



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5015

Introduced 2/10/2026, by Rep. Tony M. McCombie - Steven Reick  
and Tom Weber

#### SYNOPSIS AS INTRODUCED:

20 ILCS 505/5  
225 ILCS 10/4.1

from Ch. 23, par. 2214.1

Amends the Children and Family Services Act. Requires each employee or applicant of the Department of Children and Family Services to self-report to the Department within 30 days of incurring any subsequent criminal history record information while employed or in anticipation of being employed at the Department, along with completing a self-certification form each year that there have been no updates to the employee's or applicant's criminal history record, on a form to be prescribed by the Department. Amends the Child Care Act of 1969. Requires each employee and volunteer of a child care facility or non-licensed service provider under the authority of the Department of Children and Family Services or the Department of Early Childhood to self-report to the appropriate Department within 30 days of incurring any subsequent criminal history record information while employed or in anticipation of being employed at the child care facility or non-licensed service provider, along with completing a self-certification form each year that there have been no updates to the employee's or volunteer's criminal history record, on a form to be prescribed by the appropriate Department. Defines "employee" to mean any staff person employed at a child care facility or non-licensed service provider, including any unlicensed contractual employee, substitute, or assistant and other support staff who have access to children.

LRB104 19221 KTG 32666 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 (Text of Section before amendment by P.A. 104-107)

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  
17 the Juvenile Court Act or the Juvenile Court Act of  
18 1987 and who continue under the jurisdiction of the  
19 court; or

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

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

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

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

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

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

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

25                 (D) restoring to their families children who have  
26                 been removed, by the provision of services to the

1 child and the families when the child can be cared for  
2 at home without endangering the child's health and  
3 safety;

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

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

15 (G) (blank);

16 (H) (blank); and

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

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

1 (ii) who are persons with a developmental  
2 disability, as defined in the Mental Health and  
3 Developmental Disabilities Code, or

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

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

10 (b) (Blank).

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

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

1 Disabilities Confidentiality Act.

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

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

25 (e) (Blank).

26 (f) (Blank).

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

5 (1) reunification, guardianship, and adoption;

6 (2) relative and licensed 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;
- 20 (6) emergency assistance and advocacy; and
- 21 (7) kinship navigator and relative caregiver supports.

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

- 24 (1) comprehensive family-based services;
- 25 (2) assessments;
- 26 (3) respite care; and

1           (4) in-home health services.

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

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

1 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
2 4-25, or 5-740 of the Juvenile Court Act of 1987 for children  
3 who were youth in care for 12 months immediately prior to the  
4 appointment of the guardian.

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

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

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

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

24 (l) The Department shall offer family preservation  
25 services, as defined in Section 8.2 of the Abused and  
26 Neglected Child Reporting Act, to help families, including

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

26 The Department shall notify the child and the child's

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

25 The Department may, at its discretion except for those  
26 children also adjudicated neglected or dependent, accept for

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

1 minor for whom the court has granted a supplemental petition  
2 to reinstate wardship pursuant to subsection (2) of Section  
3 2-33 of the Juvenile Court Act of 1987. An independent basis  
4 exists when the allegations or adjudication of abuse, neglect,  
5 or dependency do not arise from the same facts, incident, or  
6 circumstances which give rise to a charge or adjudication of  
7 delinquency. The Department shall assign a caseworker to  
8 attend any hearing involving a youth in the care and custody of  
9 the Department who is placed on aftercare release, including  
10 hearings involving sanctions for violation of aftercare  
11 release conditions and aftercare release revocation hearings.

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

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

13 (1-1) The General Assembly recognizes that the best  
14 interests of the child require that the child be placed in the  
15 most permanent living arrangement that is an appropriate  
16 option for the child, consistent with the child's best  
17 interest, using the factors set forth in subsection (4.05) of  
18 Section 1-3 of the Juvenile Court Act of 1987 as soon as is  
19 practically possible. To achieve this goal, the General  
20 Assembly directs the Department of Children and Family  
21 Services to conduct concurrent planning so that permanency may  
22 occur at the earliest opportunity. Permanent living  
23 arrangements may include prevention of placement of a child  
24 outside the home of the family when the child can be cared for  
25 at home without endangering the child's health or safety;  
26 reunification with the family, when safe and appropriate, if

1 temporary placement is necessary; or movement of the child  
2 toward the most appropriate living arrangement and legal  
3 status.

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

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

20 A decision to place a child in substitute care shall be  
21 made with considerations of the child's health, safety, and  
22 best interests. The Department shall make diligent efforts to  
23 place the child with a relative, document those diligent  
24 efforts, and document reasons for any failure or inability to  
25 secure such a relative placement. If the primary issue  
26 preventing an emergency placement of a child with a relative

1 is a lack of resources, including, but not limited to,  
2 concrete goods, safety modifications, and services, the  
3 Department shall make diligent efforts to assist the relative  
4 in obtaining the necessary resources. No later than July 1,  
5 2025, the Department shall adopt rules defining what is  
6 diligent and necessary in providing supports to potential  
7 relative placements. At the time of placement, consideration  
8 should also be given so that if reunification fails or is  
9 delayed, the placement has the potential to be an appropriate  
10 permanent placement for the child.

11 The Department shall adopt rules addressing concurrent  
12 planning for reunification and permanency. The Department  
13 shall consider the following factors when determining  
14 appropriateness of concurrent planning:

- 15 (1) the likelihood of prompt reunification;
- 16 (2) the past history of the family;
- 17 (3) the barriers to reunification being addressed by  
18 the family;
- 19 (4) the level of cooperation of the family;
- 20 (4.5) the child's wishes;
- 21 (5) the caregivers' willingness to work with the  
22 family to reunite;
- 23 (6) the willingness and ability of the caregivers' to  
24 provide a permanent placement;
- 25 (7) the age of the child;
- 26 (8) placement of siblings; and

1           (9) the wishes of the parent or parents unless the  
2           parental preferences are contrary to the best interests of  
3           the child.

4           (m) The Department may assume temporary custody of any  
5           child if:

6           (1) it has received a written consent to such  
7           temporary custody signed by the parents of the child or by  
8           the parent having custody of the child if the parents are  
9           not living together or by the guardian or custodian of the  
10          child if the child is not in the custody of either parent,  
11          or

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

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

1 resume permanent charge. After a caretaker has remained in the  
2 home for a period not to exceed 12 hours, the Department must  
3 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
4 5-415 of the Juvenile Court Act of 1987.

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

19 The Department shall ensure that any child taken into  
20 custody is scheduled for an appointment for a medical  
21 examination.

22 A parent, guardian, or custodian of a child in the  
23 temporary custody of the Department who would have custody of  
24 the child if the child were not in the temporary custody of the  
25 Department may deliver to the Department a signed request that  
26 the Department surrender the temporary custody of the child.

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

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

26 (n) The Department may place children under 18 years of

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

25 (n-1) The Department shall provide or authorize child  
26 welfare services, aimed at assisting minors to achieve

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

1 adopt regulations describing services intended to assist  
2 minors in achieving sustainable self-sufficiency as  
3 independent adults.

4 (o) The Department shall establish an administrative  
5 review and appeal process for children and families who  
6 request or receive child welfare services from the Department.  
7 Youth in care who are placed by private child welfare  
8 agencies, and caregivers with whom those youth are placed,  
9 shall be afforded the same procedural and appeal rights as  
10 children and families in the case of placement by the  
11 Department, including the right to an initial review of a  
12 private agency decision by that agency. The Department shall  
13 ensure that any private child welfare agency, which accepts  
14 youth in care for placement, affords those rights to children  
15 and caregivers with whom those children are placed. The  
16 Department shall accept for administrative review and an  
17 appeal hearing a complaint made by (i) a child or caregiver  
18 with whom the child is placed concerning a decision following  
19 an initial review by a private child welfare agency or (ii) a  
20 prospective adoptive parent who alleges a violation of  
21 subsection (j-5) of this Section. An appeal of a decision  
22 concerning a change in the placement of a child shall be  
23 conducted in an expedited manner. A court determination that a  
24 current placement is necessary and appropriate under Section  
25 2-28 of the Juvenile Court Act of 1987 does not constitute a  
26 judicial determination on the merits of an administrative

1 appeal, filed by a former caregiver, involving a change of  
2 placement decision. No later than July 1, 2025, the Department  
3 shall adopt rules to develop a reconsideration process to  
4 review: a denial of certification of a relative, a denial of  
5 placement with a relative, and a denial of visitation with an  
6 identified relative. Rules shall include standards and  
7 criteria for reconsideration that incorporate the best  
8 interests of the child under subsection (4.05) of Section 1-3  
9 of the Juvenile Court Act of 1987, address situations where  
10 multiple relatives seek certification, and provide that all  
11 rules regarding placement changes shall be followed. The rules  
12 shall outline the essential elements of each form used in the  
13 implementation and enforcement of the provisions of this  
14 amendatory Act of the 103rd General Assembly.

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 caregivers  
25          licensed, certified, or otherwise approved by the Department  
26          of Children and Family Services for damages sustained by the

1 caregivers as a result of the malicious or negligent acts of  
2 children placed by the Department, as well as providing third  
3 party coverage for such caregivers with regard to actions of  
4 children placed by the Department to other individuals. Such  
5 coverage will be secondary to the caregiver's liability  
6 insurance policy, if applicable. The program shall be funded  
7 through appropriations from the General Revenue Fund,  
8 specifically designated for 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, in a relative  
5 home, or in a certified relative caregiver home, the  
6 Department shall provide to the caregiver, appropriate  
7 facility staff, or prospective adoptive parent or parents:

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

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

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

22           The caregiver, appropriate facility staff, or prospective  
23 adoptive parent or parents, shall be informed of any known  
24 social or behavioral information (including, but not limited  
25 to, criminal background, fire setting, perpetuation of sexual  
26 abuse, destructive behavior, and substance abuse) necessary to

1 care for and safeguard the children to be placed or currently  
2 in the home or setting. The Department may prepare a written  
3 summary of the information required by this paragraph, which  
4 may be provided to the caregiver, appropriate facility staff,  
5 or prospective adoptive parent in advance of a placement. The  
6 caregiver, appropriate facility staff, or prospective adoptive  
7 parent may review the supporting documents in the child's file  
8 in the presence of casework staff. In the case of an emergency  
9 placement, casework staff shall at least provide known  
10 information verbally, if necessary, and must subsequently  
11 provide the information in writing as required by this  
12 subsection.

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

1 parents shall be reviewed and approved regarding accuracy at  
2 the supervisory level.

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

14 (u-6) To assist relative and certified relative  
15 caregivers, no later than July 1, 2025, the Department shall  
16 adopt rules to implement a relative support program, as  
17 follows:

18 (1) For relative and certified relative caregivers,  
19 the Department is authorized to reimburse or prepay  
20 reasonable expenditures to remedy home conditions  
21 necessary to fulfill the home safety-related requirements  
22 of relative caregiver homes.

23 (2) The Department may provide short-term emergency  
24 funds to relative and certified relative caregiver homes  
25 experiencing extreme hardships due to the difficulty and  
26 stress associated with adding youth in care as new

1 household members.

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

23 (u-7) To support finding permanency for children through  
24 subsidized guardianship and adoption and to prevent disruption  
25 in guardianship and adoptive placements, the Department shall  
26 establish and maintain accessible subsidized guardianship and

1 adoption support services for all children under 18 years of  
2 age placed in guardianship or adoption who, immediately  
3 preceding the guardianship or adoption, were in the custody or  
4 guardianship of the Department under Article II of the  
5 Juvenile Court Act of 1987.

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

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

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

24 (3) it shall reference such information in the  
25 materials the Department provides to caregivers pursuing  
26 subsidized guardianship to inform them of their rights and

1 responsibilities under the Child Care Act of 1969 and this  
2 Act;

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

8 (5) it shall include, in each annual notification  
9 letter mailed to subsidized guardians, a short, 2-sided  
10 flier or news bulletin in plain language that describes  
11 access to post-guardianship services, how to access  
12 services under the Family Support Program, formerly known  
13 as the Individual Care Grant Program, the webpage address  
14 to the Post Adoption and Guardianship Services booklet,  
15 information on how to request that a copy of the booklet be  
16 mailed; and

17 (6) it shall ensure that kinship navigator programs of  
18 this State, when established, have this information to  
19 include in materials the programs provide to caregivers.

20 No later than July 1, 2026, the Department shall provide a  
21 mechanism for the public to make information requests by  
22 electronic means.

23 The Department shall review and update annually all  
24 information relating to its subsidized guardianship support  
25 services, including its Post Adoption and Guardianship  
26 Services booklet, to include updated information on Family

1 Support Program services eligibility and subsidized  
2 guardianship support services that are available through the  
3 medical assistance program established under Article V of the  
4 Illinois Public Aid Code or any other State program for mental  
5 health services. The Department and the Department of  
6 Healthcare and Family Services shall coordinate their efforts  
7 in the development of these resources.

8 Every licensed child welfare agency and any entity  
9 providing kinship navigator programs funded by the Department  
10 shall provide the Department's website address and link to the  
11 Department's subsidized guardianship support services  
12 information set forth in subsection (d), including the  
13 Department's toll-free number, to every relative who is or  
14 will be providing guardianship placement for a child placed by  
15 the Department.

16 (v) The Department shall access criminal history record  
17 information as defined in the Illinois Uniform Conviction  
18 Information Act and information maintained in the adjudicatory  
19 and dispositional record system as defined in Section 2605-355  
20 of the Illinois State Police Law if the Department determines  
21 the information is necessary to perform its duties under the  
22 Abused and Neglected Child Reporting Act, the Child Care Act  
23 of 1969, and the Children and Family Services Act. The  
24 Department shall provide for interactive computerized  
25 communication and processing equipment that permits direct  
26 online ~~on-line~~ communication with the Illinois State Police's

1 central criminal history data repository. The Department shall  
2 comply with all certification requirements and provide  
3 certified operators who have been trained by personnel from  
4 the Illinois State Police. In addition, one Office of the  
5 Inspector General investigator shall have training in the use  
6 of the criminal history information access system and have  
7 access to the terminal. The Department of Children and Family  
8 Services and its employees shall abide by rules and  
9 regulations established by the Illinois State Police relating  
10 to the access and dissemination of this information.

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

24 (v-2) Prior to final approval for placement of a child  
25 with a foster or adoptive parent, the Department shall check  
26 its child abuse and neglect registry for information

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

7 (v-3) Prior to the final approval of final placement of a  
8 related child in a certified relative caregiver home as  
9 defined in Section 2.37 of the Child Care Act of 1969, the  
10 Department shall ensure that the background screening meets  
11 the standards required under subsection (c) of Section 3.4 of  
12 the Child Care Act of 1969.

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

18 (i) check the child abuse and neglect registry for  
19 information concerning the prospective relative caregiver  
20 and any other adult living in the home. If any prospective  
21 relative caregiver or other adult living in the home has  
22 resided in another state in the preceding 5 years, the  
23 Department shall request a check of that other state's  
24 child abuse and neglect registry; and

25 (ii) conduct a criminal records background check of  
26 the prospective relative caregiver and all other adults

1 living in the home, including fingerprint-based checks of  
2 national crime information databases. Final approval for  
3 placement shall not be granted if the record check reveals  
4 a felony conviction for child abuse or neglect, for  
5 spousal abuse, for a crime against children, or for a  
6 crime involving violence, including human trafficking, sex  
7 trafficking, rape, sexual assault, or homicide, but not  
8 including other physical assault or battery, or if there  
9 is a felony conviction for physical assault, battery, or a  
10 drug-related offense committed within the past 5 years;  
11 provided however, that the Department is empowered to  
12 grant a waiver as the Department may provide by rule, and  
13 the Department approves the request for the waiver based  
14 on a comprehensive evaluation of the caregiver and  
15 household members and the conditions relating to the  
16 safety of the placement.

17 No later than July 1, 2025, the Department shall adopt  
18 rules or revise existing rules to effectuate the changes made  
19 to this subsection (v-4). The rules shall outline the  
20 essential elements of each form used in the implementation and  
21 enforcement of the provisions of this amendatory Act of the  
22 103rd General Assembly.

23 (w) (Blank).

24 (x) The Department shall conduct annual credit history  
25 checks to determine the financial history of children placed  
26 under its guardianship pursuant to the Juvenile Court Act of

1 1987. The Department shall conduct such credit checks starting  
2 when a youth in care turns 12 years old and each year  
3 thereafter for the duration of the guardianship as terminated  
4 pursuant to the Juvenile Court Act of 1987. The Department  
5 shall determine if financial exploitation of the child's  
6 personal information has occurred. If financial exploitation  
7 appears to have taken place or is presently ongoing, the  
8 Department shall notify the proper law enforcement agency, the  
9 proper State's Attorney, or the Attorney General.

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

20 (z) The Department shall access criminal history record  
21 information as defined as "background information" in this  
22 subsection and criminal history record information as defined  
23 in the Illinois Uniform Conviction Information Act for each  
24 Department employee or Department applicant. Each Department  
25 employee or Department applicant shall submit the employee's  
26 or applicant's fingerprints to the Illinois State Police in

1 the form and manner prescribed by the Illinois State Police.  
2 These fingerprints shall be checked against the fingerprint  
3 records now and hereafter filed in the Illinois State Police  
4 and the Federal Bureau of Investigation criminal history  
5 records databases. The Illinois State Police shall charge a  
6 fee for conducting the criminal history record check, which  
7 shall be deposited into the State Police Services Fund and  
8 shall not exceed the actual cost of the record check. The  
9 Illinois State Police shall furnish, pursuant to positive  
10 identification, all Illinois conviction information to the  
11 Department of Children and Family Services.

12 For purposes of this subsection:

13 "Background information" means all of the following:

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

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

1 (iii) Information obtained by the Department of  
2 Children and Family Services after performing a check of  
3 the Child Abuse and Neglect Tracking System (CANTS)  
4 operated and maintained by the Department.

5 "Department employee" means a full-time or temporary  
6 employee coded or certified within the State of Illinois  
7 Personnel System.

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

17 (aa) The changes made to this Section by Public Act  
18 104-165 ~~this amendatory Act of the 104th General Assembly~~ are  
19 declarative of existing law and are not a new enactment.

20 (Source: P.A. 103-22, eff. 8-8-23; 103-50, eff. 1-1-24;  
21 103-546, eff. 8-11-23; 103-605, eff. 7-1-24; 103-1061, eff.  
22 7-1-25; 104-165, eff. 8-15-25; revised 9-11-25.)

23 (Text of Section after amendment by P.A. 104-107)

24 Sec. 5. Direct child welfare services; Department of  
25 Children and Family Services. To provide direct child welfare

1 services when not available through other public or private  
2 child care or program facilities.

3 (a) For purposes of this Section:

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

7 (A) were committed to the Department pursuant to  
8 the Juvenile Court Act or the Juvenile Court Act of  
9 1987 and who continue under the jurisdiction of the  
10 court; or

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

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

23 (3) "Child welfare services" means public social  
24 services which are directed toward the accomplishment of  
25 the following purposes:

26 (A) protecting and promoting the health, safety

1 and welfare of children, including homeless,  
2 dependent, or neglected children;

3 (B) remedying, or assisting in the solution of  
4 problems which may result in, the neglect, abuse,  
5 exploitation, or delinquency of children;

6 (C) preventing the unnecessary separation of  
7 children from their families by identifying family  
8 problems, assisting families in resolving their  
9 problems, and preventing the breakup of the family  
10 where the prevention of child removal is desirable and  
11 possible when the child can be cared for at home  
12 without endangering the child's health and safety;

13 (D) restoring to their families children who have  
14 been removed, by the provision of services to the  
15 child and the families when the child can be cared for  
16 at home without endangering the child's health and  
17 safety;

18 (E) placing children in suitable permanent family  
19 arrangements, through guardianship or adoption, in  
20 cases where restoration to the birth family is not  
21 safe, possible, or appropriate;

22 (F) at the time of placement, conducting  
23 concurrent planning, as described in subsection (1-1)  
24 of this Section, so that permanency may occur at the  
25 earliest opportunity. Consideration should be given so  
26 that if reunification fails or is delayed, the

1 placement made is the best available placement to  
2 provide permanency for the child;

3 (F-1) preparing adolescents to successfully  
4 transition to independence, including transition  
5 planning for youth who qualify for a guardian as a  
6 person with a disability under Article XIa of the  
7 Probate Act of 1975;

8 (G) (blank);

9 (H) (blank); and

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

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

20 (ii) who are persons with a developmental  
21 disability, as defined in the Mental Health and  
22 Developmental Disabilities Code, or

23 (iii) who are female children who are  
24 pregnant, pregnant and parenting, or parenting, or

25 (iv) who are siblings, in facilities that  
26 provide separate living quarters for children 18

1                   years of age and older and for children under 18  
2                   years of age.

3           (b) (Blank).

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

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

21           (c) The Department shall establish and maintain  
22 tax-supported child welfare services and extend and seek to  
23 improve voluntary services throughout the State, to the end  
24 that services and care shall be available on an equal basis  
25 throughout the State to children requiring such services.

26           (d) The Director may authorize advance disbursements for

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

18 (e) (Blank).

19 (f) (Blank).

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

24 (1) reunification, guardianship, and adoption;

25 (2) relative and licensed foster care;

26 (3) family counseling;

- 1 (4) protective services;
- 2 (5) (blank);
- 3 (6) homemaker service;
- 4 (7) return of runaway children;
- 5 (8) (blank);
- 6 (9) placement under Section 5-7 of the Juvenile Court
- 7 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
- 8 Court Act of 1987 in accordance with the federal Adoption
- 9 Assistance and Child Welfare Act of 1980;
- 10 (10) interstate services; and
- 11 (11) transition planning for youth aging out of care.

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

23 (h) If the Department finds that there is no appropriate  
24 program or facility within or available to the Department for  
25 a youth in care and that no licensed private facility has an  
26 adequate and appropriate program or none agrees to accept the

1 youth in care, the Department shall create an appropriate  
2 individualized, program-oriented plan for such youth in care.  
3 The plan may be developed within the Department or through  
4 purchase of services by the Department to the extent that it is  
5 within its statutory authority to do.

6 (i) Service programs shall be available throughout the  
7 State and shall include but not be limited to the following  
8 services:

- 9 (1) case management;
- 10 (2) homemakers;
- 11 (3) counseling;
- 12 (4) parent education;
- 13 (5) day care;
- 14 (6) emergency assistance and advocacy; and
- 15 (7) kinship navigator and relative caregiver supports.

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

- 18 (1) comprehensive family-based services;
- 19 (2) assessments;
- 20 (3) respite care; and
- 21 (4) in-home health services.

22 The Department shall provide transportation for any of the  
23 services it makes available to children or families or for  
24 which it refers children or families.

25 (j) The Department may provide categories of financial  
26 assistance and education assistance grants, and shall

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

25 The amount of assistance may vary, depending upon the  
26 needs of the child and the adoptive parents or subsidized

1 guardians, as set forth in the annual assistance agreement.  
2 Special purpose grants are allowed where the child requires  
3 special service but such costs may not exceed the amounts  
4 which similar services would cost the Department if it were to  
5 provide or secure them as guardian of the child.

6 Any financial assistance provided under this subsection is  
7 inalienable by assignment, sale, execution, attachment,  
8 garnishment, or any other remedy for recovery or collection of  
9 a judgment or debt.

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

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

18 (l) The Department shall offer family preservation  
19 services, as defined in Section 8.2 of the Abused and  
20 Neglected Child Reporting Act, to help families, including  
21 adoptive and extended families. Family preservation services  
22 shall be offered (i) to prevent the placement of children in  
23 substitute care when the children can be cared for at home or  
24 in the custody of the person responsible for the children's  
25 welfare, (ii) to reunite children with their families, or  
26 (iii) to maintain an adoption or subsidized guardianship.

1 Family preservation services shall only be offered when doing  
2 so will not endanger the children's health or safety. With  
3 respect to children who are in substitute care pursuant to the  
4 Juvenile Court Act of 1987, family preservation services shall  
5 not be offered if a goal other than those of subdivisions (A),  
6 (B), or (B-1) of subsection (2.3) of Section 2-28 of that Act  
7 has been set, except that reunification services may be  
8 offered as provided in paragraph (F) of subsection (2.3) of  
9 Section 2-28 of that Act. Nothing in this paragraph shall be  
10 construed to create a private right of action or claim on the  
11 part of any individual or child welfare agency, except that  
12 when a child is the subject of an action under Article II of  
13 the Juvenile Court Act of 1987 and the child's service plan  
14 calls for services to facilitate achievement of the permanency  
15 goal, the court hearing the action under Article II of the  
16 Juvenile Court Act of 1987 may order the Department to provide  
17 the services set out in the plan, if those services are not  
18 provided with reasonable promptness and if those services are  
19 available.

20 The Department shall notify the child and the child's  
21 family of the Department's responsibility to offer and provide  
22 family preservation services as identified in the service  
23 plan. The child and the child's family shall be eligible for  
24 services as soon as the report is determined to be  
25 "indicated". The Department may offer services to any child or  
26 family with respect to whom a report of suspected child abuse

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

19 The Department may, at its discretion except for those  
20 children also adjudicated neglected or dependent, accept for  
21 care and training any child who has been adjudicated addicted,  
22 as a truant minor in need of supervision or as a minor  
23 requiring authoritative intervention, under the Juvenile Court  
24 Act or the Juvenile Court Act of 1987, but no such child shall  
25 be committed to the Department by any court without the  
26 approval of the Department. On and after January 1, 2015 (the

1 effective date of Public Act 98-803) and before January 1,  
2 2017, a minor charged with a criminal offense under the  
3 Criminal Code of 1961 or the Criminal Code of 2012 or  
4 adjudicated delinquent shall not be placed in the custody of  
5 or committed to the Department by any court, except (i) a minor  
6 less than 16 years of age committed to the Department under  
7 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
8 for whom an independent basis of abuse, neglect, or dependency  
9 exists, which must be defined by departmental rule, or (iii) a  
10 minor for whom the court has granted a supplemental petition  
11 to reinstate wardship pursuant to subsection (2) of Section  
12 2-33 of the Juvenile Court Act of 1987. On and after 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 15 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. An independent basis  
24 exists when the allegations or adjudication of abuse, neglect,  
25 or dependency do not arise from the same facts, incident, or  
26 circumstances which give rise to a charge or adjudication of

1 delinquency. The Department shall assign a caseworker to  
2 attend any hearing involving a youth in the care and custody of  
3 the Department who is placed on aftercare release, including  
4 hearings involving sanctions for violation of aftercare  
5 release conditions and aftercare release revocation hearings.

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

1 Department annually allocates for this purpose. The term  
2 "pervasive developmental disorder" under this paragraph means  
3 a neurological condition, including, but not limited to,  
4 Asperger's Syndrome and autism, as defined in the most recent  
5 edition of the Diagnostic and Statistical Manual of Mental  
6 Disorders of the American Psychiatric Association.

7 (1-1) The General Assembly recognizes that the best  
8 interests of the child require that the child be placed in the  
9 most permanent living arrangement that is an appropriate  
10 option for the child, consistent with the child's best  
11 interest, using the factors set forth in subsection (4.05) of  
12 Section 1-3 of the Juvenile Court Act of 1987 as soon as is  
13 practically possible. To achieve this goal, the General  
14 Assembly directs the Department of Children and Family  
15 Services to conduct concurrent planning so that permanency may  
16 occur at the earliest opportunity. Permanent living  
17 arrangements may include prevention of placement of a child  
18 outside the home of the family when the child can be cared for  
19 at home without endangering the child's health or safety;  
20 reunification with the family, when safe and appropriate, if  
21 temporary placement is necessary; or movement of the child  
22 toward the most appropriate living arrangement and legal  
23 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. The Department shall make diligent efforts to  
17 place the child with a relative, document those diligent  
18 efforts, and document reasons for any failure or inability to  
19 secure such a relative placement. If the primary issue  
20 preventing an emergency placement of a child with a relative  
21 is a lack of resources, including, but not limited to,  
22 concrete goods, safety modifications, and services, the  
23 Department shall make diligent efforts to assist the relative  
24 in obtaining the necessary resources. No later than July 1,  
25 2025, the Department shall adopt rules defining what is  
26 diligent and necessary in providing supports to potential

1 relative placements. At the time of placement, consideration  
2 should also be given so that if reunification fails or is  
3 delayed, the placement has the potential to be an appropriate  
4 permanent placement for the child.

5 The Department shall adopt rules addressing concurrent  
6 planning for reunification and permanency. The Department  
7 shall consider the following factors when determining  
8 appropriateness of concurrent planning:

9 (1) the likelihood of prompt reunification;

10 (2) the past history of the family;

11 (3) the barriers to reunification being addressed by  
12 the family;

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

14 (4.5) the child's wishes;

15 (5) the caregivers' willingness to work with the  
16 family to reunite;

17 (6) the willingness and ability of the caregivers' to  
18 provide a permanent placement;

19 (7) the age of the child;

20 (8) placement of siblings; and

21 (9) the wishes of the parent or parents unless the  
22 parental preferences are contrary to the best interests of  
23 the child.

24 (m) The Department may assume temporary custody of any  
25 child if:

26 (1) it has received a written consent to such

1 temporary custody signed by the parents of the child or by  
2 the parent having custody of the child if the parents are  
3 not living together or by the guardian or custodian of the  
4 child if the child is not in the custody of either parent,  
5 or

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

9 If the child is found in the child's residence without a  
10 parent, guardian, custodian, or responsible caretaker, the  
11 Department may, instead of removing the child and assuming  
12 temporary custody, place an authorized representative of the  
13 Department in that residence until such time as a parent,  
14 guardian, or custodian enters the home and expresses a  
15 willingness and apparent ability to ensure the child's health  
16 and safety and resume permanent charge of the child, or until a  
17 relative enters the home and is willing and able to ensure the  
18 child's health and safety and assume charge of the child until  
19 a parent, guardian, or custodian enters the home and expresses  
20 such willingness and ability to ensure the child's safety and  
21 resume permanent charge. After a caretaker has remained in the  
22 home for a period not to exceed 12 hours, the Department must  
23 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
24 5-415 of the Juvenile Court Act of 1987.

25 The Department shall have the authority, responsibilities  
26 and duties that a legal custodian of the child would have

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

13 The Department shall ensure that any child taken into  
14 custody is scheduled for an appointment for a medical  
15 examination.

16 A parent, guardian, or custodian of a child in the  
17 temporary custody of the Department who would have custody of  
18 the child if the child were not in the temporary custody of the  
19 Department may deliver to the Department a signed request that  
20 the Department surrender the temporary custody of the child.  
21 The Department may retain temporary custody of the child for  
22 10 days after the receipt of the request, during which period  
23 the Department may cause to be filed a petition pursuant to the  
24 Juvenile Court Act of 1987. If a petition is so filed, the  
25 Department shall retain temporary custody of the child until  
26 the court orders otherwise. If a petition is not filed within

1 the 10-day period, the child shall be surrendered to the  
2 custody of the requesting parent, guardian, or custodian not  
3 later than the expiration of the 10-day period, at which time  
4 the authority and duties of the Department with respect to the  
5 temporary custody of the child shall terminate.

6 (m-1) The Department may place children under 18 years of  
7 age in a secure child care facility licensed by the Department  
8 that cares for children who are in need of secure living  
9 arrangements for their health, safety, and well-being after a  
10 determination is made by the facility director and the  
11 Director or the Director's designate prior to admission to the  
12 facility subject to Section 2-27.1 of the Juvenile Court Act  
13 of 1987. This subsection (m-1) does not apply to a child who is  
14 subject to placement in a correctional facility operated  
15 pursuant to Section 3-15-2 of the Unified Code of Corrections,  
16 unless the child is a youth in care who was placed in the care  
17 of the Department before being subject to placement in a  
18 correctional facility and a court of competent jurisdiction  
19 has ordered placement of the child in a secure care facility.

20 (n) The Department may place children under 18 years of  
21 age in licensed child care facilities when in the opinion of  
22 the Department, appropriate services aimed at family  
23 preservation have been unsuccessful and cannot ensure the  
24 child's health and safety or are unavailable and such  
25 placement would be for their best interest. Payment for board,  
26 clothing, care, training and supervision of any child placed

1 in a licensed child care facility may be made by the  
2 Department, by the parents or guardians of the estates of  
3 those children, or by both the Department and the parents or  
4 guardians, except that no payments shall be made by the  
5 Department for any child placed in a licensed child care  
6 facility for board, clothing, care, training, and supervision  
7 of such a child that exceed the average per capita cost of  
8 maintaining and of caring for a child in institutions for  
9 dependent or neglected children operated by the Department.  
10 However, such restriction on payments does not apply in cases  
11 where children require specialized care and treatment for  
12 problems of severe emotional disturbance, physical disability,  
13 social adjustment, or any combination thereof and suitable  
14 facilities for the placement of such children are not  
15 available at payment rates within the limitations set forth in  
16 this Section. All reimbursements for services delivered shall  
17 be absolutely inalienable by assignment, sale, attachment, or  
18 garnishment or otherwise.

19 (n-1) The Department shall provide or authorize child  
20 welfare services, aimed at assisting minors to achieve  
21 sustainable self-sufficiency as independent adults, for any  
22 minor eligible for the reinstatement of wardship pursuant to  
23 subsection (2) of Section 2-33 of the Juvenile Court Act of  
24 1987, whether or not such reinstatement is sought or allowed,  
25 provided that the minor consents to such services and has not  
26 yet attained the age of 21. The Department shall have

1 responsibility for the development and delivery of services  
2 under this Section. An eligible youth may access services  
3 under this Section through the Department of Children and  
4 Family Services or by referral from the Department of Human  
5 Services. Youth participating in services under this Section  
6 shall cooperate with the assigned case manager in developing  
7 an agreement identifying the services to be provided and how  
8 the youth will increase skills to achieve self-sufficiency. A  
9 homeless shelter is not considered appropriate housing for any  
10 youth receiving child welfare services under this Section. The  
11 Department shall continue child welfare services under this  
12 Section to any eligible minor until the minor becomes 21 years  
13 of age, no longer consents to participate, or achieves  
14 self-sufficiency as identified in the minor's service plan.  
15 The Department of Children and Family Services shall create  
16 clear, readable notice of the rights of former foster youth to  
17 child welfare services under this Section and how such  
18 services may be obtained. The Department of Children and  
19 Family Services and the Department of Human Services shall  
20 disseminate this information statewide. The Department shall  
21 adopt regulations describing services intended to assist  
22 minors in achieving sustainable self-sufficiency as  
23 independent adults.

24 (o) The Department shall establish an administrative  
25 review and appeal process for children and families who  
26 request or receive child welfare services from the Department.

1 Youth in care who are placed by private child welfare  
2 agencies, and caregivers with whom those youth are placed,  
3 shall be afforded the same procedural and appeal rights as  
4 children and families in the case of placement by the  
5 Department, including the right to an initial review of a  
6 private agency decision by that agency. The Department shall  
7 ensure that any private child welfare agency, which accepts  
8 youth in care for placement, affords those rights to children  
9 and caregivers with whom those children are placed. The  
10 Department shall accept for administrative review and an  
11 appeal hearing a complaint made by (i) a child or caregiver  
12 with whom the child is placed concerning a decision following  
13 an initial review by a private child welfare agency or (ii) a  
14 prospective adoptive parent who alleges a violation of  
15 subsection (j-5) of this Section. An appeal of a decision  
16 concerning a change in the placement of a child shall be  
17 conducted in an expedited manner. A court determination that a  
18 current placement is necessary and appropriate under Section  
19 2-28 of the Juvenile Court Act of 1987 does not constitute a  
20 judicial determination on the merits of an administrative  
21 appeal, filed by a former caregiver, involving a change of  
22 placement decision. No later than July 1, 2025, the Department  
23 shall adopt rules to develop a reconsideration process to  
24 review: a denial of certification of a relative, a denial of  
25 placement with a relative, and a denial of visitation with an  
26 identified relative. Rules shall include standards and

1 criteria for reconsideration that incorporate the best  
2 interests of the child under subsection (4.05) of Section 1-3  
3 of the Juvenile Court Act of 1987, address situations where  
4 multiple relatives seek certification, and provide that all  
5 rules regarding placement changes shall be followed. The rules  
6 shall outline the essential elements of each form used in the  
7 implementation and enforcement of the provisions of this  
8 amendatory Act of the 103rd General Assembly.

9 (p) (Blank).

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

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

1 be credited to the account, unless disbursed in accordance  
2 with this subsection.

3 In disbursing funds from children's accounts, the  
4 Department shall:

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

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

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

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

17           (s)   The   Department   of   Children   and   Family   Services   may  
18   establish   and   implement   a   program   to   reimburse   caregivers  
19   licensed,   certified,   or   otherwise   approved   by   the   Department  
20   of   Children   and   Family   Services   for   damages   sustained   by   the  
21   caregivers   as   a   result   of   the   malicious   or   negligent   acts   of  
22   children   placed   by   the   Department,   as   well   as   providing   third  
23   party   coverage   for   such   caregivers   with   regard   to   actions   of  
24   children   placed   by   the   Department   to   other   individuals.   Such  
25   coverage   will   be   secondary   to   the   caregiver's   liability  
26   insurance   policy,   if   applicable.   The   program   shall   be   funded

1 through appropriations from the General Revenue Fund,  
2 specifically designated for such purposes.

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

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

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

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

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

1 facility staff, or prospective adoptive parent or parents:

2 (1) available detailed information concerning the  
3 child's educational and health history, copies of  
4 immunization records (including insurance and medical card  
5 information), a history of the child's previous  
6 placements, if any, and reasons for placement changes  
7 excluding any information that identifies or reveals the  
8 location of any previous caregiver or adoptive parents;

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

13 (3) information containing details of the child's  
14 individualized education program ~~educational plan~~ when the  
15 child is receiving special education services.

16 The caregiver, appropriate facility staff, or prospective  
17 adoptive parent or parents, shall be informed of any known  
18 social or behavioral information (including, but not limited  
19 to, criminal background, fire setting, perpetuation of sexual  
20 abuse, destructive behavior, and substance abuse) necessary to  
21 care for and safeguard the children to be placed or currently  
22 in the home or setting. The Department may prepare a written  
23 summary of the information required by this paragraph, which  
24 may be provided to the caregiver, appropriate facility staff,  
25 or prospective adoptive parent in advance of a placement. The  
26 caregiver, appropriate facility staff, or prospective adoptive

1 parent may review the supporting documents in the child's file  
2 in the presence of casework staff. In the case of an emergency  
3 placement, casework staff shall at least provide known  
4 information verbally, if necessary, and must subsequently  
5 provide the information in writing as required by this  
6 subsection.

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

23 (u-5) Beginning July 1, 2025, certified relative caregiver  
24 homes under Section 3.4 of the Child Care Act of 1969 shall be  
25 eligible to receive foster care maintenance payments from the  
26 Department in an amount no less than payments made to licensed

1 foster family homes. Beginning July 1, 2025, relative homes  
2 providing care to a child placed by the Department that are not  
3 a certified relative caregiver home under Section 3.4 of the  
4 Child Care Act of 1969 or a licensed foster family home shall  
5 be eligible to receive payments from the Department in an  
6 amount no less 90% of the payments made to licensed foster  
7 family homes and certified relative caregiver homes.

8 (u-6) To assist relative and certified relative  
9 caregivers, no later than July 1, 2025, the Department shall  
10 adopt rules to implement a relative support program, as  
11 follows:

12 (1) For relative and certified relative caregivers,  
13 the Department is authorized to reimburse or prepay  
14 reasonable expenditures to remedy home conditions  
15 necessary to fulfill the home safety-related requirements  
16 of relative caregiver homes.

17 (2) The Department may provide short-term emergency  
18 funds to relative and certified relative caregiver homes  
19 experiencing extreme hardships due to the difficulty and  
20 stress associated with adding youth in care as new  
21 household members.

22 (3) Consistent with federal law, the Department shall  
23 include in any State Plan made in accordance with the  
24 Adoption Assistance and Child Welfare Act of 1980, Titles  
25 IV-E and XIX of the Social Security Act, and any other  
26 applicable federal laws the provision of kinship navigator

1 program services. The Department shall apply for and  
2 administer all relevant federal aid in accordance with  
3 law. Federal funds acquired for the kinship navigator  
4 program shall be used for the development, implementation,  
5 and operation of kinship navigator program services. The  
6 kinship navigator program services may provide  
7 information, referral services, support, and assistance to  
8 relative and certified relative caregivers of youth in  
9 care to address their unique needs and challenges. Until  
10 the Department is approved to receive federal funds for  
11 these purposes, the Department shall publicly post on the  
12 Department's website semi-annual updates regarding the  
13 Department's progress in pursuing federal funding.  
14 Whenever the Department publicly posts these updates on  
15 its website, the Department shall notify the General  
16 Assembly through the General Assembly's designee.

17 (u-7) To support finding permanency for children through  
18 subsidized guardianship and adoption and to prevent disruption  
19 in guardianship and adoptive placements, the Department shall  
20 establish and maintain accessible subsidized guardianship and  
21 adoption support services for all children under 18 years of  
22 age placed in guardianship or adoption who, immediately  
23 preceding the guardianship or adoption, were in the custody or  
24 guardianship of the Department under Article II of the  
25 Juvenile Court Act of 1987.

26 The Department shall establish and maintain a toll-free

1 number to respond to requests from the public about its  
2 subsidized guardianship and adoption support services under  
3 this subsection and shall staff the toll-free number so that  
4 calls are answered on a timely basis, but in no event more than  
5 one business day after the receipt of a request. These  
6 requests from the public may be made anonymously. To meet this  
7 obligation, the Department may utilize the same toll-free  
8 number the Department operates to respond to post-adoption  
9 requests under subsection (b-5) of Section 18.9 of the  
10 Adoption Act. The Department shall publicize information about  
11 the Department's subsidized guardianship support services and  
12 toll-free number as follows:

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

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

18 (3) it shall reference such information in the  
19 materials the Department provides to caregivers pursuing  
20 subsidized guardianship to inform them of their rights and  
21 responsibilities under the Child Care Act of 1969 and this  
22 Act;

23 (4) it shall provide the information, including the  
24 Department's Post Adoption and Guardianship Services  
25 booklet, to eligible caregivers as part of its  
26 guardianship training and at the time they are presented

1 with the Permanency Commitment form;

2 (5) it shall include, in each annual notification  
3 letter mailed to subsidized guardians, a short, 2-sided  
4 flier or news bulletin in plain language that describes  
5 access to post-guardianship services, how to access  
6 services under the Family Support Program, formerly known  
7 as the Individual Care Grant Program, the webpage address  
8 to the Post Adoption and Guardianship Services booklet,  
9 information on how to request that a copy of the booklet be  
10 mailed; and

11 (6) it shall ensure that kinship navigator programs of  
12 this State, when established, have this information to  
13 include in materials the programs provide to caregivers.

14 No later than July 1, 2026, the Department shall provide a  
15 mechanism for the public to make information requests by  
16 electronic means.

17 The Department shall review and update annually all  
18 information relating to its subsidized guardianship support  
19 services, including its Post Adoption and Guardianship  
20 Services booklet, to include updated information on Family  
21 Support Program services eligibility and subsidized  
22 guardianship support services that are available through the  
23 medical assistance program established under Article V of the  
24 Illinois Public Aid Code or any other State program for mental  
25 health services. The Department and the Department of  
26 Healthcare and Family Services shall coordinate their efforts

1 in the development of these resources.

2 Every licensed child welfare agency and any entity  
3 providing kinship navigator programs funded by the Department  
4 shall provide the Department's website address and link to the  
5 Department's subsidized guardianship support services  
6 information set forth in subsection (d), including the  
7 Department's toll-free number, to every relative who is or  
8 will be providing guardianship placement for a child placed by  
9 the Department.

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 online ~~on-line~~ communication with the Illinois State Police's  
21 central criminal history data repository. The Department shall  
22 comply with all certification requirements and provide  
23 certified operators who have been trained by personnel from  
24 the Illinois State Police. In addition, one Office of the  
25 Inspector General investigator shall have training in the use  
26 of the criminal history information access system and have

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

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

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

1 (v-3) Prior to the final approval of final placement of a  
2 related child in a certified relative caregiver home as  
3 defined in Section 2.37 of the Child Care Act of 1969, the  
4 Department shall ensure that the background screening meets  
5 the standards required under subsection (c) of Section 3.4 of  
6 the Child Care Act of 1969.

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

12 (i) check the child abuse and neglect registry for  
13 information concerning the prospective relative caregiver  
14 and any other adult living in the home. If any prospective  
15 relative caregiver or other adult living in the home has  
16 resided in another state in the preceding 5 years, the  
17 Department shall request a check of that other state's  
18 child abuse and neglect registry; and

19 (ii) conduct a criminal records background check of  
20 the prospective relative caregiver and all other adults  
21 living in the home, including fingerprint-based checks of  
22 national crime information databases. Final approval for  
23 placement shall not be granted if the record check reveals  
24 a felony conviction for child abuse or neglect, for  
25 spousal abuse, for a crime against children, or for a  
26 crime involving violence, including human trafficking, sex

1 trafficking, rape, sexual assault, or homicide, but not  
2 including other physical assault or battery, or if there  
3 is a felony conviction for physical assault, battery, or a  
4 drug-related offense committed within the past 5 years;  
5 provided however, that the Department is empowered to  
6 grant a waiver as the Department may provide by rule, and  
7 the Department approves the request for the waiver based  
8 on a comprehensive evaluation of the caregiver and  
9 household members and the conditions relating to the  
10 safety of the placement.

11 No later than July 1, 2025, the Department shall adopt  
12 rules or revise existing rules to effectuate the changes made  
13 to this subsection (v-4). The rules shall outline the  
14 essential elements of each form used in the implementation and  
15 enforcement of the provisions of this amendatory Act of the  
16 103rd General Assembly.

17 (w) (Blank).

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

1 appears to have taken place or is presently ongoing, the  
2 Department shall notify the proper law enforcement agency, the  
3 proper State's Attorney, or the Attorney General.

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

14 (z) The Department shall access criminal history record  
15 information as defined as "background information" in this  
16 subsection and criminal history record information as defined  
17 in the Illinois Uniform Conviction Information Act for each  
18 Department employee or Department applicant. Each Department  
19 employee or Department applicant shall submit the employee's  
20 or applicant's fingerprints to the Illinois State Police in  
21 the form and manner prescribed by the Illinois State Police.  
22 These fingerprints shall be checked against the fingerprint  
23 records now and hereafter filed in the Illinois State Police  
24 and the Federal Bureau of Investigation criminal history  
25 records databases. In accordance with this Section, each  
26 Department employee or Department applicant shall self-report

1 to the Department within 30 days of incurring any subsequent  
2 criminal history record information while employed or in  
3 anticipation of being employed at the Department, along with  
4 completing a self-certification form each year that there have  
5 been no updates to the employee's or applicant's criminal  
6 history record, on a form to be prescribed by the Department.

7 The Illinois State Police shall charge a fee for conducting  
8 the criminal history record check, which shall be deposited  
9 into the State Police Services Fund and shall not exceed the  
10 actual cost of the record check. The Illinois State Police  
11 shall furnish, pursuant to positive identification, all  
12 Illinois conviction information to the Department of Children  
13 and Family Services.

14 For purposes of this subsection:

15 "Background information" means all of the following:

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

23 (ii) Information obtained by the Department of  
24 Children and Family Services after performing a check of  
25 the Illinois State Police's Sex Offender Database, as  
26 authorized by Section 120 of the Sex Offender Community

1 Notification Law, concerning a Department employee or  
2 Department applicant.

3 (iii) Information obtained by the Department of  
4 Children and Family Services after performing a check of  
5 the Child Abuse and Neglect Tracking System (CANTS)  
6 operated and maintained by the Department.

7 "Department employee" means a full-time or temporary  
8 employee coded or certified within the State of Illinois  
9 Personnel System.

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

19 (aa) The changes made to this Section by Public Act  
20 104-165 ~~this amendatory Act of the 104th General Assembly~~ are  
21 declarative of existing law and are not a new enactment.

22 (Source: P.A. 103-22, eff. 8-8-23; 103-50, eff. 1-1-24;  
23 103-546, eff. 8-11-23; 103-605, eff. 7-1-24; 103-1061, eff.  
24 7-1-25; 104-107, eff. 7-1-26; 104-165, eff. 8-15-25; revised  
25 9-11-25.)

1 Section 10. The Child Care Act of 1969 is amended by  
2 changing Section 4.1 as follows:

3 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

4 (Text of Section before amendment by P.A. 103-594)

5 Sec. 4.1. Criminal background investigations.

6 (a) In this Section, "third-party vendor" means a  
7 third-party fingerprinting vendor who is licensed by the  
8 Department of Financial and Professional Regulation and  
9 regulated by 68 Ill. Adm. Code 1240.600.

10 (b) The Department shall require that each child care  
11 facility license applicant as part of the application process,  
12 and each employee and volunteer of a child care facility or  
13 non-licensed service provider, as a condition of employment,  
14 authorize an investigation to determine if such applicant,  
15 employee, or volunteer has ever been charged with a crime and  
16 if so, the disposition of those charges; this authorization  
17 shall indicate the scope of the inquiry and the agencies which  
18 may be contacted. An employee or volunteer of a day care  
19 center, day care home, or group day care home shall authorize  
20 an investigation every 5 years, as required under the Child  
21 Care and Development Block Grant. A child care facility,  
22 non-licensed service provider, day care center, group day care  
23 home, or day care home may authorize the Department or a  
24 third-party vendor to collect fingerprints for the  
25 investigation. If a third-party vendor is used for

1 fingerprinting, then the child care facility, non-licensed  
2 service provider, day care center, group day care home, or day  
3 care home shall pay the third-party vendor for that service  
4 directly. If a child care facility, non-licensed service  
5 provider, day care center, group day care home, or day care  
6 home authorizes the Department or a third-party vendor to  
7 collect fingerprints for the investigation, the Director shall  
8 request and receive information and assistance from any  
9 federal, State, or local governmental agency as part of the  
10 authorized investigation. Each applicant, employee, or  
11 volunteer of a child care facility or non-licensed service  
12 provider shall submit the applicant's, employee's, or  
13 volunteer's fingerprints to the Illinois State Police in the  
14 form and manner prescribed by the Illinois State Police. These  
15 fingerprints shall be checked against the fingerprint records  
16 now and hereafter filed in the Illinois State Police and  
17 Federal Bureau of Investigation criminal history records  
18 databases. The Illinois State Police shall charge a fee for  
19 conducting the criminal history records check, which shall be  
20 deposited into ~~in~~ the State Police Services Fund and shall not  
21 exceed the actual cost of the records check. The Illinois  
22 State Police shall provide information concerning any criminal  
23 charges, and their disposition, now or hereafter filed,  
24 against an applicant, employee, or volunteer of a child care  
25 facility or non-licensed service provider upon request of the  
26 Department of Children and Family Services when the request is

1 made in the form and manner required by the Illinois State  
2 Police.

3 Information concerning convictions of a license applicant,  
4 employee, or volunteer of a child care facility or  
5 non-licensed service provider investigated under this Section,  
6 including the source of the information and any conclusions or  
7 recommendations derived from the information, shall be  
8 provided, upon request, to such applicant, employee, or  
9 volunteer of a child care facility or non-licensed service  
10 provider prior to final action by the Department on the  
11 application. State conviction information provided by the  
12 Illinois State Police regarding employees, prospective  
13 employees, or volunteers of non-licensed service providers and  
14 child care facilities licensed under this Act shall be  
15 provided to the operator of such facility, and, upon request,  
16 to the employee, prospective employee, or volunteer of a child  
17 care facility or non-licensed service provider. Any  
18 information concerning criminal charges and the disposition of  
19 such charges obtained by the Department shall be confidential  
20 and may not be transmitted outside the Department, except as  
21 required herein, and may not be transmitted to anyone within  
22 the Department except as needed for the purpose of evaluating  
23 an application or an employee or volunteer of a child care  
24 facility or non-licensed service provider. Only information  
25 and standards which bear a reasonable and rational relation to  
26 the performance of a child care facility shall be used by the

1 Department or any licensee. Any employee of the Department of  
2 Children and Family Services, Illinois State Police, or a  
3 child care facility receiving confidential information under  
4 this Section who gives or causes to be given any confidential  
5 information concerning any criminal convictions of an  
6 applicant, employee, or volunteer of a child care facility or  
7 non-licensed service provider, shall be guilty of a Class A  
8 misdemeanor unless release of such information is authorized  
9 by this Section.

10 The Department of Children and Family Services, through  
11 June 30, 2026, or the Department of Early Childhood, on and  
12 after July 1, 2026, shall allow day care centers, day care  
13 homes, and group day care homes to hire, on a probationary  
14 basis, any employee or volunteer authorizing a criminal  
15 background investigation under this Section after receiving a  
16 qualifying result, as determined by the Department of Children  
17 and Family Services or the Department of Early Childhood,  
18 whichever is applicable, pursuant to this Act, from either:

19 (1) the Federal Bureau of Investigation fingerprint  
20 criminal background check; or

21 (2) the Illinois State Police fingerprint criminal  
22 background check and a criminal record check of the  
23 criminal repository of each state in which the employee or  
24 volunteer resided during the preceding 5 years.

25 Pending full clearance of all background check  
26 requirements, the prospective employee or volunteer must be

1 supervised at all times by an individual who received a  
2 qualifying result on all background check components.  
3 Employees and volunteers of a day care center, day care home,  
4 or group day care home shall be notified prior to hiring that  
5 such employment may be terminated on the basis of criminal  
6 background information obtained by the facility.

7 (Source: P.A. 103-22, eff. 8-8-23; 103-1072, eff. 1-1-26;  
8 104-307, eff. 1-1-26; revised 10-27-25.)

9 (Text of Section after amendment by P.A. 103-594)

10 Sec. 4.1. Criminal background investigations.

11 (a) In this Section: ~~"third party vendor"~~

12 "Employee" means any staff person employed at a child  
13 care facility or non-licensed service provider, including  
14 any unlicensed contractual employee, substitute, or  
15 assistant and other support staff who have access to  
16 children.

17 "Third-party vendor" means a third-party  
18 fingerprinting vendor who is licensed by the Department of  
19 Financial and Professional Regulation and regulated by 68  
20 Ill. Adm. Code 1240.600.

21 (b) The Department of Children and Family Services or the  
22 Department of Early Childhood shall require that each child  
23 care facility license applicant under the agencies' respective  
24 authority as part of the application process, and each  
25 employee and volunteer of a child care facility or

1 non-licensed service provider, as a condition of employment,  
2 authorize an investigation to determine if such applicant,  
3 employee, or volunteer has ever been charged with a crime and  
4 if so, the disposition of those charges; this authorization  
5 shall indicate the scope of the inquiry and the agencies which  
6 may be contacted. An employee or volunteer of a day care  
7 center, day care home, or group day care home shall authorize  
8 an investigation every 5 years, as required under the Child  
9 Care and Development Block Grant. A child care facility,  
10 non-licensed service provider, day care center, group day care  
11 home, or day care home may authorize the Department of  
12 Children and Family Services, the Department of Early  
13 Childhood, or a third-party vendor to collect fingerprints for  
14 the investigation. If a third-party vendor is used for  
15 fingerprinting, then the child care facility, non-licensed  
16 service provider, day care center, group day care home, or day  
17 care home shall pay the third-party vendor for that service  
18 directly. If a child care facility, non-licensed service  
19 provider, day care center, group day care home, or day care  
20 home authorizes the Department of Children and Family  
21 Services, the Department of Early Childhood, or a third-party  
22 vendor to collect fingerprints for the investigation, the  
23 Director of Children and Family Services or the Secretary of  
24 Early Childhood shall request and receive information and  
25 assistance from any federal, State, or local governmental  
26 agency as part of the authorized investigation. Each

1 applicant, employee, or volunteer of a child care facility or  
2 non-licensed service provider shall submit the applicant's,  
3 employee's, or volunteer's fingerprints to the Illinois State  
4 Police in the form and manner prescribed by the Illinois State  
5 Police. These fingerprints shall be checked against the  
6 fingerprint records now and hereafter filed in the Illinois  
7 State Police and Federal Bureau of Investigation criminal  
8 history records databases. In accordance with this Section,  
9 each employee or volunteer of a child care facility or  
10 non-licensed service provider under the authority of the  
11 Department of Children and Family Services or the Department  
12 of Early Childhood shall self-report to the appropriate  
13 Department within 30 days of incurring any subsequent criminal  
14 history record information while employed or in anticipation  
15 of being employed at that child care facility or non-licensed  
16 service provider, along with completing a self-certification  
17 form each year that there have been no updates to the  
18 employee's or volunteer's criminal history record, on a form  
19 to be prescribed by the appropriate Department. The Illinois  
20 State Police shall charge a fee for conducting the criminal  
21 history records check, which shall be deposited into ~~in~~ the  
22 State Police Services Fund and shall not exceed the actual  
23 cost of the records check. The Illinois State Police shall  
24 provide information concerning any criminal charges, and their  
25 disposition, now or hereafter filed, against an applicant,  
26 employee, or volunteer of a child care facility or

1 non-licensed service provider upon request of the Department  
2 of Children and Family Services or the Department of Early  
3 Childhood when the request is made in the form and manner  
4 required by the Illinois State Police.

5 Information concerning convictions of a license applicant,  
6 employee, or volunteer of a child care facility or  
7 non-licensed service provider investigated under this Section,  
8 including the source of the information and any conclusions or  
9 recommendations derived from the information, shall be  
10 provided, upon request, to such applicant, employee, or  
11 volunteer of a child care facility or non-licensed service  
12 provider prior to final action by the Department of Children  
13 and Family Services or the Department of Early Childhood under  
14 the agencies' respective authority on the application. State  
15 conviction information provided by the Illinois State Police  
16 regarding employees, prospective employees, or volunteers of  
17 non-licensed service providers and child care facilities  
18 licensed under this Act shall be provided to the operator of  
19 such facility, and, upon request, to the employee, prospective  
20 employee, or volunteer of a child care facility or  
21 non-licensed service provider. Any information concerning  
22 criminal charges and the disposition of such charges obtained  
23 by the Department of Children and Family Services or the  
24 Department of Early Childhood shall be confidential and may  
25 not be transmitted outside the Department of Children and  
26 Family Services or the Department of Early Childhood, except

1 as required herein, and may not be transmitted to anyone  
2 within the Department of Children and Family Services or the  
3 Department of Early Childhood except as needed for the purpose  
4 of evaluating an application or an employee or volunteer of a  
5 child care facility or non-licensed service provider. Only  
6 information and standards which bear a reasonable and rational  
7 relation to the performance of a child care facility shall be  
8 used by the Department of Children and Family Services or the  
9 Department of Early Childhood or any licensee. Any employee of  
10 the Department of Children and Family Services, Department of  
11 Early Childhood, Illinois State Police, or a child care  
12 facility receiving confidential information under this Section  
13 who gives or causes to be given any confidential information  
14 concerning any criminal convictions of an applicant, employee,  
15 or volunteer of a child care facility or non-licensed service  
16 provider, shall be guilty of a Class A misdemeanor unless  
17 release of such information is authorized by this Section.

18 The Department of Children and Family Services, through  
19 June 30, 2026, or the Department of Early Childhood, on and  
20 after July 1, 2026, shall allow day care centers, day care  
21 homes, and group day care homes to hire, on a probationary  
22 basis, any employee or volunteer authorizing a criminal  
23 background investigation under this Section after receiving a  
24 qualifying result, as determined by the Department of Children  
25 and Family Services or the Department of Early Childhood,  
26 whichever is applicable, pursuant to this Act, from either:

1           (1) the Federal Bureau of Investigation fingerprint  
2 criminal background check; or

3           (2) the Illinois State Police fingerprint criminal  
4 background check and a criminal record check of the  
5 criminal repository of each state in which the employee or  
6 volunteer resided during the preceding 5 years.

7           Pending full clearance of all background check  
8 requirements, the prospective employee or volunteer must be  
9 supervised at all times by an individual who received a  
10 qualifying result on all background check components.  
11 Employees and volunteers of a day care center, day care home,  
12 or group day care home shall be notified prior to hiring that  
13 such employment may be terminated on the basis of criminal  
14 background information obtained by the facility.

15           (Source: P.A. 103-22, eff. 8-8-23; 103-594, eff. 7-1-26;  
16 103-1072, eff. 1-1-26; 104-307, eff. 1-1-26; revised  
17 10-27-25.)

18           Section 95. No acceleration or delay. Where this Act makes  
19 changes in a statute that is represented in this Act by text  
20 that is not yet or no longer in effect (for example, a Section  
21 represented by multiple versions), the use of that text does  
22 not accelerate or delay the taking effect of (i) the changes  
23 made by this Act or (ii) provisions derived from any other  
24 Public Act.