



Rep. Amy Briel

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LRB104 04769 KTG 23080 a

1 AMENDMENT TO HOUSE BILL 871

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 871 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is  
5 amended by changing Section 5 as follows:

6 (20 ILCS 505/5)

7 (Text of Section before amendment by P.A. 103-1061)

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

12 (a) For purposes of this Section:

13 (1) "Children" means persons found within the State  
14 who are under the age of 18 years. The term also includes  
15 persons under age 21 who:

16 (A) were committed to the Department pursuant to

1 the Juvenile Court Act or the Juvenile Court Act of  
2 1987 and who continue under the jurisdiction of the  
3 court; or

4 (B) were accepted for care, service and training  
5 by the Department prior to the age of 18 and whose best  
6 interest in the discretion of the Department would be  
7 served by continuing that care, service and training  
8 because of severe emotional disturbances, physical  
9 disability, social adjustment or any combination  
10 thereof, or because of the need to complete an  
11 educational or vocational training program.

12 (2) "Homeless youth" means persons found within the  
13 State who are under the age of 19, are not in a safe and  
14 stable living situation and cannot be reunited with their  
15 families.

16 (3) "Child welfare services" means public social  
17 services which are directed toward the accomplishment of  
18 the following purposes:

19 (A) protecting and promoting the health, safety  
20 and welfare of children, including homeless,  
21 dependent, or neglected children;

22 (B) remedying, or assisting in the solution of  
23 problems which may result in, the neglect, abuse,  
24 exploitation, or delinquency of children;

25 (C) preventing the unnecessary separation of  
26 children from their families by identifying family

1 problems, assisting families in resolving their  
2 problems, and preventing the breakup of the family  
3 where the prevention of child removal is desirable and  
4 possible when the child can be cared for at home  
5 without endangering the child's health and safety;

6 (D) restoring to their families children who have  
7 been removed, by the provision of services to the  
8 child and the families when the child can be cared for  
9 at home without endangering the child's health and  
10 safety;

11 (E) placing children in suitable permanent family  
12 arrangements, through guardianship or adoption, in  
13 cases where restoration to the birth family is not  
14 safe, possible, or appropriate;

15 (F) at the time of placement, conducting  
16 concurrent planning, as described in subsection (1-1)  
17 of this Section, so that permanency may occur at the  
18 earliest opportunity. Consideration should be given so  
19 that if reunification fails or is delayed, the  
20 placement made is the best available placement to  
21 provide permanency for the child;

22 (G) (blank);

23 (H) (blank); and

24 (I) placing and maintaining children in facilities  
25 that provide separate living quarters for children  
26 under the age of 18 and for children 18 years of age

1 and older, unless a child 18 years of age is in the  
2 last year of high school education or vocational  
3 training, in an approved individual or group treatment  
4 program, in a licensed shelter facility, or secure  
5 child care facility. The Department is not required to  
6 place or maintain children:

7 (i) who are in a foster home, or

8 (ii) who are persons with a developmental  
9 disability, as defined in the Mental Health and  
10 Developmental Disabilities Code, or

11 (iii) who are female children who are  
12 pregnant, pregnant and parenting, or parenting, or

13 (iv) who are siblings, in facilities that  
14 provide separate living quarters for children 18  
15 years of age and older and for children under 18  
16 years of age.

17 (b) (Blank).

18 (b-5) The Department shall adopt rules to establish a  
19 process for all licensed residential providers in Illinois to  
20 submit data as required by the Department if they contract or  
21 receive reimbursement for children's mental health, substance  
22 use, and developmental disability services from the Department  
23 of Human Services, the Department of Juvenile Justice, or the  
24 Department of Healthcare and Family Services. The requested  
25 data must include, but is not limited to, capacity, staffing,  
26 and occupancy data for the purpose of establishing State need

1 and placement availability.

2 All information collected, shared, or stored pursuant to  
3 this subsection shall be handled in accordance with all State  
4 and federal privacy laws and accompanying regulations and  
5 rules, including without limitation the federal Health  
6 Insurance Portability and Accountability Act of 1996 (Public  
7 Law 104-191) and the Mental Health and Developmental  
8 Disabilities Confidentiality Act.

9 (c) The Department shall establish and maintain  
10 tax-supported child welfare services and extend and seek to  
11 improve voluntary services throughout the State, to the end  
12 that services and care shall be available on an equal basis  
13 throughout the State to children requiring such services.

14 (d) The Director may authorize advance disbursements for  
15 any new program initiative to any agency contracting with the  
16 Department. As a prerequisite for an advance disbursement, the  
17 contractor must post a surety bond in the amount of the advance  
18 disbursement and have a purchase of service contract approved  
19 by the Department. The Department may pay up to 2 months  
20 operational expenses in advance. The amount of the advance  
21 disbursement shall be prorated over the life of the contract  
22 or the remaining months of the fiscal year, whichever is less,  
23 and the installment amount shall then be deducted from future  
24 bills. Advance disbursement authorizations for new initiatives  
25 shall not be made to any agency after that agency has operated  
26 during 2 consecutive fiscal years. The requirements of this

1 Section concerning advance disbursements shall not apply with  
2 respect to the following: payments to local public agencies  
3 for child day care services as authorized by Section 5a of this  
4 Act; and youth service programs receiving grant funds under  
5 Section 17a-4.

6 (e) (Blank).

7 (f) (Blank).

8 (g) The Department shall establish rules and regulations  
9 concerning its operation of programs designed to meet the  
10 goals of child safety and protection, family preservation,  
11 family reunification, and adoption, including, but not limited  
12 to:

13 (1) adoption;

14 (2) foster care;

15 (3) family counseling;

16 (4) protective services;

17 (5) (blank);

18 (6) homemaker service;

19 (7) return of runaway children;

20 (8) (blank);

21 (9) placement under Section 5-7 of the Juvenile Court  
22 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile  
23 Court Act of 1987 in accordance with the federal Adoption  
24 Assistance and Child Welfare Act of 1980; and

25 (10) interstate services.

26 Rules and regulations established by the Department shall

1 include provisions for training Department staff and the staff  
2 of Department grantees, through contracts with other agencies  
3 or resources, in screening techniques to identify substance  
4 use disorders, as defined in the Substance Use Disorder Act,  
5 approved by the Department of Human Services, as a successor  
6 to the Department of Alcoholism and Substance Abuse, for the  
7 purpose of identifying children and adults who should be  
8 referred for an assessment at an organization appropriately  
9 licensed by the Department of Human Services for substance use  
10 disorder treatment.

11 (h) If the Department finds that there is no appropriate  
12 program or facility within or available to the Department for  
13 a youth in care and that no licensed private facility has an  
14 adequate and appropriate program or none agrees to accept the  
15 youth in care, the Department shall create an appropriate  
16 individualized, program-oriented plan for such youth in care.  
17 The plan may be developed within the Department or through  
18 purchase of services by the Department to the extent that it is  
19 within its statutory authority to do.

20 (i) Service programs shall be available throughout the  
21 State and shall include but not be limited to the following  
22 services:

- 23 (1) case management;
- 24 (2) homemakers;
- 25 (3) counseling;
- 26 (4) parent education;

1 (5) day care; and

2 (6) emergency assistance and advocacy.

3 In addition, the following services may be made available  
4 to assess and meet the needs of children and families:

5 (1) comprehensive family-based services;

6 (2) assessments;

7 (3) respite care; and

8 (4) in-home health services.

9 The Department shall provide transportation for any of the  
10 services it makes available to children or families or for  
11 which it refers children or families.

12 (j) The Department may provide categories of financial  
13 assistance and education assistance grants, and shall  
14 establish rules and regulations concerning the assistance and  
15 grants, to persons who adopt children with physical or mental  
16 disabilities, children who are older, or other hard-to-place  
17 children who (i) immediately prior to their adoption were  
18 youth in care or (ii) were determined eligible for financial  
19 assistance with respect to a prior adoption and who become  
20 available for adoption because the prior adoption has been  
21 dissolved and the parental rights of the adoptive parents have  
22 been terminated or because the child's adoptive parents have  
23 died. The Department may continue to provide financial  
24 assistance and education assistance grants for a child who was  
25 determined eligible for financial assistance under this  
26 subsection (j) in the interim period beginning when the

1 child's adoptive parents died and ending with the finalization  
2 of the new adoption of the child by another adoptive parent or  
3 parents. The Department may also provide categories of  
4 financial assistance and education assistance grants, and  
5 shall establish rules and regulations for the assistance and  
6 grants, to persons appointed guardian of the person under  
7 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
8 4-25, or 5-740 of the Juvenile Court Act of 1987 for children  
9 who were youth in care for 12 months immediately prior to the  
10 appointment of the guardian.

11 The amount of assistance may vary, depending upon the  
12 needs of the child and the adoptive parents, as set forth in  
13 the annual assistance agreement. Special purpose grants are  
14 allowed where the child requires special service but such  
15 costs may not exceed the amounts which similar services would  
16 cost the Department if it were to provide or secure them as  
17 guardian of the child.

18 Any financial assistance provided under this subsection is  
19 inalienable by assignment, sale, execution, attachment,  
20 garnishment, or any other remedy for recovery or collection of  
21 a judgment or debt.

22 (j-5) The Department shall not deny or delay the placement  
23 of a child for adoption if an approved family is available  
24 either outside of the Department region handling the case, or  
25 outside of the State of Illinois.

26 (k) The Department shall accept for care and training any

1 child who has been adjudicated neglected or abused, or  
2 dependent committed to it pursuant to the Juvenile Court Act  
3 or the Juvenile Court Act of 1987.

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

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

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

1 "differential response program" provided for in subsection  
2 (a-5) of Section 7.4 of the Abused and Neglected Child  
3 Reporting Act.

4 The Department may, at its discretion except for those  
5 children also adjudicated neglected or dependent, accept for  
6 care and training any child who has been adjudicated addicted,  
7 as a truant minor in need of supervision or as a minor  
8 requiring authoritative intervention, under the Juvenile Court  
9 Act or the Juvenile Court Act of 1987, but no such child shall  
10 be committed to the Department by any court without the  
11 approval of the Department. On and after January 1, 2015 (the  
12 effective date of Public Act 98-803) and before January 1,  
13 2017, a minor charged with a criminal offense under the  
14 Criminal Code of 1961 or the Criminal Code of 2012 or  
15 adjudicated delinquent shall not be placed in the custody of  
16 or committed to the Department by any court, except (i) a minor  
17 less than 16 years of age committed to the Department under  
18 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
19 for whom an independent basis of abuse, neglect, or dependency  
20 exists, which must be defined by departmental rule, or (iii) a  
21 minor for whom the court has granted a supplemental petition  
22 to reinstate wardship pursuant to subsection (2) of Section  
23 2-33 of the Juvenile Court Act of 1987. On and after January 1,  
24 2017, a minor charged with a criminal offense under the  
25 Criminal Code of 1961 or the Criminal Code of 2012 or  
26 adjudicated delinquent shall not be placed in the custody of

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

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

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

19 (1-1) The General Assembly recognizes that the best  
20 interests of the child require that the child be placed in the  
21 most permanent living arrangement as soon as is practically  
22 possible. To achieve this goal, the General Assembly directs  
23 the Department of Children and Family Services to conduct  
24 concurrent planning so that permanency may occur at the  
25 earliest opportunity. Permanent living arrangements may  
26 include prevention of placement of a child outside the home of

1 the family when the child can be cared for at home without  
2 endangering the child's health or safety; reunification with  
3 the family, when safe and appropriate, if temporary placement  
4 is necessary; or movement of the child toward the most  
5 permanent living arrangement and permanent legal status.

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

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

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

1 permanency for the child.

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

6 (1) the likelihood of prompt reunification;

7 (2) the past history of the family;

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

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

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

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

15 (7) the age of the child;

16 (8) placement of siblings.

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

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

25 (2) the child is found in the State and neither a  
26 parent, guardian nor custodian of the child can be

1           located.

2           If the child is found in the child's residence without a  
3           parent, guardian, custodian, or responsible caretaker, the  
4           Department may, instead of removing the child and assuming  
5           temporary custody, place an authorized representative of the  
6           Department in that residence until such time as a parent,  
7           guardian, or custodian enters the home and expresses a  
8           willingness and apparent ability to ensure the child's health  
9           and safety and resume permanent charge of the child, or until a  
10          relative enters the home and is willing and able to ensure the  
11          child's health and safety and assume charge of the child until  
12          a parent, guardian, or custodian enters the home and expresses  
13          such willingness and ability to ensure the child's safety and  
14          resume permanent charge. After a caretaker has remained in the  
15          home for a period not to exceed 12 hours, the Department must  
16          follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
17          5-415 of the Juvenile Court Act of 1987.

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

1 judicial officer as required by Section 2-9, 3-11, 4-8, or  
2 5-415 of the Juvenile Court Act of 1987, shall have the  
3 authority, responsibilities and duties that a legal custodian  
4 of the child would have under subsection (9) of Section 1-3 of  
5 the Juvenile Court Act of 1987.

6 The Department shall ensure that any child taken into  
7 custody is scheduled for an appointment for a medical  
8 examination.

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

25 (m-1) The Department may place children under 18 years of  
26 age in a secure child care facility licensed by the Department

1 that cares for children who are in need of secure living  
2 arrangements for their health, safety, and well-being after a  
3 determination is made by the facility director and the  
4 Director or the Director's designate prior to admission to the  
5 facility subject to Section 2-27.1 of the Juvenile Court Act  
6 of 1987. This subsection (m-1) does not apply to a child who is  
7 subject to placement in a correctional facility operated  
8 pursuant to Section 3-15-2 of the Unified Code of Corrections,  
9 unless the child is a youth in care who was placed in the care  
10 of the Department before being subject to placement in a  
11 correctional facility and a court of competent jurisdiction  
12 has ordered placement of the child in a secure care facility.

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

1 maintaining and of caring for a child in institutions for  
2 dependent or neglected children operated by the Department.  
3 However, such restriction on payments does not apply in cases  
4 where children require specialized care and treatment for  
5 problems of severe emotional disturbance, physical disability,  
6 social adjustment, or any combination thereof and suitable  
7 facilities for the placement of such children are not  
8 available at payment rates within the limitations set forth in  
9 this Section. All reimbursements for services delivered shall  
10 be absolutely inalienable by assignment, sale, attachment, or  
11 garnishment or otherwise.

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

1 the youth will increase skills to achieve self-sufficiency. A  
2 homeless shelter is not considered appropriate housing for any  
3 youth receiving child welfare services under this Section. The  
4 Department shall continue child welfare services under this  
5 Section to any eligible minor until the minor becomes 21 years  
6 of age, no longer consents to participate, or achieves  
7 self-sufficiency as identified in the minor's service plan.  
8 The Department of Children and Family Services shall create  
9 clear, readable notice of the rights of former foster youth to  
10 child welfare services under this Section and how such  
11 services may be obtained. The Department of Children and  
12 Family Services and the Department of Human Services shall  
13 disseminate this information statewide. The Department shall  
14 adopt regulations describing services intended to assist  
15 minors in achieving sustainable self-sufficiency as  
16 independent adults.

17 (o) The Department shall establish an administrative  
18 review and appeal process for children and families who  
19 request or receive child welfare services from the Department.  
20 Youth in care who are placed by private child welfare  
21 agencies, and foster families with whom those youth are  
22 placed, shall be afforded the same procedural and appeal  
23 rights as children and families in the case of placement by the  
24 Department, including the right to an initial review of a  
25 private agency decision by that agency. The Department shall  
26 ensure that any private child welfare agency, which accepts

1 youth in care for placement, affords those rights to children  
2 and foster families. The Department shall accept for  
3 administrative review and an appeal hearing a complaint made  
4 by (i) a child or foster family concerning a decision  
5 following an initial review by a private child welfare agency  
6 or (ii) a prospective adoptive parent who alleges a violation  
7 of subsection (j-5) of this Section. An appeal of a decision  
8 concerning a change in the placement of a child shall be  
9 conducted in an expedited manner. A court determination that a  
10 current foster home placement is necessary and appropriate  
11 under Section 2-28 of the Juvenile Court Act of 1987 does not  
12 constitute a judicial determination on the merits of an  
13 administrative appeal, filed by a former foster parent,  
14 involving a change of placement decision.

15 (p) (Blank).

16 (q) The Department may receive and use, in their entirety,  
17 for the benefit of children any gift, donation, or bequest of  
18 money or other property which is received on behalf of such  
19 children, or any financial benefits to which such children are  
20 or may become entitled while under the jurisdiction or care of  
21 the Department, except that the benefits described in Section  
22 5.46 must be used and conserved consistent with the provisions  
23 under Section 5.46.

24 The Department shall set up and administer no-cost,  
25 interest-bearing accounts in appropriate financial  
26 institutions for children for whom the Department is legally

1 responsible and who have been determined eligible for  
2 Veterans' Benefits, Social Security benefits, assistance  
3 allotments from the armed forces, court ordered payments,  
4 parental voluntary payments, Supplemental Security Income,  
5 Railroad Retirement payments, Black Lung benefits, or other  
6 miscellaneous payments. Interest earned by each account shall  
7 be credited to the account, unless disbursed in accordance  
8 with this subsection.

9 In disbursing funds from children's accounts, the  
10 Department shall:

11 (1) Establish standards in accordance with State and  
12 federal laws for disbursing money from children's  
13 accounts. In all circumstances, the Department's  
14 Guardianship Administrator or the Guardianship  
15 Administrator's designee must approve disbursements from  
16 children's accounts. The Department shall be responsible  
17 for keeping complete records of all disbursements for each  
18 account for any purpose.

19 (2) Calculate on a monthly basis the amounts paid from  
20 State funds for the child's board and care, medical care  
21 not covered under Medicaid, and social services; and  
22 utilize funds from the child's account, as covered by  
23 regulation, to reimburse those costs. Monthly,  
24 disbursements from all children's accounts, up to 1/12 of  
25 \$13,000,000, shall be deposited by the Department into the  
26 General Revenue Fund and the balance over 1/12 of

1           \$13,000,000 into the DCFS Children's Services Fund.

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

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

23          (s) The Department of Children and Family Services may  
24          establish and implement a program to reimburse Department and  
25          private child welfare agency foster parents licensed by the  
26          Department of Children and Family Services for damages

1 sustained by the foster parents as a result of the malicious or  
2 negligent acts of foster children, as well as providing third  
3 party coverage for such foster parents with regard to actions  
4 of foster children to other individuals. Such coverage will be  
5 secondary to the foster parent liability insurance policy, if  
6 applicable. The program shall be funded through appropriations  
7 from the General Revenue Fund, specifically designated for  
8 such purposes.

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

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

15 (2) the court has ordered one or both of the parties to  
16 the proceeding to reimburse the Department for its  
17 reasonable costs for providing such services in accordance  
18 with Department rules, or has determined that neither  
19 party is financially able to pay.

20 The Department shall provide written notification to the  
21 court of the specific arrangements for supervised visitation  
22 and projected monthly costs within 60 days of the court order.  
23 The Department shall send to the court information related to  
24 the costs incurred except in cases where the court has  
25 determined the parties are financially unable to pay. The  
26 court may order additional periodic reports as appropriate.

1 (u) In addition to other information that must be  
2 provided, whenever the Department places a child with a  
3 prospective adoptive parent or parents, in a licensed foster  
4 home, group home, or child care institution, or in a relative  
5 home, the Department shall provide to the prospective adoptive  
6 parent or parents or other caretaker:

7 (1) available detailed information concerning the  
8 child's educational and health history, copies of  
9 immunization records (including insurance and medical card  
10 information), a history of the child's previous  
11 placements, if any, and reasons for placement changes  
12 excluding any information that identifies or reveals the  
13 location of any previous caretaker;

14 (2) a copy of the child's portion of the client  
15 service plan, including any visitation arrangement, and  
16 all amendments or revisions to it as related to the child;  
17 and

18 (3) information containing details of the child's  
19 individualized educational plan when the child is  
20 receiving special education services.

21 The caretaker shall be informed of any known social or  
22 behavioral information (including, but not limited to,  
23 criminal background, fire setting, perpetuation of sexual  
24 abuse, destructive behavior, and substance abuse) necessary to  
25 care for and safeguard the children to be placed or currently  
26 in the home. The Department may prepare a written summary of

1 the information required by this paragraph, which may be  
2 provided to the foster or prospective adoptive parent in  
3 advance of a placement. The foster or prospective adoptive  
4 parent may review the supporting documents in the child's file  
5 in the presence of casework staff. In the case of an emergency  
6 placement, casework staff shall at least provide known  
7 information verbally, if necessary, and must subsequently  
8 provide the information in writing as required by this  
9 subsection.

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

25 (u-5) Effective July 1, 1995, only foster care placements  
26 licensed as foster family homes pursuant to the Child Care Act

1 of 1969 shall be eligible to receive foster care payments from  
2 the Department. Relative caregivers who, as of July 1, 1995,  
3 were approved pursuant to approved relative placement rules  
4 previously promulgated by the Department at 89 Ill. Adm. Code  
5 335 and had submitted an application for licensure as a foster  
6 family home may continue to receive foster care payments only  
7 until the Department determines that they may be licensed as a  
8 foster family home or that their application for licensure is  
9 denied or until September 30, 1995, whichever occurs first.

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

1 terminal. The Department of Children and Family Services and  
2 its employees shall abide by rules and regulations established  
3 by the Illinois State Police relating to the access and  
4 dissemination of this information.

5 (v-1) Prior to final approval for placement of a child,  
6 the Department shall conduct a criminal records background  
7 check of the prospective foster or adoptive parent, including  
8 fingerprint-based checks of national crime information  
9 databases. Final approval for placement shall not be granted  
10 if the record check reveals a felony conviction for child  
11 abuse or neglect, for spousal abuse, for a crime against  
12 children, or for a crime involving violence, including human  
13 trafficking, sex trafficking, rape, sexual assault, or  
14 homicide, but not including other physical assault or battery,  
15 or if there is a felony conviction for physical assault,  
16 battery, or a drug-related offense committed within the past 5  
17 years.

18 (v-2) Prior to final approval for placement of a child,  
19 the Department shall check its child abuse and neglect  
20 registry for information concerning prospective foster and  
21 adoptive parents, and any adult living in the home. If any  
22 prospective foster or adoptive parent or other adult living in  
23 the home has resided in another state in the preceding 5 years,  
24 the Department shall request a check of that other state's  
25 child abuse and neglect registry.

26 (w) Within 120 days of August 20, 1995 (the effective date

1 of Public Act 89-392), the Department shall prepare and submit  
2 to the Governor and the General Assembly, a written plan for  
3 the development of in-state licensed secure child care  
4 facilities that care for children who are in need of secure  
5 living arrangements for their health, safety, and well-being.  
6 For purposes of this subsection, secure care facility shall  
7 mean a facility that is designed and operated to ensure that  
8 all entrances and exits from the facility, a building or a  
9 distinct part of the building, are under the exclusive control  
10 of the staff of the facility, whether or not the child has the  
11 freedom of movement within the perimeter of the facility,  
12 building, or distinct part of the building. The plan shall  
13 include descriptions of the types of facilities that are  
14 needed in Illinois; the cost of developing these secure care  
15 facilities; the estimated number of placements; the potential  
16 cost savings resulting from the movement of children currently  
17 out-of-state who are projected to be returned to Illinois; the  
18 necessary geographic distribution of these facilities in  
19 Illinois; and a proposed timetable for development of such  
20 facilities.

21 (x) The Department shall conduct annual credit history  
22 checks to determine the financial history of children placed  
23 under its guardianship pursuant to the Juvenile Court Act of  
24 1987. The Department shall conduct such credit checks starting  
25 when a youth in care turns 12 years old and each year  
26 thereafter for the duration of the guardianship as terminated

1 pursuant to the Juvenile Court Act of 1987. The Department  
2 shall determine if financial exploitation of the child's  
3 personal information has occurred. If financial exploitation  
4 appears to have taken place or is presently ongoing, the  
5 Department shall notify the proper law enforcement agency, the  
6 proper State's Attorney, or the Attorney General.

7 (y) Beginning on July 22, 2010 (the effective date of  
8 Public Act 96-1189), a child with a disability who receives  
9 residential and educational services from the Department shall  
10 be eligible to receive transition services in accordance with  
11 Article 14 of the School Code from the age of 14.5 through age  
12 21, inclusive, notwithstanding the child's residential  
13 services arrangement. For purposes of this subsection, "child  
14 with a disability" means a child with a disability as defined  
15 by the federal Individuals with Disabilities Education  
16 Improvement Act of 2004.

17 (z) The Department shall access criminal history record  
18 information as defined as "background information" in this  
19 subsection and criminal history record information as defined  
20 in the Illinois Uniform Conviction Information Act for each  
21 Department employee or Department applicant. Each Department  
22 employee or Department applicant shall submit the employee's  
23 or applicant's fingerprints to the Illinois State Police in  
24 the form and manner prescribed by the Illinois State Police.  
25 These fingerprints shall be checked against the fingerprint  
26 records now and hereafter filed in the Illinois State Police

1 and the Federal Bureau of Investigation criminal history  
2 records databases. The Illinois State Police shall charge a  
3 fee for conducting the criminal history record check, which  
4 shall be deposited into the State Police Services Fund and  
5 shall not exceed the actual cost of the record check. The  
6 Illinois State Police shall furnish, pursuant to positive  
7 identification, all Illinois conviction information to the  
8 Department of Children and Family Services.

9 For purposes of this subsection:

10 "Background information" means all of the following:

11 (i) Upon the request of the Department of Children and  
12 Family Services, conviction information obtained from the  
13 Illinois State Police as a result of a fingerprint-based  
14 criminal history records check of the Illinois criminal  
15 history records database and the Federal Bureau of  
16 Investigation criminal history records database concerning  
17 a Department employee or Department applicant.

18 (ii) Information obtained by the Department of  
19 Children and Family Services after performing a check of  
20 the Illinois State Police's Sex Offender Database, as  
21 authorized by Section 120 of the Sex Offender Community  
22 Notification Law, concerning a Department employee or  
23 Department applicant.

24 (iii) Information obtained by the Department of  
25 Children and Family Services after performing a check of  
26 the Child Abuse and Neglect Tracking System (CANTS)

1 operated and maintained by the Department.

2 "Department employee" means a full-time or temporary  
3 employee coded or certified within the State of Illinois  
4 Personnel System.

5 "Department applicant" means an individual who has  
6 conditional Department full-time or part-time work, a  
7 contractor, an individual used to replace or supplement staff,  
8 an academic intern, a volunteer in Department offices or on  
9 Department contracts, a work-study student, an individual or  
10 entity licensed by the Department, or an unlicensed service  
11 provider who works as a condition of a contract or an agreement  
12 and whose work may bring the unlicensed service provider into  
13 contact with Department clients or client records.

14 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
15 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.  
16 1-1-24; 103-546, eff. 8-11-23; 103-605, eff. 7-1-24.)

17 (Text of Section after amendment by P.A. 103-1061)

18 Sec. 5. Direct child welfare services; Department of  
19 Children and Family Services. To provide direct child welfare  
20 services when not available through other public or private  
21 child care or program facilities.

22 (a) For purposes of this Section:

23 (1) "Children" means persons found within the State  
24 who are under the age of 18 years. The term also includes  
25 persons under age 21 who:

1 (A) were committed to the Department pursuant to  
2 the Juvenile Court Act or the Juvenile Court Act of  
3 1987 and who continue under the jurisdiction of the  
4 court; or

5 (B) were accepted for care, service and training  
6 by the Department prior to the age of 18 and whose best  
7 interest in the discretion of the Department would be  
8 served by continuing that care, service and training  
9 because of severe emotional disturbances, physical  
10 disability, social adjustment or any combination  
11 thereof, or because of the need to complete an  
12 educational or vocational training program.

13 (2) "Homeless youth" means persons found within the  
14 State who are under the age of 19, are not in a safe and  
15 stable living situation and cannot be reunited with their  
16 families.

17 (3) "Child welfare services" means public social  
18 services which are directed toward the accomplishment of  
19 the following purposes:

20 (A) protecting and promoting the health, safety  
21 and welfare of children, including homeless,  
22 dependent, or neglected children;

23 (B) remedying, or assisting in the solution of  
24 problems which may result in, the neglect, abuse,  
25 exploitation, or delinquency of children;

26 (C) preventing the unnecessary separation of

1 children from their families by identifying family  
2 problems, assisting families in resolving their  
3 problems, and preventing the breakup of the family  
4 where the prevention of child removal is desirable and  
5 possible when the child can be cared for at home  
6 without endangering the child's health and safety;

7 (D) restoring to their families children who have  
8 been removed, by the provision of services to the  
9 child and the families when the child can be cared for  
10 at home without endangering the child's health and  
11 safety;

12 (E) placing children in suitable permanent family  
13 arrangements, through guardianship or adoption, in  
14 cases where restoration to the birth family is not  
15 safe, possible, or appropriate;

16 (F) at the time of placement, conducting  
17 concurrent planning, as described in subsection (1-1)  
18 of this Section, so that permanency may occur at the  
19 earliest opportunity. Consideration should be given so  
20 that if reunification fails or is delayed, the  
21 placement made is the best available placement to  
22 provide permanency for the child;

23 (G) (blank);

24 (H) (blank); and

25 (I) placing and maintaining children in facilities  
26 that provide separate living quarters for children

1 under the age of 18 and for children 18 years of age  
2 and older, unless a child 18 years of age is in the  
3 last year of high school education or vocational  
4 training, in an approved individual or group treatment  
5 program, in a licensed shelter facility, or secure  
6 child care facility. The Department is not required to  
7 place or maintain children:

8 (i) who are in a foster home, or

9 (ii) who are persons with a developmental  
10 disability, as defined in the Mental Health and  
11 Developmental Disabilities Code, or

12 (iii) who are female children who are  
13 pregnant, pregnant and parenting, or parenting, or

14 (iv) who are siblings, in facilities that  
15 provide separate living quarters for children 18  
16 years of age and older and for children under 18  
17 years of age.

18 (b) (Blank).

19 (b-5) The Department shall adopt rules to establish a  
20 process for all licensed residential providers in Illinois to  
21 submit data as required by the Department if they contract or  
22 receive reimbursement for children's mental health, substance  
23 use, and developmental disability services from the Department  
24 of Human Services, the Department of Juvenile Justice, or the  
25 Department of Healthcare and Family Services. The requested  
26 data must include, but is not limited to, capacity, staffing,

1 and occupancy data for the purpose of establishing State need  
2 and placement availability.

3 All information collected, shared, or stored pursuant to  
4 this subsection shall be handled in accordance with all State  
5 and federal privacy laws and accompanying regulations and  
6 rules, including without limitation the federal Health  
7 Insurance Portability and Accountability Act of 1996 (Public  
8 Law 104-191) and the Mental Health and Developmental  
9 Disabilities Confidentiality Act.

10 (c) The Department shall establish and maintain  
11 tax-supported child welfare services and extend and seek to  
12 improve voluntary services throughout the State, to the end  
13 that services and care shall be available on an equal basis  
14 throughout the State to children requiring such services.

15 (d) The Director may authorize advance disbursements for  
16 any new program initiative to any agency contracting with the  
17 Department. As a prerequisite for an advance disbursement, the  
18 contractor must post a surety bond in the amount of the advance  
19 disbursement and have a purchase of service contract approved  
20 by the Department. The Department may pay up to 2 months  
21 operational expenses in advance. The amount of the advance  
22 disbursement shall be prorated over the life of the contract  
23 or the remaining months of the fiscal year, whichever is less,  
24 and the installment amount shall then be deducted from future  
25 bills. Advance disbursement authorizations for new initiatives  
26 shall not be made to any agency after that agency has operated

1 during 2 consecutive fiscal years. The requirements of this  
2 Section concerning advance disbursements shall not apply with  
3 respect to the following: payments to local public agencies  
4 for child day care services as authorized by Section 5a of this  
5 Act; and youth service programs receiving grant funds under  
6 Section 17a-4.

7 (e) (Blank).

8 (f) (Blank).

9 (g) The Department shall establish rules and regulations  
10 concerning its operation of programs designed to meet the  
11 goals of child safety and protection, family preservation, and  
12 permanency, including, but not limited to:

13 (1) reunification, guardianship, and adoption;

14 (2) relative and licensed foster care;

15 (3) family counseling;

16 (4) protective services;

17 (5) (blank);

18 (6) homemaker service;

19 (7) return of runaway children;

20 (8) (blank);

21 (9) placement under Section 5-7 of the Juvenile Court  
22 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile  
23 Court Act of 1987 in accordance with the federal Adoption  
24 Assistance and Child Welfare Act of 1980; and

25 (10) interstate services.

26 Rules and regulations established by the Department shall

1 include provisions for training Department staff and the staff  
2 of Department grantees, through contracts with other agencies  
3 or resources, in screening techniques to identify substance  
4 use disorders, as defined in the Substance Use Disorder Act,  
5 approved by the Department of Human Services, as a successor  
6 to the Department of Alcoholism and Substance Abuse, for the  
7 purpose of identifying children and adults who should be  
8 referred for an assessment at an organization appropriately  
9 licensed by the Department of Human Services for substance use  
10 disorder treatment.

11 (h) If the Department finds that there is no appropriate  
12 program or facility within or available to the Department for  
13 a youth in care and that no licensed private facility has an  
14 adequate and appropriate program or none agrees to accept the  
15 youth in care, the Department shall create an appropriate  
16 individualized, program-oriented plan for such youth in care.  
17 The plan may be developed within the Department or through  
18 purchase of services by the Department to the extent that it is  
19 within its statutory authority to do.

20 (i) Service programs shall be available throughout the  
21 State and shall include but not be limited to the following  
22 services:

- 23 (1) case management;
- 24 (2) homemakers;
- 25 (3) counseling;
- 26 (4) parent education;

- 1 (5) day care;
- 2 (6) emergency assistance and advocacy; and
- 3 (7) kinship navigator and relative caregiver supports.

4 In addition, the following services may be made available  
5 to assess and meet the needs of children and families:

- 6 (1) comprehensive family-based services;
- 7 (2) assessments;
- 8 (3) respite care; and
- 9 (4) in-home health services.

10 The Department shall provide transportation for any of the  
11 services it makes available to children or families or for  
12 which it refers children or families.

13 (j) The Department may provide categories of financial  
14 assistance and education assistance grants, and shall  
15 establish rules and regulations concerning the assistance and  
16 grants, to persons who adopt or become subsidized guardians of  
17 children with physical or mental disabilities, children who  
18 are older, or other hard-to-place children who (i) immediately  
19 prior to their adoption or subsidized guardianship were youth  
20 in care 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  
3 child's adoptive parents died and ending with the finalization  
4 of the 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 youth in care for 12 months immediately prior to the  
12 appointment of the guardian.

13 The amount of assistance may vary, depending upon the  
14 needs of the child and the adoptive parents or subsidized  
15 guardians, as set forth in the annual assistance agreement.  
16 Special purpose grants are allowed where the child requires  
17 special service but such costs may not exceed the amounts  
18 which similar services would cost the Department if it were to  
19 provide or secure them as guardian of the child.

20 Any financial assistance provided under this subsection is  
21 inalienable by assignment, sale, execution, attachment,  
22 garnishment, or any other remedy for recovery or collection of  
23 a judgment or debt.

24 (j-5) The Department shall not deny or delay the placement  
25 of a child for adoption if an approved family is available  
26 either outside of the Department region handling the case, or

1 outside of the State of Illinois.

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

6 (l) The Department shall offer family preservation  
7 services, as defined in Section 8.2 of the Abused and  
8 Neglected Child Reporting Act, to help families, including  
9 adoptive and extended families. Family preservation services  
10 shall be offered (i) to prevent the placement of children in  
11 substitute care when the children can be cared for at home or  
12 in the custody of the person responsible for the children's  
13 welfare, (ii) to reunite children with their families, or  
14 (iii) to maintain an adoption or subsidized guardianship.  
15 Family preservation services shall only be offered when doing  
16 so will not endanger the children's health or safety. With  
17 respect to children who are in substitute care pursuant to the  
18 Juvenile Court Act of 1987, family preservation services shall  
19 not be offered if a goal other than those of subdivisions (A),  
20 (B), or (B-1) of subsection (2.3) of Section 2-28 of that Act  
21 has been set, except that reunification services may be  
22 offered as provided in paragraph (F) of subsection (2.3) of  
23 Section 2-28 of that Act. Nothing in this paragraph shall be  
24 construed to create a private right of action or claim on the  
25 part of any individual or child welfare agency, except that  
26 when a child is the subject of an action under Article II of

1 the Juvenile Court Act of 1987 and the child's service plan  
2 calls for services to facilitate achievement of the permanency  
3 goal, the court hearing the action under Article II of the  
4 Juvenile Court Act of 1987 may order the Department to provide  
5 the services set out in the plan, if those services are not  
6 provided with reasonable promptness and if those services are  
7 available.

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

1 voluntary. The Department may also provide services to any  
2 child or family after completion of a family assessment, as an  
3 alternative to an investigation, as provided under the  
4 "differential response program" provided for in subsection  
5 (a-5) of Section 7.4 of the Abused and Neglected Child  
6 Reporting Act.

7 The Department may, at its discretion except for those  
8 children also adjudicated neglected or dependent, accept for  
9 care and training any child who has been adjudicated addicted,  
10 as a truant minor in need of supervision or as a minor  
11 requiring authoritative intervention, under the Juvenile Court  
12 Act or the Juvenile Court Act of 1987, but no such child shall  
13 be committed to the Department by any court without the  
14 approval of the Department. On and after January 1, 2015 (the  
15 effective date of Public Act 98-803) and before January 1,  
16 2017, a minor charged with a criminal offense under the  
17 Criminal Code of 1961 or the Criminal Code of 2012 or  
18 adjudicated delinquent shall not be placed in the custody of  
19 or committed to the Department by any court, except (i) a minor  
20 less than 16 years of age committed to the Department under  
21 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
22 for whom an independent basis of abuse, neglect, or dependency  
23 exists, which must be defined by departmental rule, or (iii) a  
24 minor for whom the court has granted a supplemental petition  
25 to reinstate wardship pursuant to subsection (2) of Section  
26 2-33 of the Juvenile Court Act of 1987. On and after January 1,

1 2017, a minor charged with a criminal offense under the  
2 Criminal Code of 1961 or the Criminal Code of 2012 or  
3 adjudicated delinquent shall not be placed in the custody of  
4 or committed to the Department by any court, except (i) a minor  
5 less than 15 years of age committed to the Department under  
6 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
7 for whom an independent basis of abuse, neglect, or dependency  
8 exists, which must be defined by departmental rule, or (iii) a  
9 minor for whom the court has granted a supplemental petition  
10 to reinstate wardship pursuant to subsection (2) of Section  
11 2-33 of the Juvenile Court Act of 1987. An independent basis  
12 exists when the allegations or adjudication of abuse, neglect,  
13 or dependency do not arise from the same facts, incident, or  
14 circumstances which give rise to a charge or adjudication of  
15 delinquency. The Department shall assign a caseworker to  
16 attend any hearing involving a youth in the care and custody of  
17 the Department who is placed on aftercare release, including  
18 hearings involving sanctions for violation of aftercare  
19 release conditions and aftercare release revocation hearings.

20 As soon as is possible, the Department shall develop and  
21 implement a special program of family preservation services to  
22 support intact, relative, foster, and adoptive families who  
23 are experiencing extreme hardships due to the difficulty and  
24 stress of caring for a child who has been diagnosed with a  
25 pervasive developmental disorder if the Department determines  
26 that those services are necessary to ensure the health and

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

21 (1-1) The General Assembly recognizes that the best  
22 interests of the child require that the child be placed in the  
23 most permanent living arrangement that is an appropriate  
24 option for the child, consistent with the child's best  
25 interest, using the factors set forth in subsection (4.05) of  
26 Section 1-3 of the Juvenile Court Act of 1987 as soon as is

1 practically possible. To achieve this goal, the General  
2 Assembly directs the Department of Children and Family  
3 Services to conduct concurrent planning so that permanency may  
4 occur at the earliest opportunity. Permanent living  
5 arrangements may include prevention of placement of a child  
6 outside the home of the family when the child can be cared for  
7 at home without endangering the child's health or safety;  
8 reunification with the family, when safe and appropriate, if  
9 temporary placement is necessary; or movement of the child  
10 toward the most appropriate living arrangement and legal  
11 status.

12 When determining reasonable efforts to be made with  
13 respect to a child, as described in this subsection, and in  
14 making such reasonable efforts, the child's health and safety  
15 shall be the paramount concern.

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

1 reunification services after such a finding.

2 A decision to place a child in substitute care shall be  
3 made with considerations of the child's health, safety, and  
4 best interests. The Department shall make diligent efforts to  
5 place the child with a relative, document those diligent  
6 efforts, and document reasons for any failure or inability to  
7 secure such a relative placement. If the primary issue  
8 preventing an emergency placement of a child with a relative  
9 is a lack of resources, including, but not limited to,  
10 concrete goods, safety modifications, and services, the  
11 Department shall make diligent efforts to assist the relative  
12 in obtaining the necessary resources. No later than July 1,  
13 2025, the Department shall adopt rules defining what is  
14 diligent and necessary in providing supports to potential  
15 relative placements. At the time of placement, consideration  
16 should also be given so that if reunification fails or is  
17 delayed, the placement has the potential to be an appropriate  
18 permanent placement for the child.

19 The Department shall adopt rules addressing concurrent  
20 planning for reunification and permanency. The Department  
21 shall consider the following factors when determining  
22 appropriateness of concurrent planning:

- 23 (1) the likelihood of prompt reunification;  
24 (2) the past history of the family;  
25 (3) the barriers to reunification being addressed by  
26 the family;

- 1 (4) the level of cooperation of the family;
- 2 (4.5) the child's wishes;
- 3 (5) the caregivers' willingness to work with the
- 4 family to reunite;
- 5 (6) the willingness and ability of the caregivers' to
- 6 provide a permanent placement;
- 7 (7) the age of the child;
- 8 (8) placement of siblings; and
- 9 (9) the wishes of the parent or parents unless the
- 10 parental preferences are contrary to the best interests of
- 11 the child.

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

- 14 (1) it has received a written consent to such
- 15 temporary custody signed by the parents of the child or by
- 16 the parent having custody of the child if the parents are
- 17 not living together or by the guardian or custodian of the
- 18 child if the child is not in the custody of either parent,
- 19 or
- 20 (2) the child is found in the State and neither a
- 21 parent, guardian nor custodian of the child can be
- 22 located.

23 If the child is found in the child's residence without a  
24 parent, guardian, custodian, or responsible caretaker, the  
25 Department may, instead of removing the child and assuming  
26 temporary custody, place an authorized representative of the

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

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

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

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

20           (m-1) The Department may place children under 18 years of  
21 age in a secure child care facility licensed by the Department  
22 that cares for children who are in need of secure living  
23 arrangements for their health, safety, and well-being after a  
24 determination is made by the facility director and the  
25 Director or the Director's designate prior to admission to the  
26 facility subject to Section 2-27.1 of the Juvenile Court Act

1 of 1987. This subsection (m-1) does not apply to a child who is  
2 subject to placement in a correctional facility operated  
3 pursuant to Section 3-15-2 of the Unified Code of Corrections,  
4 unless the child is a youth in care who was placed in the care  
5 of the Department before being subject to placement in a  
6 correctional facility and a court of competent jurisdiction  
7 has ordered placement of the child in a secure care facility.

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

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

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

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

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

1 an initial review by a private child welfare agency or (ii) a  
2 prospective adoptive parent who alleges a violation of  
3 subsection (j-5) of this Section. An appeal of a decision  
4 concerning a change in the placement of a child shall be  
5 conducted in an expedited manner. A court determination that a  
6 current placement is necessary and appropriate under Section  
7 2-28 of the Juvenile Court Act of 1987 does not constitute a  
8 judicial determination on the merits of an administrative  
9 appeal, filed by a former caregiver, involving a change of  
10 placement decision. No later than July 1, 2025, the Department  
11 shall adopt rules to develop a reconsideration process to  
12 review: a denial of certification of a relative, a denial of  
13 placement with a relative, and a denial of visitation with an  
14 identified relative. Rules shall include standards and  
15 criteria for reconsideration that incorporate the best  
16 interests of the child under subsection (4.05) of Section 1-3  
17 of the Juvenile Court Act of 1987, address situations where  
18 multiple relatives seek certification, and provide that all  
19 rules regarding placement changes shall be followed. The rules  
20 shall outline the essential elements of each form used in the  
21 implementation and enforcement of the provisions of this  
22 amendatory Act of the 103rd General Assembly.

23 (p) (Blank).

24 (q) The Department may receive and use, in their entirety,  
25 for the benefit of children any gift, donation, or bequest of  
26 money or other property which is received on behalf of such

1 children, or any financial benefits to which such children are  
2 or may become entitled while under the jurisdiction or care of  
3 the Department, except that the benefits described in Section  
4 5.46 must be used and conserved consistent with the provisions  
5 under Section 5.46.

6 The Department shall set up and administer no-cost,  
7 interest-bearing accounts in appropriate financial  
8 institutions for children for whom the Department is legally  
9 responsible and who have been determined eligible for  
10 Veterans' Benefits, Social Security benefits, assistance  
11 allotments from the armed forces, court ordered payments,  
12 parental voluntary payments, Supplemental Security Income,  
13 Railroad Retirement payments, Black Lung benefits, or other  
14 miscellaneous payments. Interest earned by each account shall  
15 be credited to the account, unless disbursed in accordance  
16 with this subsection.

17 In disbursing funds from children's accounts, the  
18 Department shall:

19 (1) Establish standards in accordance with State and  
20 federal laws for disbursing money from children's  
21 accounts. In all circumstances, the Department's  
22 Guardianship Administrator or the Guardianship  
23 Administrator's designee must approve disbursements from  
24 children's accounts. The Department shall be responsible  
25 for keeping complete records of all disbursements for each  
26 account for any purpose.

1           (2) Calculate on a monthly basis the amounts paid from  
2 State funds for the child's board and care, medical care  
3 not covered under Medicaid, and social services; and  
4 utilize funds from the child's account, as covered by  
5 regulation, to reimburse those costs. Monthly,  
6 disbursements from all children's accounts, up to 1/12 of  
7 \$13,000,000, shall be deposited by the Department into the  
8 General Revenue Fund and the balance over 1/12 of  
9 \$13,000,000 into the DCFS Children's Services Fund.

10           (3) Maintain any balance remaining after reimbursing  
11 for the child's costs of care, as specified in item (2).  
12 The balance shall accumulate in accordance with relevant  
13 State and federal laws and shall be disbursed to the child  
14 or the child's guardian or to the issuing agency.

15           (r) The Department shall promulgate regulations  
16 encouraging all adoption agencies to voluntarily forward to  
17 the Department or its agent names and addresses of all persons  
18 who have applied for and have been approved for adoption of a  
19 hard-to-place child or child with a disability and the names  
20 of such children who have not been placed for adoption. A list  
21 of such names and addresses shall be maintained by the  
22 Department or its agent, and coded lists which maintain the  
23 confidentiality of the person seeking to adopt the child and  
24 of the child shall be made available, without charge, to every  
25 adoption agency in the State to assist the agencies in placing  
26 such children for adoption. The Department may delegate to an

1 agent its duty to maintain and make available such lists. The  
2 Department shall ensure that such agent maintains the  
3 confidentiality of the person seeking to adopt the child and  
4 of the child.

5 (s) The Department of Children and Family Services may  
6 establish and implement a program to reimburse caregivers  
7 licensed, certified, or otherwise approved by the Department  
8 of Children and Family Services for damages sustained by the  
9 caregivers as a result of the malicious or negligent acts of  
10 children placed by the Department, as well as providing third  
11 party coverage for such caregivers with regard to actions of  
12 children placed by the Department to other individuals. Such  
13 coverage will be secondary to the caregiver's liability  
14 insurance policy, if applicable. The program shall be funded  
15 through appropriations from the General Revenue Fund,  
16 specifically designated for such purposes.

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

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

23 (2) the court has ordered one or both of the parties to  
24 the proceeding to reimburse the Department for its  
25 reasonable costs for providing such services in accordance  
26 with Department rules, or has determined that neither

1 party is financially able to pay.

2 The Department shall provide written notification to the  
3 court of the specific arrangements for supervised visitation  
4 and projected monthly costs within 60 days of the court order.  
5 The Department shall send to the court information related to  
6 the costs incurred except in cases where the court has  
7 determined the parties are financially unable to pay. The  
8 court may order additional periodic reports as appropriate.

9 (u) In addition to other information that must be  
10 provided, whenever the Department places a child with a  
11 prospective adoptive parent or parents, in a licensed foster  
12 home, group home, or child care institution, in a relative  
13 home, or in a certified relative caregiver home, the  
14 Department shall provide to the caregiver, appropriate  
15 facility staff, or prospective adoptive parent or parents:

16 (1) available detailed information concerning the  
17 child's educational and health history, copies of  
18 immunization records (including insurance and medical card  
19 information), a history of the child's previous  
20 placements, if any, and reasons for placement changes  
21 excluding any information that identifies or reveals the  
22 location of any previous caregiver or adoptive parents;

23 (2) a copy of the child's portion of the client  
24 service plan, including any visitation arrangement, and  
25 all amendments or revisions to it as related to the child;  
26 and

1           (3) information containing details of the child's  
2           individualized educational plan when the child is  
3           receiving special education services.

4           The caregiver, appropriate facility staff, or prospective  
5           adoptive parent or parents, shall be informed of any known  
6           social or behavioral information (including, but not limited  
7           to, criminal background, fire setting, perpetuation of sexual  
8           abuse, destructive behavior, and substance abuse) necessary to  
9           care for and safeguard the children to be placed or currently  
10          in the home or setting. The Department may prepare a written  
11          summary of the information required by this paragraph, which  
12          may be provided to the caregiver, appropriate facility staff,  
13          or prospective adoptive parent in advance of a placement. The  
14          caregiver, appropriate facility staff, or prospective adoptive  
15          parent may review the supporting documents in the child's file  
16          in the presence of casework staff. In the case of an emergency  
17          placement, casework staff shall at least provide known  
18          information verbally, if necessary, and must subsequently  
19          provide the information in writing as required by this  
20          subsection.

21          The information described in this subsection shall be  
22          provided in writing. In the case of emergency placements when  
23          time does not allow prior review, preparation, and collection  
24          of written information, the Department shall provide such  
25          information as it becomes available. Within 10 business days  
26          after placement, the Department shall obtain from the

1 caregiver, appropriate facility staff, or prospective adoptive  
2 parent or parents a signed verification of receipt of the  
3 information provided. Within 10 business days after placement,  
4 the Department shall provide to the child's guardian ad litem  
5 a copy of the information provided to the caregiver,  
6 appropriate facility staff, or prospective adoptive parent or  
7 parents. The information provided to the caregiver,  
8 appropriate facility staff, or prospective adoptive parent or  
9 parents shall be reviewed and approved regarding accuracy at  
10 the supervisory level.

11 (u-5) Beginning July 1, 2025, certified relative caregiver  
12 homes under Section 3.4 of the Child Care Act of 1969 shall be  
13 eligible to receive foster care maintenance payments from the  
14 Department in an amount no less than payments made to licensed  
15 foster family homes. Beginning July 1, 2025, relative homes  
16 providing care to a child placed by the Department that are not  
17 a certified relative caregiver home under Section 3.4 of the  
18 Child Care Act of 1969 or a licensed foster family home shall  
19 be eligible to receive payments from the Department in an  
20 amount no less 90% of the payments made to licensed foster  
21 family homes and certified relative caregiver homes.

22 (u-6) To assist relative and certified relative  
23 caregivers, no later than July 1, 2025, the Department shall  
24 adopt rules to implement a relative support program, as  
25 follows:

26 (1) For relative and certified relative caregivers,

1 the Department is authorized to reimburse or prepay  
2 reasonable expenditures to remedy home conditions  
3 necessary to fulfill the home safety-related requirements  
4 of relative caregiver homes.

5 (2) The Department may provide short-term emergency  
6 funds to relative and certified relative caregiver homes  
7 experiencing extreme hardships due to the difficulty and  
8 stress associated with adding youth in care as new  
9 household members.

10 (3) Consistent with federal law, the Department shall  
11 include in any State Plan made in accordance with the  
12 Adoption Assistance and Child Welfare Act of 1980, Titles  
13 IV-E and XIX of the Social Security Act, and any other  
14 applicable federal laws the provision of kinship navigator  
15 program services. The Department shall apply for and  
16 administer all relevant federal aid in accordance with  
17 law. Federal funds acquired for the kinship navigator  
18 program shall be used for the development, implementation,  
19 and operation of kinship navigator program services. The  
20 kinship navigator program services may provide  
21 information, referral services, support, and assistance to  
22 relative and certified relative caregivers of youth in  
23 care to address their unique needs and challenges. Until  
24 the Department is approved to receive federal funds for  
25 these purposes, the Department shall publicly post on the  
26 Department's website semi-annual updates regarding the

1 Department's progress in pursuing federal funding.  
2 Whenever the Department publicly posts these updates on  
3 its website, the Department shall notify the General  
4 Assembly through the General Assembly's designee.

5 (u-7) To support finding permanency for children through  
6 subsidized guardianship and adoption and to prevent disruption  
7 in guardianship and adoptive placements, the Department shall  
8 establish and maintain accessible subsidized guardianship and  
9 adoption support services for all children under 18 years of  
10 age placed in guardianship or adoption who, immediately  
11 preceding the guardianship or adoption, were in the custody or  
12 guardianship of the Department under Article II of the  
13 Juvenile Court Act of 1987.

14 The Department shall establish and maintain a toll-free  
15 number to respond to requests from the public about its  
16 subsidized guardianship and adoption support services under  
17 this subsection and shall staff the toll-free number so that  
18 calls are answered on a timely basis, but in no event more than  
19 one business day after the receipt of a request. These  
20 requests from the public may be made anonymously. To meet this  
21 obligation, the Department may utilize the same toll-free  
22 number the Department operates to respond to post-adoption  
23 requests under subsection (b-5) of Section 18.9 of the  
24 Adoption Act. The Department shall publicize information about  
25 the Department's subsidized guardianship support services and  
26 toll-free number as follows:

1           (1) it shall post information on the Department's  
2 website;

3           (2) it shall provide the information to every licensed  
4 child welfare agency and any entity providing subsidized  
5 guardianship support services in Illinois courts;

6           (3) it shall reference such information in the  
7 materials the Department provides to caregivers pursuing  
8 subsidized guardianship to inform them of their rights and  
9 responsibilities under the Child Care Act of 1969 and this  
10 Act;

11           (4) it shall provide the information, including the  
12 Department's Post Adoption and Guardianship Services  
13 booklet, to eligible caregivers as part of its  
14 guardianship training and at the time they are presented  
15 with the Permanency Commitment form;

16           (5) it shall include, in each annual notification  
17 letter mailed to subsidized guardians, a short, 2-sided  
18 flier or news bulletin in plain language that describes  
19 access to post-guardianship services, how to access  
20 services under the Family Support Program, formerly known  
21 as the Individual Care Grant Program, the webpage address  
22 to the Post Adoption and Guardianship Services booklet,  
23 information on how to request that a copy of the booklet be  
24 mailed; and

25           (6) it shall ensure that kinship navigator programs of  
26 this State, when established, have this information to

1 include in materials the programs provide to caregivers.

2 No later than July 1, 2026, the Department shall provide a  
3 mechanism for the public to make information requests by  
4 electronic means.

5 The Department shall review and update annually all  
6 information relating to its subsidized guardianship support  
7 services, including its Post Adoption and Guardianship  
8 Services booklet, to include updated information on Family  
9 Support Program services eligibility and subsidized  
10 guardianship support services that are available through the  
11 medical assistance program established under Article V of the  
12 Illinois Public Aid Code or any other State program for mental  
13 health services. The Department and the Department of  
14 Healthcare and Family Services shall coordinate their efforts  
15 in the development of these resources.

16 Every licensed child welfare agency and any entity  
17 providing kinship navigator programs funded by the Department  
18 shall provide the Department's website address and link to the  
19 Department's subsidized guardianship support services  
20 information set forth in subsection (d), including the  
21 Department's toll-free number, to every relative who is or  
22 will be providing guardianship placement for a child placed by  
23 the Department.

24 (v) The Department shall access criminal history record  
25 information as defined in the Illinois Uniform Conviction  
26 Information Act and information maintained in the adjudicatory

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

19 (v-1) Prior to final approval for placement of a child  
20 with a foster or adoptive parent, the Department shall conduct  
21 a criminal records background check of the prospective foster  
22 or adoptive parent, including fingerprint-based checks of  
23 national crime information databases. Final approval for  
24 placement shall not be granted if the record check reveals a  
25 felony conviction for child abuse or neglect, for spousal  
26 abuse, for a crime against children, or for a crime involving

1 violence, including human trafficking, sex trafficking, rape,  
2 sexual assault, or homicide, but not including other physical  
3 assault or battery, or if there is a felony conviction for  
4 physical assault, battery, or a drug-related offense committed  
5 within the past 5 years.

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

15 (v-3) Prior to the final approval of final placement of a  
16 related child in a certified relative caregiver home as  
17 defined in Section 2.37 of the Child Care Act of 1969, the  
18 Department shall ensure that the background screening meets  
19 the standards required under subsection (c) of Section 3.4 of  
20 the Child Care Act of 1969.

21 (v-4) Prior to final approval for placement of a child  
22 with a relative, as defined in Section 4d of this Act, who is  
23 not a licensed foster parent, has declined to seek approval to  
24 be a certified relative caregiver, or was denied approval as a  
25 certified relative caregiver, the Department shall:

26 (i) check the child abuse and neglect registry for

1 information concerning the prospective relative caregiver  
2 and any other adult living in the home. If any prospective  
3 relative caregiver or other adult living in the home has  
4 resided in another state in the preceding 5 years, the  
5 Department shall request a check of that other state's  
6 child abuse and neglect registry; and

7 (ii) conduct a criminal records background check of  
8 the prospective relative caregiver and all other adults  
9 living in the home, including fingerprint-based checks of  
10 national crime information databases. Final approval for  
11 placement shall not be granted if the record check reveals  
12 a felony conviction for child abuse or neglect, for  
13 spousal abuse, for a crime against children, or for a  
14 crime involving violence, including rape, sexual assault,  
15 or homicide, but not including other physical assault or  
16 battery, or if there is a felony conviction for physical  
17 assault, battery, or a drug-related offense committed  
18 within the past 5 years; provided however, that the  
19 Department is empowered to grant a waiver as the  
20 Department may provide by rule, and the Department  
21 approves the request for the waiver based on a  
22 comprehensive evaluation of the caregiver and household  
23 members and the conditions relating to the safety of the  
24 placement.

25 No later than July 1, 2025, the Department shall adopt  
26 rules or revise existing rules to effectuate the changes made

1 to this subsection (v-4). The rules shall outline the  
2 essential elements of each form used in the implementation and  
3 enforcement of the provisions of this amendatory Act of the  
4 103rd General Assembly.

5 (w) (Blank).

6 (x) The Department shall conduct annual credit history  
7 checks to determine the financial history of children placed  
8 under its guardianship pursuant to the Juvenile Court Act of  
9 1987. The Department shall conduct such credit checks starting  
10 when a youth in care turns 12 years old and each year  
11 thereafter for the duration of the guardianship as terminated  
12 pursuant to the Juvenile Court Act of 1987. The Department  
13 shall determine if financial exploitation of the child's  
14 personal information has occurred. If financial exploitation  
15 appears to have taken place or is presently ongoing, the  
16 Department shall notify the proper law enforcement agency, the  
17 proper State's Attorney, or the Attorney General.

18 (y) Beginning on July 22, 2010 (the effective date of  
19 Public Act 96-1189), a child with a disability who receives  
20 residential and educational services from the Department shall  
21 be eligible to receive transition services in accordance with  
22 Article 14 of the School Code from the age of 14.5 through age  
23 21, inclusive, notwithstanding the child's residential  
24 services arrangement. For purposes of this subsection, "child  
25 with a disability" means a child with a disability as defined  
26 by the federal Individuals with Disabilities Education

1 Improvement Act of 2004.

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

20 For purposes of this subsection:

21 "Background information" means all of the following:

22 (i) Upon the request of the Department of Children and  
23 Family Services, conviction information obtained from the  
24 Illinois State Police as a result of a fingerprint-based  
25 criminal history records check of the Illinois criminal  
26 history records database and the Federal Bureau of

1 Investigation criminal history records database concerning  
2 a Department employee or Department applicant.

3 (ii) Information obtained by the Department of  
4 Children and Family Services after performing a check of  
5 the Illinois State Police's Sex Offender Database, as  
6 authorized by Section 120 of the Sex Offender Community  
7 Notification Law, concerning a Department employee or  
8 Department applicant.

9 (iii) Information obtained by the Department of  
10 Children and Family Services after performing a check of  
11 the Child Abuse and Neglect Tracking System (CANTS)  
12 operated and maintained by the Department.

13 "Department employee" means a full-time or temporary  
14 employee coded or certified within the State of Illinois  
15 Personnel System.

16 "Department applicant" means an individual who has  
17 conditional Department full-time or part-time work, a  
18 contractor, an individual used to replace or supplement staff,  
19 an academic intern, a volunteer in Department offices or on  
20 Department contracts, a work-study student, an individual or  
21 entity licensed by the Department, or an unlicensed service  
22 provider who works as a condition of a contract or an agreement  
23 and whose work may bring the unlicensed service provider into  
24 contact with Department clients or client records.

25 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
26 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.

1 1-1-24; 103-546, eff. 8-11-23; 103-605, eff. 7-1-24; 103-1061,  
2 eff. 7-1-25.)

3 Section 95. No acceleration or delay. Where this Act makes  
4 changes in a statute that is represented in this Act by text  
5 that is not yet or no longer in effect (for example, a Section  
6 represented by multiple versions), the use of that text does  
7 not accelerate or delay the taking effect of (i) the changes  
8 made by this Act or (ii) provisions derived from any other  
9 Public Act.

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