



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB2945

Introduced 2/6/2025, by Rep. Ryan Spain

#### SYNOPSIS AS INTRODUCED:

20 ILCS 505/5  
705 ILCS 405/2-17.1

Amends the Children and Family Services Act. Prohibits the Department of Children and Family Services from requiring Department volunteers to list or provide their social security numbers on any form prescribed by the Department that authorizes a criminal history record or background check. Requires the Department to amend its rule on authorization forms in accordance with the amendatory Act. Excludes the social security number of a Department volunteer from the definition of "background information." Amends the Juvenile Court Act of 1987. Provides that no person appointed to serve as a court appointed special advocate shall be required to list or provide his or her social security number on any form prescribed by the court that authorizes a criminal history record or background check.

LRB104 08352 KTG 18403 b

1 AN ACT concerning State government.

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

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

6 (20 ILCS 505/5)

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

11 (a) For purposes of this Section:

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

15 (A) were committed to the Department pursuant to  
16 the Juvenile Court Act or the Juvenile Court Act of  
17 1987 and who continue under the jurisdiction of the  
18 court; or

19 (B) were accepted for care, service and training  
20 by the Department prior to the age of 18 and whose best  
21 interest in the discretion of the Department would be  
22 served by continuing that care, service and training  
23 because of severe emotional disturbances, physical

1           disability, social adjustment or any combination  
2           thereof, or because of the need to complete an  
3           educational or vocational training program.

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

8           (3) "Child welfare services" means public social  
9           services which are directed toward the accomplishment of  
10          the following purposes:

11           (A) protecting and promoting the health, safety  
12           and welfare of children, including homeless,  
13           dependent, or neglected children;

14           (B) remedying, or assisting in the solution of  
15           problems which may result in, the neglect, abuse,  
16           exploitation, or delinquency of children;

17           (C) preventing the unnecessary separation of  
18           children from their families by identifying family  
19           problems, assisting families in resolving their  
20           problems, and preventing the breakup of the family  
21           where the prevention of child removal is desirable and  
22           possible when the child can be cared for at home  
23           without endangering the child's health and safety;

24           (D) restoring to their families children who have  
25           been removed, by the provision of services to the  
26           child and the families when the child can be cared for

1 at home without endangering the child's health and  
2 safety;

3 (E) placing children in suitable permanent family  
4 arrangements, through guardianship or adoption, in  
5 cases where restoration to the birth family is not  
6 safe, possible, or appropriate;

7 (F) at the time of placement, conducting  
8 concurrent planning, as described in subsection (1-1)  
9 of this Section, so that permanency may occur at the  
10 earliest opportunity. Consideration should be given so  
11 that if reunification fails or is delayed, the  
12 placement made is the best available placement to  
13 provide permanency for the child;

14 (G) (blank);

15 (H) (blank); and

16 (I) placing and maintaining children in facilities  
17 that provide separate living quarters for children  
18 under the age of 18 and for children 18 years of age  
19 and older, unless a child 18 years of age is in the  
20 last year of high school education or vocational  
21 training, in an approved individual or group treatment  
22 program, in a licensed shelter facility, or secure  
23 child care facility. The Department is not required to  
24 place or maintain children:

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

26 (ii) who are persons with a developmental

1           disability, as defined in the Mental Health and  
2           Developmental Disabilities Code, or

3                   (iii) who are female children who are  
4           pregnant, pregnant and parenting, or parenting, or

5                   (iv) who are siblings, in facilities that  
6           provide separate living quarters for children 18  
7           years of age and older and for children under 18  
8           years of age.

9           (b) (Blank).

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

20           All information collected, shared, or stored pursuant to  
21           this subsection shall be handled in accordance with all State  
22           and federal privacy laws and accompanying regulations and  
23           rules, including without limitation the federal Health  
24           Insurance Portability and Accountability Act of 1996 (Public  
25           Law 104-191) and the Mental Health and Developmental  
26           Disabilities Confidentiality Act.

1           (c) The Department shall establish and maintain  
2 tax-supported child welfare services and extend and seek to  
3 improve voluntary services throughout the State, to the end  
4 that services and care shall be available on an equal basis  
5 throughout the State to children requiring such services.

6           (d) The Director may authorize advance disbursements for  
7 any new program initiative to any agency contracting with the  
8 Department. As a prerequisite for an advance disbursement, the  
9 contractor must post a surety bond in the amount of the advance  
10 disbursement and have a purchase of service contract approved  
11 by the Department. The Department may pay up to 2 months  
12 operational expenses in advance. The amount of the advance  
13 disbursement shall be prorated over the life of the contract  
14 or the remaining months of the fiscal year, whichever is less,  
15 and the installment amount shall then be deducted from future  
16 bills. Advance disbursement authorizations for new initiatives  
17 shall not be made to any agency after that agency has operated  
18 during 2 consecutive fiscal years. The requirements of this  
19 Section concerning advance disbursements shall not apply with  
20 respect to the following: payments to local public agencies  
21 for child day care services as authorized by Section 5a of this  
22 Act; and youth service programs receiving grant funds under  
23 Section 17a-4.

24           (e) (Blank).

25           (f) (Blank).

26           (g) The Department shall establish rules and regulations

1 concerning its operation of programs designed to meet the  
2 goals of child safety and protection, family preservation,  
3 family reunification, and adoption, including, but not limited  
4 to:

5 (1) adoption;

6 (2) foster care;

7 (3) family counseling;

8 (4) protective services;

9 (5) (blank);

10 (6) homemaker service;

11 (7) return of runaway children;

12 (8) (blank);

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

17 (10) interstate services.

18 Rules and regulations established by the Department shall  
19 include provisions for training Department staff and the staff  
20 of Department grantees, through contracts with other agencies  
21 or resources, in screening techniques to identify substance  
22 use disorders, as defined in the Substance Use Disorder Act,  
23 approved by the Department of Human Services, as a successor  
24 to the Department of Alcoholism and Substance Abuse, for the  
25 purpose of identifying children and adults who should be  
26 referred for an assessment at an organization appropriately

1 licensed by the Department of Human Services for substance use  
2 disorder treatment.

3 (h) If the Department finds that there is no appropriate  
4 program or facility within or available to the Department for  
5 a youth in care and that no licensed private facility has an  
6 adequate and appropriate program or none agrees to accept the  
7 youth in care, the Department shall create an appropriate  
8 individualized, program-oriented plan for such youth in care.  
9 The plan may be developed within the Department or through  
10 purchase of services by the Department to the extent that it is  
11 within its statutory authority to do.

12 (i) Service programs shall be available throughout the  
13 State and shall include but not be limited to the following  
14 services:

- 15 (1) case management;
- 16 (2) homemakers;
- 17 (3) counseling;
- 18 (4) parent education;
- 19 (5) day care; and
- 20 (6) emergency assistance and advocacy.

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

- 23 (1) comprehensive family-based services;
- 24 (2) assessments;
- 25 (3) respite care; and
- 26 (4) in-home health services.

1           The Department shall provide transportation for any of the  
2 services it makes available to children or families or for  
3 which it refers children or families.

4           (j) The Department may provide categories of financial  
5 assistance and education assistance grants, and shall  
6 establish rules and regulations concerning the assistance and  
7 grants, to persons who adopt children with physical or mental  
8 disabilities, children who are older, or other hard-to-place  
9 children who (i) immediately prior to their adoption were  
10 youth in care or (ii) were determined eligible for financial  
11 assistance with respect to a prior adoption and who become  
12 available for adoption because the prior adoption has been  
13 dissolved and the parental rights of the adoptive parents have  
14 been terminated or because the child's adoptive parents have  
15 died. The Department may continue to provide financial  
16 assistance and education assistance grants for a child who was  
17 determined eligible for financial assistance under this  
18 subsection (j) in the interim period beginning when the  
19 child's adoptive parents died and ending with the finalization  
20 of the new adoption of the child by another adoptive parent or  
21 parents. The Department may also provide categories of  
22 financial assistance and education assistance grants, and  
23 shall establish rules and regulations for the assistance and  
24 grants, to persons appointed guardian of the person under  
25 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
26 4-25, or 5-740 of the Juvenile Court Act of 1987 for children

1 who were youth in care for 12 months immediately prior to the  
2 appointment of the guardian.

3 The amount of assistance may vary, depending upon the  
4 needs of the child and the adoptive parents, as set forth in  
5 the annual assistance agreement. Special purpose grants are  
6 allowed where the child requires special service but such  
7 costs may not exceed the amounts which similar services would  
8 cost the Department if it were to provide or secure them as  
9 guardian of the child.

10 Any financial assistance provided under this subsection is  
11 inalienable by assignment, sale, execution, attachment,  
12 garnishment, or any other remedy for recovery or collection of  
13 a judgment or debt.

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

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

22 (l) The Department shall offer family preservation  
23 services, as defined in Section 8.2 of the Abused and  
24 Neglected Child Reporting Act, to help families, including  
25 adoptive and extended families. Family preservation services  
26 shall be offered (i) to prevent the placement of children in

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

23 The Department shall notify the child and the child's  
24 family of the Department's responsibility to offer and provide  
25 family preservation services as identified in the service  
26 plan. The child and the child's family shall be eligible for

1 services as soon as the report is determined to be  
2 "indicated". The Department may offer services to any child or  
3 family with respect to whom a report of suspected child abuse  
4 or neglect has been filed, prior to concluding its  
5 investigation under Section 7.12 of the Abused and Neglected  
6 Child Reporting Act. However, the child's or family's  
7 willingness to accept services shall not be considered in the  
8 investigation. The Department may also provide services to any  
9 child or family who is the subject of any report of suspected  
10 child abuse or neglect or may refer such child or family to  
11 services available from other agencies in the community, even  
12 if the report is determined to be unfounded, if the conditions  
13 in the child's or family's home are reasonably likely to  
14 subject the child or family to future reports of suspected  
15 child abuse or neglect. Acceptance of such services shall be  
16 voluntary. The Department may also provide services to any  
17 child or family after completion of a family assessment, as an  
18 alternative to an investigation, as provided under the  
19 "differential response program" provided for in subsection  
20 (a-5) of Section 7.4 of the Abused and Neglected Child  
21 Reporting Act.

22 The Department may, at its discretion except for those  
23 children also adjudicated neglected or dependent, accept for  
24 care and training any child who has been adjudicated addicted,  
25 as a truant minor in need of supervision or as a minor  
26 requiring authoritative intervention, under the Juvenile Court

1 Act or the Juvenile Court Act of 1987, but no such child shall  
2 be committed to the Department by any court without the  
3 approval of the Department. On and after January 1, 2015 (the  
4 effective date of Public Act 98-803) and before January 1,  
5 2017, a minor charged with a criminal offense under the  
6 Criminal Code of 1961 or the Criminal Code of 2012 or  
7 adjudicated delinquent shall not be placed in the custody of  
8 or committed to the Department by any court, except (i) a minor  
9 less than 16 years of age committed to the Department under  
10 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
11 for whom an independent basis of abuse, neglect, or dependency  
12 exists, which must be defined by departmental rule, or (iii) a  
13 minor for whom the court has granted a supplemental petition  
14 to reinstate wardship pursuant to subsection (2) of Section  
15 2-33 of the Juvenile Court Act of 1987. On and after 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 15 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. An independent basis

1 exists when the allegations or adjudication of abuse, neglect,  
2 or dependency do not arise from the same facts, incident, or  
3 circumstances which give rise to a charge or adjudication of  
4 delinquency. The Department shall assign a caseworker to  
5 attend any hearing involving a youth in the care and custody of  
6 the Department who is placed on aftercare release, including  
7 hearings involving sanctions for violation of aftercare  
8 release conditions and aftercare release revocation hearings.

9 As soon as is possible after August 7, 2009 (the effective  
10 date of Public Act 96-134), the Department shall develop and  
11 implement a special program of family preservation services to  
12 support intact, foster, and adoptive families who are  
13 experiencing extreme hardships due to the difficulty and  
14 stress of caring for a child who has been diagnosed with a  
15 pervasive developmental disorder if the Department determines  
16 that those services are necessary to ensure the health and  
17 safety of the child. The Department may offer services to any  
18 family whether or not a report has been filed under the Abused  
19 and Neglected Child Reporting Act. The Department may refer  
20 the child or family to services available from other agencies  
21 in the community if the conditions in the child's or family's  
22 home are reasonably likely to subject the child or family to  
23 future reports of suspected child abuse or neglect. Acceptance  
24 of these services shall be voluntary. The Department shall  
25 develop and implement a public information campaign to alert  
26 health and social service providers and the general public

1 about these special family preservation services. The nature  
2 and scope of the services offered and the number of families  
3 served under the special program implemented under this  
4 paragraph shall be determined by the level of funding that the  
5 Department annually allocates for this purpose. The term  
6 "pervasive developmental disorder" under this paragraph means  
7 a neurological condition, including, but not limited to,  
8 Asperger's Syndrome and autism, as defined in the most recent  
9 edition of the Diagnostic and Statistical Manual of Mental  
10 Disorders of the American Psychiatric Association.

11 (1-1) The General Assembly recognizes that the best  
12 interests of the child require that the child be placed in the  
13 most permanent living arrangement as soon as is practically  
14 possible. To achieve this goal, the General Assembly directs  
15 the Department of Children and Family Services to conduct  
16 concurrent planning so that permanency may occur at the  
17 earliest opportunity. Permanent living arrangements may  
18 include prevention of placement of a child outside the home of  
19 the family when the child can be cared for at home without  
20 endangering the child's health or safety; reunification with  
21 the family, when safe and appropriate, if temporary placement  
22 is necessary; or movement of the child toward the most  
23 permanent living arrangement and permanent legal status.

24 When determining reasonable efforts to be made with  
25 respect to a child, as described in this subsection, and in  
26 making such reasonable efforts, the child's health and safety

1 shall be the paramount concern.

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

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

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

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

1 the family;

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

3 (5) the foster parents' willingness to work with the  
4 family to reunite;

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

7 (7) the age of the child;

8 (8) placement of siblings.

9 (m) The Department may assume temporary custody of any  
10 child if:

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

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

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

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

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

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

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

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

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

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

1 this Section. All reimbursements for services delivered shall  
2 be absolutely inalienable by assignment, sale, attachment, or  
3 garnishment or otherwise.

4 (n-1) The Department shall provide or authorize child  
5 welfare services, aimed at assisting minors to achieve  
6 sustainable self-sufficiency as independent adults, for any  
7 minor eligible for the reinstatement of wardship pursuant to  
8 subsection (2) of Section 2-33 of the Juvenile Court Act of  
9 1987, whether or not such reinstatement is sought or allowed,  
10 provided that the minor consents to such services and has not  
11 yet attained the age of 21. The Department shall have  
12 responsibility for the development and delivery of services  
13 under this Section. An eligible youth may access services  
14 under this Section through the Department of Children and  
15 Family Services or by referral from the Department of Human  
16 Services. Youth participating in services under this Section  
17 shall cooperate with the assigned case manager in developing  
18 an agreement identifying the services to be provided and how  
19 the youth will increase skills to achieve self-sufficiency. A  
20 homeless shelter is not considered appropriate housing for any  
21 youth receiving child welfare services under this Section. The  
22 Department shall continue child welfare services under this  
23 Section to any eligible minor until the minor becomes 21 years  
24 of age, no longer consents to participate, or achieves  
25 self-sufficiency as identified in the minor's service plan.  
26 The Department of Children and Family Services shall create

1 clear, readable notice of the rights of former foster youth to  
2 child welfare services under this Section and how such  
3 services may be obtained. The Department of Children and  
4 Family Services and the Department of Human Services shall  
5 disseminate this information statewide. The Department shall  
6 adopt regulations describing services intended to assist  
7 minors in achieving sustainable self-sufficiency as  
8 independent adults.

9 (o) The Department shall establish an administrative  
10 review and appeal process for children and families who  
11 request or receive child welfare services from the Department.  
12 Youth in care who are placed by private child welfare  
13 agencies, and foster families with whom those youth are  
14 placed, shall be afforded the same procedural and appeal  
15 rights as children and families in the case of placement by the  
16 Department, including the right to an initial review of a  
17 private agency decision by that agency. The Department shall  
18 ensure that any private child welfare agency, which accepts  
19 youth in care for placement, affords those rights to children  
20 and foster families. The Department shall accept for  
21 administrative review and an appeal hearing a complaint made  
22 by (i) a child or foster family concerning a decision  
23 following an initial review by a private child welfare agency  
24 or (ii) a prospective adoptive parent who alleges a violation  
25 of subsection (j-5) of this Section. An appeal of a decision  
26 concerning a change in the placement of a child shall be

1 conducted in an expedited manner. A court determination that a  
2 current foster home placement is necessary and appropriate  
3 under Section 2-28 of the Juvenile Court Act of 1987 does not  
4 constitute a judicial determination on the merits of an  
5 administrative appeal, filed by a former foster parent,  
6 involving a change of placement decision.

7 (p) (Blank).

8 (q) The Department may receive and use, in their entirety,  
9 for the benefit of children any gift, donation, or bequest of  
10 money or other property which is received on behalf of such  
11 children, or any financial benefits to which such children are  
12 or may become entitled while under the jurisdiction or care of  
13 the Department, except that the benefits described in Section  
14 5.46 must be used and conserved consistent with the provisions  
15 under Section 5.46.

16 The Department shall set up and administer no-cost,  
17 interest-bearing accounts in appropriate financial  
18 institutions for children for whom the Department is legally  
19 responsible and who have been determined eligible for  
20 Veterans' Benefits, Social Security benefits, assistance  
21 allotments from the armed forces, court ordered payments,  
22 parental voluntary payments, Supplemental Security Income,  
23 Railroad Retirement payments, Black Lung benefits, or other  
24 miscellaneous payments. Interest earned by each account shall  
25 be credited to the account, unless disbursed in accordance  
26 with this subsection.

1           In disbursing funds from children's accounts, the  
2 Department shall:

3           (1) Establish standards in accordance with State and  
4 federal laws for disbursing money from children's  
5 accounts. In all circumstances, the Department's  
6 Guardianship Administrator or the Guardianship  
7 Administrator's designee must approve disbursements from  
8 children's accounts. The Department shall be responsible  
9 for keeping complete records of all disbursements for each  
10 account for any purpose.

11           (2) Calculate on a monthly basis the amounts paid from  
12 State funds for the child's board and care, medical care  
13 not covered under Medicaid, and social services; and  
14 utilize funds from the child's account, as covered by  
15 regulation, to reimburse those costs. Monthly,  
16 disbursements from all children's accounts, up to 1/12 of  
17 \$13,000,000, shall be deposited by the Department into the  
18 General Revenue Fund and the balance over 1/12 of  
19 \$13,000,000 into the DCFS Children's Services Fund.

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

25           (r) The Department shall promulgate regulations  
26 encouraging all adoption agencies to voluntarily forward to

1 the Department or its agent names and addresses of all persons  
2 who have applied for and have been approved for adoption of a  
3 hard-to-place child or child with a disability and the names  
4 of such children who have not been placed for adoption. A list  
5 of such names and addresses shall be maintained by the  
6 Department or its agent, and coded lists which maintain the  
7 confidentiality of the person seeking to adopt the child and  
8 of the child shall be made available, without charge, to every  
9 adoption agency in the State to assist the agencies in placing  
10 such children for adoption. The Department may delegate to an  
11 agent its duty to maintain and make available such lists. The  
12 Department shall ensure that such agent maintains the  
13 confidentiality of the person seeking to adopt the child and  
14 of the child.

15 (s) The Department of Children and Family Services may  
16 establish and implement a program to reimburse Department and  
17 private child welfare agency foster parents licensed by the  
18 Department of Children and Family Services for damages  
19 sustained by the foster parents as a result of the malicious or  
20 negligent acts of foster children, as well as providing third  
21 party coverage for such foster parents with regard to actions  
22 of foster children to other individuals. Such coverage will be  
23 secondary to the foster parent liability insurance policy, if  
24 applicable. The program shall be funded through appropriations  
25 from the General Revenue Fund, specifically designated for  
26 such purposes.

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

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

7                 (2) the court has ordered one or both of the parties to  
8 the proceeding to reimburse the Department for its  
9 reasonable costs for providing such services in accordance  
10 with Department rules, or has determined that neither  
11 party is financially able to pay.

12           The Department shall provide written notification to the  
13 court of the specific arrangements for supervised visitation  
14 and projected monthly costs within 60 days of the court order.  
15 The Department shall send to the court information related to  
16 the costs incurred except in cases where the court has  
17 determined the parties are financially unable to pay. The  
18 court may order additional periodic reports as appropriate.

19           (u) In addition to other information that must be  
20 provided, whenever the Department places a child with a  
21 prospective adoptive parent or parents, in a licensed foster  
22 home, group home, or child care institution, or in a relative  
23 home, the Department shall provide to the prospective adoptive  
24 parent or parents or other caretaker:

25                 (1) available detailed information concerning the  
26 child's educational and health history, copies of

1 immunization records (including insurance and medical card  
2 information), a history of the child's previous  
3 placements, if any, and reasons for placement changes  
4 excluding any information that identifies or reveals the  
5 location of any previous caretaker;

6 (2) a copy of the child's portion of the client  
7 service plan, including any visitation arrangement, and  
8 all amendments or revisions to it as related to the child;  
9 and

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

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

1 subsection.

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

17       (u-5) Effective July 1, 1995, only foster care placements  
18 licensed as foster family homes pursuant to the Child Care Act  
19 of 1969 shall be eligible to receive foster care payments from  
20 the Department. Relative caregivers who, as of July 1, 1995,  
21 were approved pursuant to approved relative placement rules  
22 previously promulgated by the Department at 89 Ill. Adm. Code  
23 335 and had submitted an application for licensure as a foster  
24 family home may continue to receive foster care payments only  
25 until the Department determines that they may be licensed as a  
26 foster family home or that their application for licensure is

1 denied or until September 30, 1995, whichever occurs first.

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

23 (v-1) Prior to final approval for placement of a child,  
24 the Department shall conduct a criminal records background  
25 check of the prospective foster or adoptive parent, including  
26 fingerprint-based checks of national crime information

1 databases. Final approval for placement shall not be granted  
2 if the record check reveals a felony conviction for child  
3 abuse or neglect, for spousal abuse, for a crime against  
4 children, or for a crime involving violence, including rape,  
5 sexual assault, or homicide, but not including other physical  
6 assault or battery, or if there is a felony conviction for  
7 physical assault, battery, or a drug-related offense committed  
8 within the past 5 years.

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

17 (w) Within 120 days of August 20, 1995 (the effective date  
18 of Public Act 89-392), the Department shall prepare and submit  
19 to the Governor and the General Assembly, a written plan for  
20 the development of in-state licensed secure child care  
21 facilities that care for children who are in need of secure  
22 living arrangements for their health, safety, and well-being.  
23 For purposes of this subsection, secure care facility shall  
24 mean a facility that is designed and operated to ensure that  
25 all entrances and exits from the facility, a building or a  
26 distinct part of the building, are under the exclusive control

1 of the staff of the facility, whether or not the child has the  
2 freedom of movement within the perimeter of the facility,  
3 building, or distinct part of the building. The plan shall  
4 include descriptions of the types of facilities that are  
5 needed in Illinois; the cost of developing these secure care  
6 facilities; the estimated number of placements; the potential  
7 cost savings resulting from the movement of children currently  
8 out-of-state who are projected to be returned to Illinois; the  
9 necessary geographic distribution of these facilities in  
10 Illinois; and a proposed timetable for development of such  
11 facilities.

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

24 (y) Beginning on July 22, 2010 (the effective date of  
25 Public Act 96-1189), a child with a disability who receives  
26 residential and educational services from the Department shall

1 be eligible to receive transition services in accordance with  
2 Article 14 of the School Code from the age of 14.5 through age  
3 21, inclusive, notwithstanding the child's residential  
4 services arrangement. For purposes of this subsection, "child  
5 with a disability" means a child with a disability as defined  
6 by the federal Individuals with Disabilities Education  
7 Improvement Act of 2004.

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

1 his or her social security number on any form prescribed by the  
2 Department that authorizes a criminal history record or  
3 background check. The Department shall amend 89 Ill. Adm. Code  
4 385.40(b) in accordance with this subsection.

5 For purposes of this subsection:

6 "Background information" means all of the following:

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

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

20 (iii) Information obtained by the Department of  
21 Children and Family Services after performing a check of  
22 the Child Abuse and Neglect Tracking System (CANTS)  
23 operated and maintained by the Department.

24 "Background information" does not include a Department  
25 volunteer's social security number.

26 "Department employee" means a full-time or temporary

1 employee coded or certified within the State of Illinois  
2 Personnel System.

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

12 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
13 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.  
14 1-1-24; 103-546, eff. 8-11-23; 103-605, eff. 7-1-24.)

15 Section 10. The Juvenile Court Act of 1987 is amended by  
16 changing Section 2-17.1 as follows:

17 (705 ILCS 405/2-17.1)

18 Sec. 2-17.1. Court appointed special advocate.

19 (1) The court shall appoint a special advocate upon the  
20 filing of a petition under this Article or at any time during  
21 the pendency of a proceeding under this Article if special  
22 advocates are available. The court appointed special advocate  
23 may also serve as guardian ad litem by appointment of the court  
24 under Section 2-17 of this Act.

1 (1.2) In counties of populations over 3,000,000 the court  
2 may appoint a special advocate upon the filing of a petition  
3 under this Article or at any time during the pendency of a  
4 proceeding under this Article. No special advocate shall act  
5 as guardian ad litem in counties of populations over  
6 3,000,000.

7 (1.5) "Court appointed special advocate" means a community  
8 volunteer who:

9 (a) is 21 or older;

10 (b) shall receive training with State and nationally  
11 developed standards, has been screened and trained  
12 regarding child abuse and neglect, child development, and  
13 juvenile court proceedings according to the standards of  
14 the National CASA Association;

15 (c) is being actively supervised by a court appointed  
16 special advocate program in good standing with the  
17 Illinois Association of Court Appointed Special Advocates;  
18 and

19 (d) has been sworn in by a circuit court judge  
20 assigned to juvenile cases in the circuit court in which  
21 the court appointed special advocate wishes to serve.

22 Court appointed special advocate programs shall promote  
23 policies, practices, and procedures that are culturally  
24 competent. As used in this Section, "cultural competency"  
25 means the capacity to function in more than one culture,  
26 requiring the ability to appreciate, understand, and interact

1 with members of diverse populations within the local  
2 community.

3 (2) The court appointed special advocate shall:

4 (a) conduct an independent assessment to monitor the  
5 facts and circumstances surrounding the case by monitoring  
6 the court order;

7 (b) maintain regular and sufficient in-person contact  
8 with the minor;

9 (c) submit written reports to the court regarding the  
10 minor's best interests;

11 (d) advocate for timely court hearings to obtain  
12 permanency for the minor;

13 (e) be notified of all administrative case reviews  
14 pertaining to the minor and work with the parties'  
15 attorneys, the guardian ad litem, and others assigned to  
16 the minor's case to protect the minor's health, safety,  
17 and best interests and insure the proper delivery of child  
18 welfare services;

19 (f) attend all court hearings and other proceedings to  
20 advocate for the minor's best interests;

21 (g) monitor compliance with the case plan and all  
22 court orders; and

23 (h) review all court documents that relate to the  
24 minor child.

25 (2.1) The court may consider, at its discretion, testimony  
26 of the court appointed special advocate pertaining to the

1 well-being of the minor.

2 (2.2) Upon presentation of an order of appointment, a  
3 court appointed special advocate shall have access to all  
4 records and information relevant to the minor's case with  
5 regard to the minor child.

6 (2.2-1) All records and information acquired, reviewed, or  
7 produced by a court appointed special advocate during the  
8 course of the court appointed special advocate's appointment  
9 shall be deemed confidential and shall not be disclosed except  
10 as ordered by the court.

11 (3) Court appointed special advocates shall serve as  
12 volunteers without compensation and shall receive training  
13 consistent with nationally developed standards.

14 (4) No person convicted of a criminal offense as specified  
15 in Section 4.2 of the Child Care Act of 1969 and no person  
16 identified as a perpetrator of an act of child abuse or neglect  
17 as reflected in the Department of Children and Family Services  
18 State Central Register shall serve as a court appointed  
19 special advocate.

20 (4.5) No person appointed to serve as a court appointed  
21 special advocate shall be required to list or provide his or  
22 her social security number on any form prescribed by the court  
23 that authorizes a criminal history record or background check.

24 (5) All costs associated with the appointment and duties  
25 of the court appointed special advocate shall be paid by the  
26 court appointed special advocate or an organization of court

1 appointed special advocates. In no event shall the court  
2 appointed special advocate be liable for any costs of services  
3 provided to the child.

4 (6) The court may remove the court appointed special  
5 advocate or the guardian ad litem from a case upon finding that  
6 the court appointed special advocate or the guardian ad litem  
7 has acted in a manner contrary to the child's best interest or  
8 if the court otherwise deems continued service is unwanted or  
9 unnecessary.

10 (7) In any county in which a program of court appointed  
11 special advocates is in operation, the provisions of this  
12 Section shall apply.

13 (8) Any court appointed special advocate acting in good  
14 faith within the scope of the court appointed special  
15 advocate's appointment shall have immunity from any civil or  
16 criminal liability that otherwise might result by reason of  
17 the court appointed special advocate's actions, except in  
18 cases of willful and wanton misconduct. For the purpose of any  
19 civil or criminal proceedings, the good faith of any court  
20 appointed special advocate shall be presumed.

21 (Source: P.A. 102-607, eff. 1-1-22; 103-22, eff. 8-8-23.)