**Section 328.3 Placement of Illinois Children**

a) The following is applicable to all Illinois children except those placed under the Indian Child Welfare Act (see Department of Children and Family Services rules, 89 Ill. Adm. Code 307 (Indian Child Welfare Services)).

1) The following entities must submit a request to the Illinois Compact Administrator if they wish to place an Illinois child with a person who resides outside the State of Illinois:

A) any person not related, as defined in this Part, to the child;

B) any person who does not have legal guardianship of the child;

C) a court; or

D) a public or private agency.

2) Prior to placement in another state the Compact Administrator in the receiving state shall have notified the Illinois Compact Administrator, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

3) Prior to discharge from placement in another state the Compact Administrator in the receiving state shall have notified the Illinois Compact Administrator, in writing, that the proposed discharge from placement does not appear to be contrary to the interests of the child.

4) The sending party (person, court, public or private agency) shall retain jurisdiction over the child concerning all matters related to custody, supervision, and care of the child as if the child had remained in Illinois. Jurisdiction ends when the child is adopted, has reached the age of majority, is self-supporting, is the subject of a court approved subsidized guardianship agreement or is discharged from care.

5) The sending party continues to be financially responsible for the child during placement and shall return the child to Illinois if requested to do so in writing by the receiving state.

b) In addition to the requirements specified above in (a)(1) through (5) the Department, prior to placing Department wards in other states, shall have determined that:

1) the applicable court of jurisdiction approves of the placement;

2) the placement complies with Department rules, is the best choice to ensure continuity of care for the child, to secure a specialized resource for the child or to maintain proximity to the child's family;

3) the benefits of the placement have been considered and weighed in light of the effects of the separation or family reunification;

4) the facility is licensed or license-exempt under the receiving state's applicable laws;

5) a contractual per diem has been negotiated with the facility; and

6) the appropriate public agency in the receiving state has been provided with sufficient information to enable continuing supervision of the placement and has approved the proposed placement.

(Source: Amended at 23 Ill. Reg. 5245, effective May 1, 1999)