

1 TITLE 89: SOCIAL SERVICES
2 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
3 SUBCHAPTER a: SERVICE DELIVERY
4

5 PART 301
6 PLACEMENT AND VISITATION SERVICES
7

8	Section	
9	301.1	Purpose (Renumbered)
10	301.2	Definition (Repealed)
11	301.3	Foster Care Placement Goal (Renumbered)
12	301.4	Plans to Achieve This Goal (Renumbered)

13
14 SUBPART A: PLACEMENT SERVICES
15

16	Section	
17	301.10	Purpose
18	301.20	Definitions
19	301.30	Introduction
20	301.40	Legal Authority to Place
21	301.50	Emergency Placement
22	301.60	Placement Selection Criteria
23	301.70	Sibling Placement
24	301.80	Relative Home Placement
25	301.90	Foster Family Home Care
26	301.100	Residential Care
27	301.110	Care in a Medical/Psychiatric Facility
28	301.120	Sharing Appropriate Information with the Caregiver
29	301.130	Medical Examinations for Children in Placement
30	301.140	Education of Children While in Placement

31
32 SUBPART B: VISITATION SERVICES
33

34	Section	
35	301.200	Purpose
36	301.210	Family-Child Visitation
37	301.220	Sibling Visitation
38	301.230	Contact Among Siblings Placed Apart
39	301.240	Grandparent and Great-Grandparent Visitation
40	301.250	Sibling Visitation and Contact with Adopted Siblings and Siblings in Private 41 Guardianship
42	301.255	Sibling Visitation with and Among Adult Siblings

SUBPART C: FOSTER CARE PLACEMENT GOAL

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Section	
301.310	Purpose
301.320	Foster Care Placement Goal
301.330	Plans to Achieve This Goal

SUBPART D: FOSTER PARENT/RELATIVE CAREGIVER IDENTIFYING INFORMATION

Section	
301.410	Purpose
301.420	Confidentiality of Foster Parent/Relative Caregiver Identifying Information
301.430	Routine Disclosure of Foster Parent/Relative Caregiver Identifying Information
301.440	Specific Disclosure of Foster Parent/Relative Caregiver Identifying Information
301.450	Specific Notice of Disclosure
301.460	Disclosure Prohibited
301.470	Redislosure Prohibited

301.APPENDIX A Criminal Convictions that Prevent Placement of Children with Relatives

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5]; Section 1-103 of the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301]; the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; the Adoption Act [750 ILCS 50]; 42 U.S.C 672 and 42 U.S.C 675.

SOURCE: Adopted and codified at 7 Ill. Reg. 881, effective January 12, 1983; amended at 9 Ill. Reg. 9904, effective July 1, 1985; amended at 19 Ill. Reg. 9438, effective July 1, 1995; emergency amendment at 20 Ill. Reg. 3961, effective February 16, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 4602, effective March 15, 1996; amended at 20 Ill. Reg. 9036, effective July 11, 1996; amended at 20 Ill. Reg. 9518, effective July 5, 1996; amended at 21 Ill. Reg. 13580, effective October 1, 1997; amended at 23 Ill. Reg. 13062, effective October 20, 1999; emergency amendment at 24 Ill. Reg. 6427, effective March 27, 2000, for a maximum of 150 days; emergency expired August 23, 2000; amended at 25 Ill. Reg. 841, effective January 5, 2001; amended at 25 Ill. Reg. 11803, effective September 14, 2001; amended at 26 Ill. Reg. 11739, effective August 1, 2002; amended at 34 Ill. Reg. 7898, effective May 31, 2010; amended at 36 Ill. Reg. 2098, effective January 30, 2012; amended at 36 Ill. Reg. 4039, effective March 5, 2012; expedited correction at 37 Ill. Reg. 19419, effective March 5, 2012; amended at 40 Ill. Reg. 666, effective December 31, 2015; amended at 40 Ill. Reg. 7699, effective May 16, 2016; amended at 42 Ill. Reg. 2158, effective January 17, 2018; amended at 43 Ill. Reg. 5680, effective May 3, 2019; amended at 48 Ill. Reg. _____, effective _____.

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88 SUBPART A: PLACEMENT SERVICES
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90 **Section 301.20 Definitions**
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92 "Administrative case review" or "ACR" means case reviews required by 42
93 [U.S.C.](#) ~~USC~~ 675(1) and 20 ILCS 505/6a.
94

95 "Child only standard of need" means the assistance standard for cases in which no
96 adult member is included, as established by the Illinois Department of Human
97 Services in 89 Ill. Adm. Code 111 (Assistance Standards).
98

99 "Children for whom the Department is legally responsible" means children for
100 whom the Department has temporary protective custody, custody or guardianship
101 via court order, or children whose parents signed an adoptive surrender or
102 voluntary placement agreement with the Department.
103

104 "Contact between siblings" means contact among siblings who are residing apart
105 from one another, and may include, but is not limited to: telephone calls; video
106 conferencing; in person visitation; sending/receiving cards, letters, emails, text
107 messages, gifts, etc.; sharing photographs or information; use of any approved
108 social media (e.g., Facebook); and any other agreed upon forms of
109 communication technology.
110

111 "Department" as used in this Part, means the Department of Children and Family
112 Services.
113

114 "Diligent search", as used in this Part, means the efforts used by the Department
115 to find a joint placement for siblings who must be placed apart from their
116 families. Diligent search is further defined in Section 301.70(f).
117

118 "Family" means one or more adults and children, related by blood, marriage, civil
119 union or adoption and residing in the same household.
120

121 "Father" means *the parent-child relationship is established between a man and a*
122 *child by:*
123

124 *An un rebutted presumption of the man's parentage of the child under*
125 *Section 204 of the Illinois Parentage Act of 2015 [750 ILCS 46]*
126 *(Parentage Act);*
127

128 *An effective voluntary acknowledgment of paternity by the man under*
129 *Article 3 of the Parentage Act, unless the acknowledgment has been*
130 *rescinded or successfully challenged;*

131
132 *An adjudication of the man's parentage;*

133
134 *Adoption of the child by the man; or*

135
136 *A valid gestational surrogacy arrangement that complies with the*
137 *Gestational Surrogacy Act [750 ILCS 47] or other law. [750 ILCS*
138 *46/201(b)]*

139
140 AGENCY NOTE: When paternity has been established, the relatives of the
141 biological father, as well as those of the mother, may be considered for the
142 placement of related children.

143
144 "Federally-funded foster care" means foster care maintenance payments made in
145 accordance with Title IV-E of the Social Security Act for which federal matching
146 grants are received.

147
148 "*Fictive kin*" means any individual, unrelated by birth or marriage, who:

149
150 *is shown to have significant and close personal or emotional ties with the*
151 *child or the child's family prior to the child's placement with the*
152 *individual; or*

153
154 *is the current foster parent of a child in the custody or guardianship of the*
155 *Department pursuant to the Child and Family Services Act and the*
156 *Juvenile Court Act of 1987 [705 ILCS 405], if the child has been placed in*
157 *the home for at least one year and has established a significant and*
158 *family-like relationship with the foster parent, and the foster parent has*
159 *been identified by the Department as the child's permanent connection.*
160 *[20 ILCS 505/7(b)]*

161
162 "Final placement decision" means the decision made by the Department, within
163 90 days after the initial placement of a child with a relative, to leave or remove
164 the child in the relative home based on the evaluation of the results of the criminal
165 background check of the relative and household members and based on the best
166 interest of the child.

167
168 "Foster care payment" means the amount paid by the Department for a child's
169 room, board, clothing, and personal allowance in a licensed foster family home.

170

171 "Godparent" is a person who sponsors a child at baptism or one in whom the
172 parents have entrusted a special duty that includes assisting in raising the child if
173 the parent cannot raise the child. If the person is considered to be the child's
174 godparent, in order for placement to occur, the same placement selection criteria
175 as contained in Section 301.60 (Placement Selection Criteria) must be met. If the
176 godparent is not a licensed foster parent, all the conditions currently in effect for
177 placement with relatives in Section 301.80 (Relative Home Placement) must be
178 met.

179
180 "Independent Assessment" means, for a child who is placed in a qualified
181 residential treatment program, an evaluation that assesses the strengths and needs
182 of the child using an age-appropriate, evidence-based, validated, functional
183 assessment tool. [42 U.S.C. 675a(c)(1)(A)(i)]
184

185 "Joint placement", in the context of sibling placement, means the siblings are
186 placed in the same substitute care setting.

187
188 "LEADS" means Law Enforcement Agency Data System.

189
190 "Parents" means the child's legal parents whose parental rights have not been
191 terminated. Biological fathers are considered legal parents when paternity has
192 been established as required by the definition of "father" in this Section.

193
194 "Permanency goal" means the desired outcome of intervention and service, which
195 is determined to be consistent with the health, safety, well-being, and best
196 interests of the child. A permanent legal status is usually a component of the
197 permanency goal.

198
199 "Permanent connection" means a family-like relationship, consistent with a child's
200 best interests, health, safety and well-being, that provides:

201
202 safe, stable and committed parenting;

203
204 unconditional love and lifelong support; and

205
206 permanent legal status between child and family.

207
208 For a child for whom the Department is legally responsible, a permanent
209 connection may be the child's parents or another caregiver in the child's home
210 of origin. When the child cannot be safely returned home, a permanent
211 connection may be the current or former foster parent or relative caregiver, an
212 individual identified as an adoptive or legal guardianship placement resource,

213 or another individual from among the child's or family's lifelong connections
214 with whom a child has developed a familial relationship.

215
216 "Permanent family placement" means placement in a foster family home or a
217 relative home that is intended to last until the child reaches age 21 or until the
218 child is capable of self-sufficiency. The Department may retain guardianship of
219 the child or the foster parent or relative may assume guardianship of the child.

220
221 "Permanent legal status" means a legally binding relationship between a child and
222 a family as established by birth or a court of law.

223
224 "Placement Clearance Process" means the approval of a child's placement in
225 foster care or unlicensed relative care from the Placement Clearance Unit.

226
227 ~~"Placement decision" means the decision made by the Department, within 90 days~~
228 ~~after the initial placement of a child with a relative, to leave or remove the child in~~
229 ~~the relative home based on the evaluation of the results of the criminal~~
230 ~~background check of the relative and household members and based on the best~~
231 ~~interest of the child.~~

232
233 "Placing worker" means the Child Protection Specialist, Permanency Worker or
234 Intact Family Worker with responsibility to select the substitute care placement
235 for a child.

236
237 "Qualified Residential Treatment Program" means a program that:
238
239 has a trauma-informed treatment model that is designed to address the
240 needs, including clinical needs as appropriate, of children with serious
241 emotional or behavioral disorders or disturbances and, with respect to a
242 child, is able to implement the treatment identified for the child by the
243 independent assessment of the child required under 42 U.S.C. 675a(c);
244
245 has registered or licensed nursing staff and other licensed clinical staff
246 who:
247
248 provide care within the scope of their practice as defined by state
249 law;
250
251 are on-site according to a trauma informed treatment model; and
252
253 are available 24 hours a day and 7 days a week;
254

255 to the extent appropriate, and in accordance with the child's best interests,
256 facilitates participation of family members in the child's treatment
257 program;

258
259 facilitates outreach to the family members of the child, including siblings,
260 documents how the outreach is made (including contact information), and
261 maintains contact information for any known biological family and fictive
262 kin of the child;

263
264 documents how family members are integrated into the treatment process
265 for the child, including post-discharge, and how sibling connections are
266 maintained;

267
268 provides discharge planning and family-based aftercare support for at least
269 6 months post-discharge; and

270
271 is licensed in accordance with 42 U.S.C. 671(a)(10) and is accredited by
272 any of the following independent, not-for-profit organizations:

273
274 The Commission on Accreditation of Rehabilitation Facilities
275 (CARF);

276
277 The Joint Commission on Accreditation of Healthcare
278 Organizations (JCAHO);

279
280 The Council on Accreditation (COA); and

281
282 Any other independent, not-for-profit accrediting organization
283 approved by the Secretary of Health and Human Services. [42
284 U.S.C. 672(k)(1)-(4)]

285
286 "Region" means Cook County or any of the downstate Department of Children
287 and Family Services regions.

288
289 "*Relative*", for purposes of placement of children for whom the Department is
290 legally responsible, *means any person, 21 years of age or over, other than the*
291 *parent, who:*

292
293 *is currently related to the child in any of the following ways by blood or*
294 *adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew,*
295 *niece, first cousin, first cousin once removed (children of one's first cousin*
296 *to oneself), second cousin (children of first cousins are second cousins to*
297 *each other), godparent (as defined in this Section), great-uncle, or great-*

298 *aunt; or*

299
300 *is the spouse, or party to a civil union, of such a relative; or*

301
302 *is the child's step-father, step-mother, step-grandfather, step-grandmother,*
303 *or adult step-brother or step-sister; or*

304
305 *is the partner, or adult child of a partner, in a civil union with the child's*
306 *mother or father; or*

307
308 *is a fictive kin as defined in this Section.*

309
310 *Relative also includes a person related in any of the foregoing ways to a*
311 *sibling of a child, even though the person is not related to the child, when the*
312 *child and its sibling are placed together with that person. For children who*
313 *have been in the guardianship of the Department, have been adopted, and are*
314 *subsequently returned to the temporary custody or guardianship of the*
315 *Department, a "relative" may also include any person who would have*
316 *qualified as a relative under this definition prior to the adoption, but only if*
317 *the Department determines that it would be in the best interests of the child to*
318 *consider this person a relative. [20 ILCS 505/7(b)]*

319
320 "Residential facility", for the purposes of the Aristotle P. Consent Decree, means
321 all non-foster care or relative home care placements.

322
323 "Service plan" means a written plan on a form prescribed by the Department in
324 the plan toward the permanency goal for the children required by 42 ~~U.S.C.~~ USC
325 675(5), 325 ILCS 5/8.2, and 89 Ill. Adm. Code 315 (Permanency Planning).

326
327 "Siblings" means children who have at least one parent in common. Children
328 continue to be considered siblings after parental rights are terminated, if parental
329 rights were terminated while a petition under Article II of the Juvenile Court Act
330 of 1987 was pending. Children continue to be considered siblings after one or
331 more of the children are adopted or placed in private guardianship, if they were in
332 the custody or guardianship of the Department pursuant to Article II of the
333 Juvenile Court Act of 1987 [705 ILCS 405] immediately prior to the adoption or
334 guardianship. Step-siblings may be considered "siblings" when the children enter
335 into substitute care together, have a positive relationship and share at least one
336 parent in common.

337
338 "Substitute care" means the care of children who require placement away from
339 their families. Substitute care includes foster family care, care of a child for
340 whom the Department is legally responsible provided in a relative family home,

341 care provided in a group home, and care provided in a child care or other
342 institution.

343
344 "Visitation" means face-to-face contact:

345 between parents and their children who are in substitute care;

346
347 between siblings in substitute care who are placed apart from one another;
348 or
349

350 between siblings in substitute care with siblings who are not in substitute
351 care (e.g., emancipated, case closed due to independence, adopted, placed
352 in private guardianship, living in home of parent, etc.).
353

354
355 "Voluntary placement agreement" means a time-limited written request and
356 consent from a parent, guardian or legal custodian of a child for placement of the
357 child out of the home. When signed by designated Department staff, the
358 Department agrees to provide child welfare services which include placement.
359

360 (Source: Amended at 48 Ill. Reg. _____, effective _____)