

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

PART 316  
ADMINISTRATIVE CASE REVIEWS AND COURT HEARINGS

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AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5], Section 7.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.1], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 U.S.C. 675), Article II of the Juvenile Court Act of 1987 [705 ILCS 405/2], and Section 1 of the Adoption Act [750 ILCS 50/1].

SOURCE: Adopted at 23 Ill. Reg. 2528, effective February 1, 1999; amended at 26 Ill. Reg. 16909, effective November 1, 2002; amended at 35 Ill. Reg. 14942, effective September 1, 2011; amended at 36 Ill. Reg. 4082, effective March 5, 2012; amended at 40 Ill. Reg. 767, effective December 31, 2015; amended at 40 Ill. Reg. 7764, effective May 16, 2016; amended at 42 Ill. Reg. 2215, effective January 17, 2018; amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 316.10 Purpose**

The purpose of this Part is to describe the independent review processes required by federal and State law for the purpose of ensuring that children and families who receive services from the Department or its ~~child welfare contributing provider~~ agencies have participation and periodic review of their case plan to determine and ensure safety, well-being, and permanency. This Part also includes a description of the caseworkers' roles and responsibilities in juvenile court hearings.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 316.20 Definitions**

"Administrative case review (ACR)" means a review of permanency planning open to the participation of the parents of the child, conducted by a person who is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subjects of the review. (See 42 U.S.C. USE 675(6)). The administrative case review is also open to the participation of other professionals involved in assessing or treating the child, any legal representative of the parent or child, and the foster parents as specified in this Part.

"Administrative case reviewer (Reviewer)" means a trained professional who is not responsible for the case management of, or delivery of services to, either the child or the parents who are the subjects of the review.

"Case plan" means a written plan on a form prescribed by the Department that guides all participants in the plan toward the permanency goals for children and youth in DCFS custody.

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

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

"DCFS" or "Department" means the Department of Children and Family Services.

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

"Fictive kin" means any individual, unrelated by birth or marriage, who is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual or is the current foster parent of a child in the custody or guardianship of the Department pursuant to a court order, if the child has been placed in the home for at

87 least one year and has established a significant and family-like  
88 relationship with the foster parent, and the foster parent has been  
89 identified by the Department as the child's permanent connection. [20  
90 ILCS 505/7(b)].÷

91  
92 ~~is shown to have significant and close personal or emotional ties with the~~  
93 ~~child or the child's family prior to the child's placement with the~~  
94 ~~individual; or~~

95  
96 ~~is the current foster parent of a child in the custody or guardianship of the~~  
97 ~~Department pursuant to the Child and Family Services Act and the~~  
98 ~~Juvenile Court Act of 1987, if the child has been placed in the home for at~~  
99 ~~least one year and has established a significant and family-like~~  
100 ~~relationship with the foster parent, and the foster parent has been~~  
101 ~~identified by the Department as the child's permanent connection. [20~~  
102 ~~ILCS 505/7(b)]~~

103  
104 "Godparent" is a person who sponsors a child at baptism or one in whom the  
105 parents have entrusted a special duty that includes assisting in raising the child if  
106 the parent cannot raise the child. If the person is considered to be the child's  
107 godparent, in order for placement to occur, the same placement selection criteria  
108 as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be  
109 met. If the godparent is not a licensed foster parent, all the conditions currently in  
110 effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home  
111 Placement) must be met.

112  
113 "Parents" means the child's legal parents, whose rights have not been terminated.  
114 Biological fathers are considered legal parents when paternity has been  
115 established as required by ~~the definition in~~ 89 Ill. Adm. Code 315 (Permanency  
116 Planning).

117  
118 "Permanency goal" means the desired outcome of intervention and service, that is  
119 determined to be consistent with the health, safety, well-being, and best interests  
120 of the child. A permanent legal status is usually a component of the permanency  
121 goal.

122  
123 "Permanent connection" means a family-like relationship, consistent with a child's  
124 best interests, health, safety, and well-being, that provides safe, stable, and  
125 committed parenting; unconditional love and lifelong support; and a permanent  
126 legal status between child and family. For a child for whom the Department is  
127 legally responsible, a permanent connection may be the child's parents or another  
128 caregiver in the child's home of origin. When the child cannot be safely returned  
129 home, a permanent connection may be the current or former foster parent or

130 relative caregiver, an individual identified as an adoptive or legal guardianship  
131 placement resource, or another individual from among the child's or family's  
132 lifelong connections with whom a child has developed a familial relationship.  
133

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

136  
137 ~~safe, stable and committed parenting;~~

138  
139 ~~unconditional love and lifelong support; and~~

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141 ~~a permanent legal status between child and family.~~  
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143 ~~For a child for whom the Department is legally responsible, a permanent~~  
144 ~~connection may be the child's parents or another caregiver in the child's home~~  
145 ~~of origin. When the child cannot be safely returned home, a permanent~~  
146 ~~connection may be the current or former foster parent or relative caregiver, an~~  
147 ~~individual identified as an adoptive or legal guardianship placement resource,~~  
148 ~~or another individual from among the child's or family's lifelong connections~~  
149 ~~with whom a child has developed a familial relationship.~~  
150

151 *"Relative", for purposes of placement of children for whom the Department is*  
152 *legally responsible, means any person, 21 years of age or over, other than the*  
153 *parent, who:*  
154

155 *is currently related to the child in any of the following ways by blood or*  
156 *adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew,*  
157 *niece, first cousin, first cousin once removed (children of one's first cousin*  
158 *to oneself), second cousin (children of first cousins are second cousins to*  
159 *each other), godparent (as defined in this Section), great-uncle, or great-*  
160 *aunt; or*  
161

162 *is the spouse, or party to a civil union, of such a relative; or*  
163

164 *is the child's step-father, step-mother, step-grandfather, step-grandmother,*  
165 *or adult step-brother or step-sister; or*  
166

167 *is the partner, or adult child of a partner, in a civil union with the child's*  
168 *mother or father; or*  
169

170 *is a fictive kin as defined in this Section; or;*  
171

172 ~~is~~ *"Relative" also includes* a person related in any of the foregoing ways to a  
173 sibling of a child, even though the person is not related to the child, when the  
174 child and its sibling are placed together with that person. For children who  
175 have been in the guardianship of the Department, have been adopted, and are  
176 subsequently returned to the temporary custody or guardianship of the  
177 Department, a "relative" may also include any person who would have  
178 qualified as a relative under this definition prior to the adoption, but only if  
179 the Department determines that it would be in the best interests of the child to  
180 consider this person a relative. [20 ILCS 505/7(b)]

181  
182 ~~"Service plan" means a written plan on a form prescribed by the Department that~~  
183 ~~guides all participants in the plan toward the permanency goals for the children.~~

184  
185 "Siblings" means children who have at least one parent in common. Children  
186 continue to be considered siblings after parental rights are terminated, if parental  
187 rights were terminated while a petition under Article II of the Juvenile Court Act  
188 of 1987 was pending. Children continue to be considered siblings after one or  
189 more of the children are adopted or placed in private guardianship, if they were in  
190 the custody or guardianship of the Department pursuant to ~~Article II of the~~  
191 Juvenile Court Act of 1987 [705 ILCS 405] immediately prior to the adoption or  
192 guardianship. Step-siblings may be considered "siblings" when the children enter  
193 into substitute care together, have a positive relationship and share at least one  
194 parent in common.

195  
196 "Substitute care" means the care of children who require placement away from  
197 their families. Substitute care includes: foster family care; care provided in a  
198 relative home placement ~~as defined in~~ (89 Ill. Adm. Code 301.80 (Relative Home  
199 Placement)); care provided in a group home; care provided in a maternity center  
200 or a ~~childcare~~ child care, mental health or other institution, licensed by the  
201 Department and care provided in an independent living arrangement.

202  
203 "Visitation" means face-to-face contact:

204  
205 between parents and their children who are in substitute care;

206  
207 between siblings in substitute care who are placed apart from one another;  
208 or

209  
210 between siblings in substitute care with siblings who are not in substitute  
211 care (e.g., emancipated, case closed due to independence, adopted, placed  
212 in private guardianship, living in home of parent, etc.).

213  
214 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 316.30 Administrative Case Review System**

- a) The Department has an administrative case review system for all the children in placement and their families. Administrative case reviews are conducted for children living in foster family homes, relative homes, group homes, ~~childcare~~~~child-care~~ institutions, youth emergency shelters, or detention, correctional, mental, or physical health related facilities. In addition, the Department may elect to conduct administrative case reviews on other groups of children as fiscal and staffing resources permit.
  
- b) Case reviews are conducted in order to:
  - 1) assure that parents and the children or youth (if participating in the planning) are involved in and collaborating with developing~~in development of~~ the case plan and that they understand and discuss the plan and know what is expected of them;
  
  - 2) review sibling placement by ensuring:
    - i) siblings are being placed together whenever possible;
  
    - ii) when siblings are placed apart, efforts continue to locate a placement that will accept all of the children;
  
    - iii) contact and visitation between siblings is taking place as required and occurring in accordance with the Visitation and Contact Plan;
  
    - iv) efforts are made to support contact between siblings in substitute care with siblings who are not in substitute care (e.g., because of adoption, legal guardianship, emancipation, or adulthood);~~ensure siblings are being placed together whenever possible; when sibling are placed apart, efforts continue to locate a placement that will accept all of the children; contact and visitation between siblings is encouraged and occurring in accordance with the Visitation and Contact Plan; efforts are made to support contact between siblings in substitute care with siblings who are not in substitute care (e.g., because of adoption, legal guardianship, emancipation, or adulthood);~~
  
  - 3) review whether the Department's continuing intervention is necessary;
  
  - 4) review whether services, including placement services, are necessary,

- 258 relevant, coordinated, and appropriate and address the health and safety  
 259 needs of the child or youth;
- 260
- 261 5) identify services needed but that are not being provided to the child,  
 262 family or foster parents and the reasons why they are not being provided;  
 263
- 264 6) review the disability status of a child or youth to determine the need for  
 265 and/or appropriateness of specialized services;  
 266
- 267 7) review the appropriateness of the child's educational placement and the  
 268 child's educational progress and recommend changes to the caseworker;  
 269
- 270 8) review health information regarding ~~on~~ the child or youth and family;  
 271
- 272 9) review any special physical, psychological, educational, medical,  
 273 emotional, or other needs of the child or youth ~~minor~~ or his/ or her/ the  
 274 family that are relevant to a permanency or placement determination;  
 275
- 276 10) review, for any youth ~~minor~~ age 16 or over, programs or services that will  
 277 enable the youth ~~minor~~ to prepare for independent living;  
 278
- 279 11) review whether the Department, the child welfare contributing  
 280 agencies ~~service providers~~, the family, the substitute care provider, if any,  
 281 and the child or youth are complying with the case ~~service~~ plan and, if they  
 282 are not complying, whether changes in the case ~~service~~ plan or goals are  
 283 needed;  
 284
- 285 12) review whether there is progress in resolving ~~to resolve~~ the child's or  
 286 youth's and family's issues, ~~problems and~~ whether the progress is  
 287 satisfactory, and whether the child can safely return home;  
 288
- 289 13) review whether the projected month for achieving the permanency goal  
 290 should be changed;  
 291
- 292 14) review the appropriateness of the permanency goal and recommend  
 293 changes to ~~in~~ the goal (if appropriate);  
 294
- 295 15) review and finalize the case ~~service~~ plan for the next period, including an  
 296 analysis of:  
 297
- 298 A) the appropriateness of the services contained in the case plan and  
 299 whether those services have been provided and, if not, why ~~not~~;  
 300

- 301 B) whether reasonable efforts by the Department, and reasonable  
302 progress by the family, have been made to achieve the goal;  
303  
304 C) whether the plan and goal have been achieved;  
305  
306 16) refer the case for a child and family team meeting ~~as described in 89 Ill.~~  
307 ~~Adm. Code 315.120 (Family Meetings)~~ when one has not been conducted,  
308 (See 89 Ill. Adm. Code 315.120 (Family Meetings)); and  
309  
310 17) report findings and make recommendations.  
311  
312 c) The Department shall provide training for all Administrative Case Reviewers,  
313 ~~their~~ supervisors, and ~~their~~ managers regarding the importance of maintaining  
314 sibling relationships and the child's or youth's sense of attachment to ~~his/her/the~~  
315 siblings, the importance of maintaining sibling relationships over the child's  
316 lifespan, and the impact on the child and youth if those relationships are severed.  
317

318 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
319

#### 320 **Section 316.40 Frequency of Administrative Case Reviews**

- 321  
322 a) The first administrative case review shall be conducted within six months after the  
323 temporary custody hearing.  
324  
325 b) Following the ~~six-month~~six-month administrative case review, administrative case  
326 reviews shall be conducted every six months.  
327  
328 c) Additional Administrative Case Reviews  
329  
330 1) The Office of Administrative Case Review may schedule more frequent  
331 case reviews for the following reasons:  
332  
333 A) the case requires more than the scheduled six-month review. Such  
334 cases may be ones in which it is important that follow-up ~~on~~to the  
335 recommendations made at the last administrative case review is  
336 monitored; ~~or. For example, cases for which concurrent planning,~~  
337 ~~as described in 89 Ill. Adm. Code 315 (Permanency Planning), is~~  
338 ~~being utilized;~~  
339  
340 B) the biological family requests an administrative case review prior  
341 to the first six-month review; or  
342  
343 C) cases of workers, teams, offices, and ~~contributing~~purchase of



344 ~~service~~ agencies are selected for special reviews because those  
345 workers, teams, offices, and contributing agencies are shown to be  
346 non-compliant~~in non-compliance~~ with mandated requirements.  
347 Non-compliance of mandated requirements may include, but is not  
348 limited to:

- 349
- 350 i) failure to establish and implement procedures for  
351 assessment and case~~service~~ planning;
  - 352
  - 353 ii) failure to set and conduct family meetings;
  - 354
  - 355 iii) failure to establish or fully implement a Visitation and  
356 Contact Plan that is in the siblings' best interests~~of the~~  
357 siblings; and
  - 358
  - 359 iv) failure to comply with current and ongoing consent  
360 decrees; or;
  - 361

362 D) as requested by the juvenile court overseeing the case.

- 363
- 364 2) The caseworker and supervisor must attend all administrative case reviews  
365 scheduled by the Office of Administrative Case Review in accordance  
366 with this subsection (c).

367 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### 368 **Section 316.50 Conduct and Participation at Administrative Case Reviews**

369 Administrative case reviews shall:

- 370
- 371 a) be convened by a professional staff member from the Office~~Department's~~  
372 Division of Administrative Case Review;
  - 373
  - 374 b) include the caseworker~~worker~~ and/or supervisor from the Department and/or the  
375 child welfare contributing~~substitute care provider~~ agency that has case  
376 responsibility for both the children/youth and the family; other service providers  
377 who are associated with the case;
  - 378
  - 379 c) be open to the participation of the children's or youth's parents and their  
380 representatives. However, if parents are known to be violent and potentially  
381 dangerous to other participants in the review, they will be excluded from any  
382 scheduled in-person review or if aggressive toward participants will be terminated  
383 from the telephonic or video conference. If a petition seeking the termination of  
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- 387 parental rights has been filed, these parents will be invited to the review until a  
 388 final decision has been made on the petition;  
 389  
 390 d) be open to the participation of children 12 years of age or older with consideration  
 391 given to the material in the review and the benefits of having the child and youth  
 392 present. Younger children may attend if the caseworker and supervisor determine  
 393 that the child and youth can benefit from participation in the review process;  
 394  
 395 e) be open to the participation of the substitute~~foster parents or relative~~ caregivers in  
 396 the section of the review for the child in their care. Substitute~~Foster parents or~~  
 397 ~~relative~~ caregivers may be able to participate in other segments of the review  
 398 involving the child's family provided that the information being presented at the  
 399 review is essential for understanding the needs of and providing care to the child.  
 400 When a positive relationship exists between the substitute~~foster parent or relative~~  
 401 caregiver and the child's family, the child's family may consent to disclosure of  
 402 additional information. [20 ILCS 520/4-9]; and in accordance with the consent  
 403 provisions of 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of  
 404 Persons Served by the Department);  
 405  
 406 f) be open to the participation of the child's guardian ad litem, ~~or~~ legal  
 407 representative, or court appointed special advocate;  
 408  
 409 g) be conducted ~~in the office serving the parent's county of residence, if known,~~  
 410 unless the parent agrees to travel to another office that is within the State of  
 411 Illinois. If an in-person review is requested, the review will be conducted in the  
 412 county of residence of either the parent or youth-in-care depending on the goal.;  
 413  
 414 h) focus on the issues described in Section 316.30 (~~Administrative Case Review~~  
 415 ~~System~~); and  
 416  
 417 i) be recorded by a written feedback report of ~~the~~~~their~~ findings.

418  
 419 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
 420

421 **Section 316.60 Notice of Administrative Case Reviews**  
 422

423 A written notice of the date, time, place, and purpose of the administrative case review shall be  
 424 mailed via U.S. postal service within 21 calendar days prior to the review to ensure that the  
 425 notice is received 14 days prior to the scheduled review to the following:  
 426

- 427 a) the parents. The notice shall also inform the parents~~them~~ of their rights to bring a  
 428 representative with them to the review. The Department will send the notice of the  
 429 review to an incarcerated parent at the facility where the parent is incarcerated

- 430 and, when known, the notice should include the facility contact person's name;  
431  
432 b) the child or youth, if participating in the review per Section 316.50(d);  
433  
434 c) the child's or youth's substitute ~~foster parents or relative~~ caregiver;  
435  
436 d) the child or youth's guardian ad litem, legal representative, and any court  
437 appointed special advocate; and ~~purchase of service provider agency caseworker~~  
438 ~~(if applicable); and~~  
439  
440 e) the child welfare contributing agency caseworker (if applicable) via electronic  
441 mail. ~~child's legal representative. The caseworker is responsible for providing the~~  
442 ~~name and address of the child's legal representative and all parties that are to be~~  
443 ~~invited to the review.~~  
444

445 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
446

#### 447 **Section 316.70 Roles and Responsibilities of the Administrative Case Reviewer** 448

- 449 a) The administrative case reviewer has the responsibility and authority to manage  
450 the case review process, which includes:  
451  
452 1) excluding or limiting participation, as needed, to those with a right to  
453 share in the process, or excluding or limiting participation of any  
454 individual when necessary to promote the achievement of the purposes of  
455 the review;  
456  
457 2) convening and conducting a review in such a way as to encourage  
458 discussion and participation while respecting the rights and culture of all  
459 participants;  
460  
461 3) maintaining the focus of the group on the caseservice plan with good time  
462 management; and  
463  
464 4) advising clients and other participants of their rights and providing an  
465 explanation of the purposes of the administrative case review process,  
466 assuring disclosure.  
467  
468 b) The administrative case reviewer shall ensure that the review: complies with this  
469 Part and Department ~~rules and~~ procedures, ~~and~~ is consistent with good child  
470 welfare practice, and is conducted in compliance with 42 U.S.C. ~~USCA~~ 675 and  
471 any State or federal court consent decree affecting Department practice. This  
472 responsibility includes:

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- 1) ensuring that the purposes of the administrative case review are carried out;
  - 2) determining that the permanency goal and the evaluation of progress are consistent with the facts of the case as presented at the administrative case review, that the outcomes, tasks, and time frames are appropriate for the permanency goal, and amending or changing the case plan accordingly;
  - 3) recommending modification or change in the case plan, when in the reviewer's professional judgement, the case plan or permanency goal is insufficient based on information presented at the review. The reviewer, however, may not change a permanency goal established by the court;
  - 4) convening administrative case reviews sooner than the regularly scheduled case reviews when the facts of the case indicate the need for a review;
  - 5) recommending a child and family team meeting ~~as described in 89 Ill. Adm. Code 315.120 (Family Meetings)~~; and
  - 6) providing a written report of ~~the~~their findings through the Case Review Information Packet (CRIP) and ACR Feedback form.

496 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
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### 498 **Section 316.80 Caseworker Responsibilities at the Administrative Case Review** 499

500 The assigned caseworker shall: ~~The caseworker's responsibilities at the administrative case~~  
501 ~~review will be to:~~  
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- a) present a completed ~~case~~service plan, based on the assessment, and developed in collaboration with the family;
  - b) present a recommendation regarding the permanency goal;
  - c) report on the placement, best interests, health, safety, and well-being of the child or youth;
  - d) present a copy of the Visitation and Contact Plan and report on the efforts made to encourage and maintain sibling relationships;
  - e) present a copy of a Post-Permanency Sibling Contact Plan when one has been developed;

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- f) report on the progress of the parent or parents to date toward changing the behaviors and conditions that require the child or youth to be in substitute~~out-of-home~~ care;
- g) provide a statement as to whether the child or youth can return home, and, if so, when and with what supports;
- h) provide the casework rationale and supporting documentation for all decisions and recommendations.
- i) provide all case specific documentation and verbal information relevant to the family, including, but not limited to: child and family team meetings; case planning; in-person case contacts; visitation (both parent and sibling);
  - 1) any mediation agreements in the case; and
  - 2) child or youth psychotropic medication and any pending requests for psychotropic medication approval, and supervision.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 316.90 Decision Review**

- a) When a child welfare contributing agency~~service provider~~, substitute caregivers~~including foster parents or relative caretakers~~, or the child's or youth's caseworker with supervisory approval, disagrees with any portion of the case~~service~~ plan, including any amendments made by the administrative case reviewer, the individual~~provider~~ will be entitled to a review of the decision~~issue~~. Amendments that are the result of decisions made by the court at the permanency hearing or are the result of any other court order are not subject to a decision review.
- b) Requests for a decision review shall be made in writing and directed, within five working days after receiving the administrative case review report, to the Statewide ACR Administrator at 406 East Monroe, Mail Code #10, Springfield, Illinois 62701.~~Deputy Director of Administrative Case Review.~~
- c) A decision review conference shall be held within ten working days after the receipt of the request. The decision review conference may be held via video conferencing or teleconferencing. A final decision will be made by the Statewide ACR Administrator~~Deputy Director of Administrative Case Review~~ or designee, within ten working days after the conference.

- 559
- 560 d) Except when an issue affects compliance with a court order or the residual rights
- 561 of parents, implementation will be stayed until the Statewide ACR
- 562 Administrator's final decision is issued~~review conference is held~~. The residual
- 563 rights of parents areas defined in~~is~~ Section 1-3 of the Juvenile Court Act of 1987
- 564 [705 ILCS 405/1-3]~~include the rights to visitation, to consent to adoption and to~~
- 565 ~~determine the minor's religious affiliation.~~
- 566
- 567 e) If changes to the case~~servi~~ee plan are required by the decision review, copies of
- 568 the changes will be sent to all those who are entitled to a copy of the case~~servi~~ee
- 569 plan with a notice of the specific changes made, the reason for the changes, and a
- 570 statement of the right to appeal any such changes.
- 571

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 316.100 Appealability of Decisions**

Foster parents and relative caregivers have the right to be heard by the Department on issues specified in 89 Ill. Adm. Code 316 (Administrative Case Reviews and Court Hearings) and 316.90 ( Decision Review) that are not appealable under this Part.

However, they will not be considered a party to a service appeal on issues that may affect residual parental rights and responsibilities. See 89 Ill. Adm. Code 337.70.

~~When children and/or parents disagree with any portion of the service plan resulting from recommendations made at the administrative case review, they may request a hearing in accordance with 89 Ill. Adm. Code 337 (Service Appeal Process).~~

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 316.110 The Department's Role in the Juvenile Court**

- 589
- 590 a) The Department shall inform the Juvenile Court of the Department's permanency
- 591 goal planning for the children and families it serves and ~~of~~ their progress toward
- 592 those goals.
- 593
- 594 b) When in the juvenile court~~Juvenile Court~~, the Department shall provide
- 595 information and recommendations to the court and the parties and shall
- 596 recommend that the court keep families together in all instances when it is
- 597 consistent with the children's or youth's best interests, health, safety, and well-
- 598 being. In those instances when children must be removed from their parent's care,
- 599 the Department shall recommend that the court reunite children or youths for
- 600 whom the Department is legally responsible with their families as soon as
- 601 returning home is consistent with their best interests, health, safety, and well-

602 being. Finally, when it is clear to the Department that the child's or youth's health  
 603 and safety needs cannot be met by the parents and it is in the child's or youth's  
 604 best interests, the Department will provide that information to the court and  
 605 recommend that the court establish other permanency goals.  
 606

- 607 c) When the DCFS Guardianship Administrator is appointed as the temporary  
 608 custodian of a child whose siblings are in substitute care and the child and all  
 609 ~~the~~of his/her siblings are not placed together, the Department shall file with the  
 610 court and serve on the parties a Visitation and Contact Plan within 10 days,  
 611 excluding weekends and holidays, after the appointment.  
 612
- 613 d) When the Department has legal responsibility for a child, a representative of the  
 614 Department or its child welfare contributing~~provider~~ agency shall attend all  
 615 hearings required by the court. At each hearing the Department or its child  
 616 welfare contributing~~provider~~ agency shall provide information relating to the  
 617 child's placement, best interests, health, safety, and well-being, and make any  
 618 appropriate recommendations. Such hearings include:  
 619
- 620 1) the temporary custody hearing;
  - 621
  - 622 2) the adjudicatory hearing;
  - 623
  - 624 3) the dispositional hearing;
  - 625
  - 626 4) permanency hearings ~~(as described in Section 316.120)~~; and
  - 627
  - 628 5) all other hearings the court may require.  
 629

630 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
 631

632 **Section 316.120 Permanency Hearings**  
 633

- 634 a) The Department or its child welfare contributing~~provider~~ agency will participate  
 635 in permanency hearings conducted by the court at 12 months following the  
 636 temporary custody hearing and every six months thereafter ~~in order to~~ assist the  
 637 court in:  
 638
- 639 1) selecting~~select~~ the permanency goal;
  - 640
  - 641 2) reviewing~~review~~ the appropriateness of the services contained in the plan  
 642 and whether those services, including sibling visitation and contact, have  
 643 been provided as specified; and, if not, why not;
  - 644

- 645 3) ~~determining~~determine whether reasonable efforts have been made by all  
646 parties to the ~~case~~service plan to achieve the goal; and  
647
- 648 4) ~~evaluating~~evaluate whether the case plan and permanency goal have been  
649 achieved.  
650
- 651 b) The Department or its ~~child welfare contributing~~provider agency shall provide, no  
652 later than 14 days in advance of the hearing, a copy of the most recent ~~case~~service  
653 plan and Visitation and Contact Plan, prepared within the prior six months, to the  
654 court and all parties to the permanency hearings.  
655
- 656 c) If not contained in the case plan, the Department or its child welfare  
657 ~~contributing~~provider agency shall also include a report setting forth:  
658
- 659 1) any special physical, psychological, educational, medical, emotional, or  
660 other needs of the child or youth~~minor~~ or the ~~his or her~~ family that are  
661 relevant to a permanency or placement determination; and  
662
- 663 2) for any minor age 16 or over, a written description of the programs or  
664 services that will enable the minor to prepare for independent living.  
665
- 666 d) The Department's or its provider agency's written report shall indicate the reasons  
667 the permanency goal was selected and the reason the other goals were  
668 inappropriate and not in the child's best interest. ~~must explain why, if the goal is~~  
669 ~~other than return home, continued involvement is appropriate and why~~  
670 ~~termination of parental rights or private guardianship is not being sought.~~  
671
- 672 e) If the goal for the child or youth is continuing substitute care the ~~The~~ Department's  
673 or its provider agency's written report shall indicate the reasons the goal of  
674 continuing substitute care is appropriate and the other permanency goals are  
675 inappropriate ~~must explain why, if the goal recommended is continuing foster~~  
676 ~~care, all other goals have been ruled out~~ based on the child's or youth's best  
677 interest. ~~and delineate the compelling reasons for selection of this goal.~~  
678
- 679 f) The Department's or its ~~child welfare contributing~~provider agency's caseworker is  
680 required to appear and testify (if called to do so) at the hearing and prepare a  
681 written report for the court, as outlined in this Section.  
682

683 (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
684

685 **Section 316.130 Caseworker Responsibilities at the Permanency Hearing**  
686

- 687 a) The caseworker's responsibilities at the permanency hearing will be to:



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- 1) present a recommendation regarding the permanency goal, time frame for achievement, clinical intervention, social services, and Visitation and Contact Plans;
  - 2) report on the placement, best interests, health, safety and well-being of the child or youth;
  - 3) report on the progress of the parent or parents to date toward compliance with the ~~caseservice~~ plan and progress toward correcting the conditions that require the child or youth to be in care; and
  - 4) provide the basis for all decisions and recommendations.
- b) Within 10 working days after the permanency hearing, the ~~caseworker~~~~worker~~ will:
- 1) amend the ~~caseservice~~ plan to conform to the court order, if necessary;
  - 2) attach a copy of the permanency order to the amended ~~caseservice~~ plan (as well as ensuring that a copy of the order is in the case record);
  - 3) engage the family to ensure that the family understands the recommendations and decisions made at the permanency hearing and obtain the family's signature on the ~~caseservice~~ plan;
  - 4) file six copies of the case plan with the court, or electronically file the case plan with the court and electronically distribute it to all parties when the parties have consented to electronic service. If a party does not consent to electronic service, then the case plan will be distributed by U.S. mail.; and
  - 5) send a copy of the case plan to the Administrative Case Review Office Administrator/Scheduler in the region where the next administrative case review will be held.

(Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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724  
725 **Section 316.140 Compliance with the Client CaseService Planning Requirements**  
726

- 727 a) The Department shall develop a monitoring and reporting mechanism to evaluate  
728 the extent of compliance with its client ~~case~~~~caseservice~~ planning requirements.  
729 At ~~the~~ minimum, the Department shall monitor:  
730

- 731            1a)    the permanency goal for each child;  
732  
733            2b)    the planned date of achievement of the permanency goal;  
734  
735            3e)    the extent of progress toward the permanency goal; and  
736  
737            4d)    the actual date the permanency goal was achieved.  
738  
739        b)    In the case of any child who is placed in a qualified residential treatment program  
740            for more than 12 consecutive months or 18 nonconsecutive months (or, in the case  
741            of a child who has not attained age 13, for more than 6 consecutive or  
742            nonconsecutive months), the Department shall maintain the following  
743            documentation in the child's case plan and make it available for State or federal  
744            inspection or review:  
745  
746            1)    the most recent version of the evidence and documentation specified in  
747            paragraph 4 of 42 U.S.C. 675(c)(4), which was reviewed at the most  
748            recent ACR or circuit court permanency hearing and supports the  
749            continuing need for the QRTP, treatment or services, the preparation for  
750            return home or another placement; and  
751  
752            2)    the signed approval of the head of the Department for the continued  
753            placement of the child in that setting [42 U.S.C. 675a(c)(5)].  
754

755        (Source: Amended at 48 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)