender and entrust the entire custody
19 and control of such child to the (the "Agency"), a
20 (public) (licensed) child welfare agency with its principal
21 office in the City of, County of and State of,
22 for the purpose of enabling it to care for and supervise the
23 care of such child, to place such child for adoption and to
24 consent to the legal adoption of such child, and that I have
25 not previously executed a consent or surrender with respect to
26 such child.

1 I,, (father) (mother) of, an adult, state:

2 That I reside at, County of and State of

3 That I do hereby consent and agree to the adoption of such
4 adult by and

5 Dated (insert date).

6

7 F. The form of consent required for the adoption of a child
8 of the age of 14 years or upwards, or of an adult, to be given
9 by such person, shall be substantially as follows:

10 CONSENT

11 I,, state:

12 That I reside at, County of and State of

13 That I am of the age of years. That I consent and agree to
14 my adoption by and

15 Dated (insert date).

16

17 G. The form of consent given by an agency to the adoption
18 by specified persons of a child previously surrendered to it
19 shall set forth that the agency has the authority to execute
20 such consent. The form of consent given by a guardian of the
21 person of a child sought to be adopted, appointed by a court of
22 competent jurisdiction, shall set forth the facts of such
23 appointment and the authority of the guardian to execute such
24 consent.

25 H. A consent (other than that given by an agency, or
26 guardian of the person of the child sought to be adopted

1 appointed by a court of competent jurisdiction) shall be
2 acknowledged by a parent before the presiding judge of the
3 court in which the petition for adoption has been, or is to be
4 filed or before any other judge or hearing officer designated
5 or subsequently approved by the court, or the circuit clerk if
6 so authorized by the presiding judge or, except as otherwise
7 provided in this Act, before a representative of the Department
8 of Children and Family Services or a licensed child welfare
9 agency, or before social service personnel under the
10 jurisdiction of a court of competent jurisdiction, or before
11 social service personnel of the Cook County Department of
12 Supportive Services designated by the presiding judge.

13 I. A surrender, or any other document equivalent to a
14 surrender, by which a child is surrendered to an agency shall
15 be acknowledged by the person signing such surrender, or other
16 document, before a judge or hearing officer or the clerk of any
17 court of record, either in this State or any other state of the
18 United States, or before a representative of an agency or
19 before any other person designated or approved by the presiding
20 judge of the court in which the petition for adoption has been,
21 or is to be, filed.

22 J. The form of the certificate of acknowledgment for a
23 consent, a surrender, or any other document equivalent to a
24 surrender, shall be substantially as follows:

25 STATE OF)

26) SS.

1 COUNTY OF ...)

2 I, (Name of judge or other person), (official
3 title, name and location of court or status or position of
4 other person), certify that, personally known to me to be
5 the same person whose name is subscribed to the foregoing
6 (consent) (surrender), appeared before me this day in person
7 and acknowledged that (she) (he) signed and delivered such
8 (consent) (surrender) as (her) (his) free and voluntary act,
9 for the specified purpose.

10 I have fully explained that by signing such (consent)
11 (surrender) (she) (he) is irrevocably relinquishing all
12 parental rights to such child or adult and (she) (he) has
13 stated that such is (her) (his) intention and desire.

14 Dated (insert date).

15 Signature

16 K. When the execution of a consent or a surrender is
17 acknowledged before someone other than a judge or the clerk of
18 a court of record, such other person shall have his signature
19 on the certificate acknowledged before a notary public, in form
20 substantially as follows:

21 STATE OF)

22) SS.

23 COUNTY OF ...)

24 I, a Notary Public, in and for the County of, in the
25 State of, certify that, personally known to me to
26 be the same person whose name is subscribed to the foregoing

1 certificate of acknowledgment, appeared before me in person and
2 acknowledged that (she) (he) signed such certificate as (her)
3 (his) free and voluntary act and that the statements made in
4 the certificate are true.

5 Dated (insert date).

6 Signature Notary Public
7 (official seal)

8 There shall be attached a certificate of magistracy, or
9 other comparable proof of office of the notary public
10 satisfactory to the court, to a consent signed and acknowledged
11 in another state.

12 L. A surrender or consent executed and acknowledged outside
13 of this State, either in accordance with the law of this State
14 or in accordance with the law of the place where executed, is
15 valid.

16 M. Where a consent or a surrender is signed in a foreign
17 country, the execution of such consent shall be acknowledged or
18 affirmed in a manner conformable to the law and procedure of
19 such country.

20 N. If the person signing a consent or surrender is in the
21 military service of the United States, the execution of such
22 consent or surrender may be acknowledged before a commissioned
23 officer and the signature of such officer on such certificate
24 shall be verified or acknowledged before a notary public or by
25 such other procedure as is then in effect for such division or

1 branch of the armed forces.

2 O. (1) The parent or parents of a child in whose interests
3 a petition under Section 2-13 of the Juvenile Court Act of 1987
4 is pending may, with the approval of the designated
5 representative of the Department of Children and Family
6 Services, execute a consent to adoption by a specified person
7 or persons:

8 (a) in whose physical custody the child has resided for
9 at least 6 months; or

10 (b) in whose physical custody at least one sibling of
11 the child who is the subject of this consent has resided
12 for at least 6 months, and the child who is the subject of
13 this consent is currently residing in this foster home; or

14 (c) in whose physical custody a child under one year of
15 age has resided for at least 3 months.

16 A consent under this subsection O shall be acknowledged by a
17 parent pursuant to subsection H and subsection K of this
18 Section.

19 (2) The consent to adoption by a specified person or
20 persons shall have the caption of the proceeding in which it is
21 to be filed and shall be substantially as follows:

22 FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY

23 A SPECIFIED PERSON OR PERSONS

24 I,, the
25 (mother or father) of amale child,
26 state:

1 1. My child (name of
2 child) was born on (insert date) at
3 Hospital in County, State of
4

5 2. I reside at, County of
6 and State of

7 3. I,, am years old.

8 4. I enter my appearance in this action to adopt my
9 child by the person or persons specified herein by me and
10 waive service of summons on me in this action only.

11 5. I consent to the adoption of my child by
12 (specified person or
13 persons) only.

14 6. I wish to sign this consent and I understand that by
15 signing this consent I irrevocably and permanently give up
16 all parental rights I have to my child if my child is
17 adopted by (specified person
18 or persons).

19 7. I understand my child will be adopted by
20 (specified person or
21 persons) only and that I cannot under any circumstances,
22 after signing this document, change my mind and revoke or
23 cancel this consent or obtain or recover custody or any
24 other rights over my child if
25 (specified person or persons) adopt my child.

26 8. I understand that this consent to adoption is valid

1 only if the petition to adopt is filed within one year from
 2 the date that I sign it and that if
 3 (specified person or persons), for any reason, cannot or
 4 will not file a petition to adopt my child within that one
 5 year period or if their adoption petition is denied, then
 6 this consent will be voidable after one year upon the
 7 timely filing of my motion. If I file this motion before
 8 the filing of the petition for adoption, I understand that
 9 the court shall revoke this specific consent. I have the
 10 right to notice of any other proceeding that could affect
 11 my parental rights, except for the proceeding for
 12 (specified person or persons) to adopt my
 13 child.

14 9. I have read and understand the above and I am
 15 signing it as my free and voluntary act.

16 Dated (insert date).

17

18 Signature of parent

19 (3) If the parent consents to an adoption by 2 specified
 20 persons, then the form shall contain 2 additional paragraphs in
 21 substantially the following form:

22 10. If (specified persons) get a
 23 divorce before the petition to adopt my child is granted,
 24 then (specified person) shall adopt my child. I
 25 understand that I cannot change my mind and revoke this
 26 consent or obtain or recover custody over my child if

1 (specified persons) divorce and
 2 (specified person) adopts my child. I
 3 understand that I cannot change my mind and revoke this
 4 consent or obtain or recover custody over my child if
 5 (specified persons) divorce after the
 6 adoption is final. I understand that this consent to
 7 adoption has no effect on who will get custody of my child
 8 if they divorce after the adoption is final.

9 11. I understand that if either
 10 (specified persons) dies before the petition to adopt my
 11 child is granted, then the surviving person can adopt my
 12 child. I understand that I cannot change my mind and revoke
 13 this consent or obtain or recover custody over my child if
 14 the surviving person adopts my child.

15 A consent to adoption by specified persons on this form
 16 shall have no effect on a court's determination of custody or
 17 visitation under the Illinois Marriage and Dissolution of
 18 Marriage Act if the marriage of the specified persons is
 19 dissolved after the adoption is final.

20 (4) The form of the certificate of acknowledgement for a
 21 Final and Irrevocable Consent for Adoption by a Specified
 22 Person or Persons shall be substantially as follows:

23 STATE OF.....)

24) SS.

25 COUNTY OF.....)

1 I, (Name of Judge or other person),
 2 (official title, name, and address),
 3 certify that, personally known to me to be the
 4 same person whose name is subscribed to the foregoing Final and
 5 Irrevocable Consent for Adoption by a Specified Person or
 6 Persons, appeared before me this day in person and acknowledged
 7 that (she) (he) signed and delivered the consent as (her) (his)
 8 free and voluntary act, for the specified purpose.

9 I have fully explained that this consent to adoption is
 10 valid only if the petition to adopt is filed within one year
 11 from the date that it is signed, and that if the specified
 12 person or persons, for any reason, cannot or will not adopt the
 13 child or if the adoption petition is denied, then this consent
 14 will be voidable after one year upon the timely filing of a
 15 motion by the parent to revoke the consent. I explained that if
 16 this motion is filed before the filing of the petition for
 17 adoption, the court shall revoke this specific consent. I have
 18 fully explained that if the specified person or persons adopt
 19 the child, by signing this consent this parent is irrevocably
 20 and permanently relinquishing all parental rights to the child,
 21 and this parent has stated that such is (her) (his) intention
 22 and desire.

23 Dated (insert date).

24

25 Signature

1 (5) If a consent to adoption by a specified person or
2 persons is executed in this form, the following provisions
3 shall apply. The consent shall be valid only if that specified
4 person or persons adopt the child. The consent shall be
5 voidable after one year if:

6 (a) the specified person or persons do not file a
7 petition to adopt the child within one year after the
8 consent is signed and the parent files a timely motion to
9 revoke this consent. If this motion is filed before the
10 filing of the petition for adoption the court shall revoke
11 this consent; or

12 (b) a court denies the adoption petition; or

13 (c) the Department of Children and Family Services
14 Guardianship Administrator determines that the specified
15 person or persons will not or cannot complete the adoption,
16 or in the best interests of the child should not adopt the
17 child.

18 Within 30 days of the consent becoming void, the Department
19 of Children and Family Services Guardianship Administrator
20 shall make good faith attempts to notify the parent in writing
21 and shall give written notice to the court and all additional
22 parties in writing that the adoption has not occurred or will
23 not occur and that the consent is void. If the adoption by a
24 specified person or persons does not occur, no proceeding for
25 termination of parental rights shall be brought unless the
26 biological parent who executed the consent to adoption by a

1 specified person or persons has been notified of the proceeding
2 pursuant to Section 7 of this Act or subsection (4) of Section
3 2-13 of the Juvenile Court Act of 1987. The parent shall not
4 need to take further action to revoke the consent if the
5 specified adoption does not occur, notwithstanding the
6 provisions of Section 11 of this Act.

7 (6) The Department of Children and Family Services is
8 authorized to promulgate rules necessary to implement this
9 subsection O.

10 (7) Subject to appropriation, the ~~The~~ Department shall
11 collect and maintain data concerning the efficacy of specific
12 consents. This data shall include the number of specific
13 consents executed and their outcomes, including but not limited
14 to the number of children adopted pursuant to the consents, the
15 number of children for whom adoptions are not completed, and
16 the reason or reasons why the adoptions are not completed.

17 (Source: P.A. 92-320, eff. 1-1-02; 93-732, eff. 1-1-05.)

18 (750 ILCS 50/18.07)

19 Sec. 18.07. Adoption Registry Advisory Council. Subject to
20 appropriation, there ~~There~~ is established an Adoption Registry
21 Advisory Council. The Council shall be chaired by the Director
22 of the Department of Public Health or his designee. The Council
23 shall include the Director of the Department of Children and
24 Family Services or his designee. The Council shall also include
25 one representative from each of the following organizations:

1 Adoption Advocates of Illinois, Adoptive Families Today,
2 American Adoption Congress, Catholic Conference of Illinois,
3 Chicago Area Families for Adoption, Chicago Bar Association,
4 Child Care Association of Illinois, Children Remembered, Inc.,
5 Children's Home and Aid Society of Illinois, Child Welfare
6 Advisory Council, The Cradle, Healing Hearts, Illinois Foster
7 Parents Association, Illinois State Bar Association, Illinois
8 State Medical Society, Jewish Children's Bureau, Kids Help
9 Foundation, LDS Social Services, Lutheran Social Services of
10 Illinois, Maryville Academy, Midwest Adoption Center, St.
11 Mary's Services, Stars of David, and Truthseekers in Adoption.

12 If any one of the above named organizations notifies the
13 Director of the Department of Public Health in writing that the
14 organization does not wish to participate on the Advisory
15 Council or that the organization is no longer functioning, the
16 Director shall appoint another organization that represents
17 the same constituency as the named organization to replace the
18 named organization on the Council.

19 The Council's responsibilities shall include the following:

20 1) Advising the Department on the development of rules,
21 procedures, and forms utilized by the Illinois Adoption
22 Registry and Medical Information Exchange;

23 2) Making recommendations regarding the procedures,
24 tools and technology that will ensure efficient and
25 effective operation of the Registry;

26 3) Submitting a report to the Governor and the General

1 Assembly no later than January 1, 2001, on the status of
2 the Registry, an evaluation of the effectiveness of the
3 Registry, and pertinent statistics regarding the Registry;

4 4) Assisting the Department with the development,
5 publication, and circulation of an informational pamphlet
6 that describes the purpose, function, and mechanics of the
7 Illinois Adoption Registry and Medical Information
8 Exchange, including information about who is eligible to
9 register and how to register; information about the
10 questions and concerns that registrants may develop when
11 they register or when they receive information from the
12 Registry; and a list of services, programs, groups, and
13 informational websites that are available to assist
14 registrants with their questions and concerns.

15 (Source: P.A. 91-417, eff. 1-1-00.)

16 Section 997. Severability. The provisions of this Act are
17 severable under Section 1.31 of the Statute on Statutes.

18 Section 999. Effective date. This Act takes effect upon
19 becoming law.

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