



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5129

Introduced 2/10/2026, by Rep. Charles Meier

SYNOPSIS AS INTRODUCED:

New Act

Creates the Custody Relinquishment Prevention Involving Children with Developmental Disabilities Act. Provides that the Act establishes a pathway for families on the verge of seeking services for their child's developmental disability through relinquishment of parental custody to the Department of Children and Family Services, despite the absence of abuse or neglect, to receive services through the appropriate State child-serving agency. Requires the Department of Children and Family Services, the Department of Human Services, the Department of Healthcare and Family Services, the Illinois State Board of Education, the Department of Juvenile Justice, and the Department of Public Health to enter into an interagency agreement for the purpose of preventing children and youth with developmental disabilities who are not otherwise abused or neglected from entering the custody or guardianship of the Department of Children and Family Services solely for purposes of receiving specialized services and supports to address the child's or youth's needs. Provides that under the interagency agreement, the listed agencies shall establish an interagency clinical team to review cases of children and youth with developmental disabilities who live at home with their families and are at risk of relinquishment, and to connect the child or youth and his or her family with the appropriate services, treatment, and support to prevent custody relinquishment to the Department of Children and Family Services. Contains provisions on what issues must be addressed in the interagency agreement; annual outcomes and data reports to the General Assembly; and other matters. Requires the listed agencies to adopt rules providing that any employee of that Department who encourages a parent, guardian, or other responsible adult to relinquish custody of a child with a developmental disability solely to access specialized services and supports through the appropriate State child-serving agency, despite the absence of abuse or neglect, is subject to termination.

LRB104 17882 KTG 31318 b

A BILL FOR

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 1. Short title. This Act may be cited as the
5 Custody Relinquishment Prevention Involving Children with
6 Developmental Disabilities Act.

7 Section 5. Purpose. This Act establishes a pathway for
8 families on the verge of seeking services for their child's
9 developmental disability through relinquishment of parental
10 custody to the Department of Children and Family Services,
11 despite the absence of abuse or neglect, to receive services
12 through the appropriate State child-serving agency. This
13 pathway shall be outlined in an interagency agreement between
14 all the relevant State agencies.

15 Section 10. Definitions. As used in this Act:

16 "Child or youth at risk of custody relinquishment" means a
17 child or youth with a developmental disability whose parents
18 or guardians are unable to properly manage the child's or
19 youth's complex medical, developmental, and social needs and
20 believe relinquishment is the only option to secure the
21 specialized services and supports necessary to promote the
22 child's or youth's well-being and maintain family stability,

1 and there is no evidence of abuse or neglect.

2 "Developmental disability" has the same meaning ascribed
3 to that term in Section 1-106 of the Mental Health and
4 Developmental Disabilities Code.

5 "Family income" means the sum of a family's annual
6 earnings and cash benefits from all sources before taxes, less
7 payments made for child support.

8 Section 15. Interagency agreement. In order to intercept
9 and divert children and youth at risk of custody
10 relinquishment to the Department of Children and Family
11 Services, within 180 days after the effective date of this
12 Act, the Department of Children and Family Services, the
13 Department of Human Services, the Department of Healthcare and
14 Family Services, the Illinois State Board of Education, the
15 Department of Juvenile Justice, and the Department of Public
16 Health shall enter into an interagency agreement for the
17 purpose of preventing children and youth with developmental
18 disabilities who are not otherwise abused or neglected from
19 entering the custody or guardianship of the Department of
20 Children and Family Services solely for purposes of receiving
21 specialized services and supports to address the child's or
22 youth's needs. The interagency agreement shall require the
23 agencies listed in this Section to establish an interagency
24 clinical team to review cases of children and youth with
25 developmental disabilities who live at home with their

1 families and are at risk of relinquishment, and to connect the
2 child or youth and his or her family with the appropriate
3 services, treatment, and support to prevent custody
4 relinquishment to the Department of Children and Family
5 Services.

6 The interagency agreement, among other things, shall
7 address all of the following:

8 (1) Requiring families with private health insurance
9 to exhaust their private insurance coverage.

10 (2) Establishing cost sharing for services received
11 for families whose income exceeds the federal poverty
12 level that would qualify them for Medicaid, based on the
13 family's ability to pay.

14 (3) For children or youth who are not otherwise
15 Medicaid eligible, performing a family and medical
16 assessment and developing a care plan for the child or
17 youth and the family with the goal of determining what
18 services and supports are necessary to (i) address the
19 child's or youth's specific developmental disability, (ii)
20 promote and maintain family stability and permanence, and
21 (iii) prevent custody relinquishment to the Department of
22 Children and Family Services when there is no abuse or
23 neglect.

24 (4) Set criteria for short-term respite care services,
25 including intensive community-based therapeutic
26 recreational activities or a short-term out-of-home

1 placement, as the child or youth's treatment plan is being
2 developed.

3 Section 20. Outcomes and data reported annually to the
4 General Assembly.

5 (a) The Department of Children and Family Services shall
6 submit an annual report to the General Assembly which includes
7 the following with respect to the time period covered by the
8 report:

9 (1) The number of children and youth who were
10 relinquished to the Department of Children and Family
11 Services for purposes of receiving treatment for a
12 developmental disability.

13 (2) The length of treatment and the status of children
14 and youth at the termination of services.

15 (b) The interagency agreement required under Section 15
16 shall require reporting to the General Assembly with respect
17 to the following criteria:

18 (1) The number of children and youth who
19 were intercepted during the reporting period and the
20 services and supports they were connected with to prevent
21 custody relinquishment and address the child's or youth's
22 specific needs.

23 (2) The duration of the specialized services and
24 supports the child or youth received in order to maintain
25 his or her well-being and promote family stability and

1 permanence.

2 (3) Following the connection to services and supports
3 through the most appropriate State agency to address the
4 child's or youth's specific needs, the number of families
5 that failed to stabilize and turned to the Department of
6 Children and Family Services for services, and that
7 relinquished custody or whose child was adjudicated a
8 dependent minor pursuant to subdivision (c) of paragraph
9 (1) of Section 2-4 of the Juvenile Court Act of 1987.

10 Section 25. Cause for termination. The Departments of
11 Children and Family Services, Human Services, Healthcare and
12 Family Services, Juvenile Justice, and Public Health shall
13 adopt rules providing that any employee of that Department who
14 encourages a parent, guardian, or other responsible adult to
15 relinquish custody of a child with a developmental disability
16 solely to access specialized services and supports through the
17 appropriate State child-serving agency, despite the absence of
18 abuse or neglect, is subject to termination.